

**EXAMINING THE JANUARY 6 ATTACK ON THE
U.S. CAPITOL**

JOINT HEARING

BEFORE THE

COMMITTEE ON
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

AND THE

COMMITTEE ON RULES AND
ADMINISTRATION

UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

FEBRUARY 23, 2021 AND MARCH 3, 2021

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EXAMINING THE JANUARY 6 ATTACK ON THE U.S. CAPITOL

TUESDAY, FEBRUARY 23, 2021

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
AND THE COMMITTEE ON RULES AND ADMINISTRATION,
Washington, DC.

The Committees met, pursuant to notice, at 10 a.m., in room G50, Dirksen Senate Office Building, Hon. Gary C. Peters, Chairman of the Homeland Security and Governmental Affairs Committee (HSGAC), and Hon. Amy Klobuchar, Chairwoman of the Committee on Rules and Administration, presiding.

Present: Senators Peters, Carper, Hassan, Sinema, Rosen, Padilla, Ossoff, Klobuchar, Feinstein, Warner, Leahy, King, Merkley, Portman, Johnson, Lankford, Romney, Scott, Hawley, Blunt, Cruz, Capito, Wicker, Fischer, Hyde-Smith, and Hagerty.

OPENING STATEMENT OF CHAIRMAN PETERS¹

Chairman PETERS. The Committee will come to order.

I would like to thank Ranking Member Portman, Chairwoman Klobuchar, Ranking Member Blunt, and all of our colleagues from the Rules Committee for your leadership and your help in putting together this joint meeting and hearing today.

I would also like to thank our witnesses for joining us today and for your service to our country. For many Americans, this will be the first opportunity to hear about what happened in the Capitol on January 6th directly from our witnesses. We appreciate your willingness to work with our Committees to examine the breakdowns that allowed this terrible attack to occur and to ensure that an attack like this can never, ever happen again.

This hearing is unique because it is personal for everyone involved, and I am grateful to our witnesses, colleagues, staff, U.S. Capitol Police (USCP), the D.C. Metropolitan Police Department (MPD), and the National Guard units who continue to assist in protecting the Capitol today, and for all of the hard work that allows this very important discussion to begin.

I would like to once again thank Chairwoman Klobuchar for your partnership and for your leadership, and I look forward to your opening remarks.

¹The prepared statement of Senator Peters appear in the Appendix on page 73.

OPENING STATEMENT OF CHAIRWOMAN KLOBUCHAR¹

Chairwoman KLOBUCHAR. Thank you very much, Chairman Peters, and good morning. Thank you to our witnesses for being here today for this first joint hearing of the Rules Committee and the Homeland Security and Governmental Affairs Committee as we work to conduct oversight into what happened in the lead-up and during the horrific events of January 6th.

Thank you to Chairman Peters and also Ranking Member Portman, as well as my good friend, Senator Blunt, who I look forward to continue working with on the Rules Committee in this Congress.

I think it is important to note that we planned this entire hearing on a bipartisan basis. That is because the stakes are so high, and I say this to our witnesses as well who are all appearing here voluntarily. I think it is important for the Members to know that, and we thank them for doing that. We want this to be as constructive as possible, because in order to figure out the solutions so this does not happen again, we must have the facts. The answers are in this room.

When an angry, violent mob staged an insurrection on January 6th and desecrated our Capitol, the temple of our democracy, it was not just an attack on the building. It was an attack on our republic itself. We are here today to better understand what was known in advance, what steps were taken to secure the Capitol, and what occurred that day, because we want to ensure that nothing like this happens again.

Each of our witnesses held a leadership role at the time of the attack: Acting Chief Robert Contee of the Metropolitan Police Department of the District of Columbia; Mr. Steven Sund, former Chief of the U.S. Capitol Police, who is here with us in person today; Mr. Michael Stenger, former Senate Sergeant at Arms (SSA); and Mr. Paul Irving, former House Sergeant at Arms. The other witnesses are here, as many of our witnesses do, via video. To our witnesses, your testimony is vital, and thank you again for coming.

At the same time, this is certainly not the last hearing that we will have regarding this attack. Next week we will hear from witnesses from Federal agencies, including the Federal Bureau of Investigation (FBI), the Department of Homeland Security (DHS), and the Department of Defense (DOD), that are critical to our understanding.

The insurrection at the Capitol was more than an assault on democracy. It was an actual life or death situation for the many brave law enforcement officers who show up here to do their work every day. At the beginning of this testimony, we will hear from one of them.

We will never forget the haunting shrieks of the police officer pinned in between the doors at the hands of the rioters, pleading for help. We will never forget Officer Harry Dunn who fought against the violent mob for hours and, after it was over, broke down in tears, telling fellow officers he had been called the “N” word 15 times that day. He asked, “Is this America?”

²The prepared statement of Senator Klobuchar appears in the Appendix on page 76.

Or Officer Eugene Goodman, who, after saving Senator Romney from walking—who is here with us today; thank you, Senator Romney—directly into the mob, ran by himself to take on a group of rioters, and then Eugene Goodman diverted that mob away from the Senate chamber, allowing us to safely depart.

Tragically, the attack on the Capitol also cost the lives of three brave officers, including of course, Brian Sicknick, who died from injuries sustained while engaging with protesters. Two other officers died by suicide following the event of January 6th: D.C. Metropolitan Police Officer Jeffrey Smith and U.S. Capitol Police Officer Howard Liebengood. Officer Liebengood, or “Howie” to those who knew him, worked the Delaware Avenue door of the Russell Senate Office Building, someone who I have seen at that doorway and who always greeted me and everyone with a warm smile.

It has been reported that 140 U.S. Capitol Police officers sustained injuries from defending the Capitol. The courage of these officers will be remembered forever, but there are still many voices that we have not heard in the stories of January 6th, including the many staff who make sure we have food in our cafeteria and water and heat in our building.

One janitorial worker hid during the attack in a closet. Another custodial staff member reflected on how terrible he felt when he had to clean up feces and had been speared on the wall, saying, “I felt bad. I felt degraded.”

These dedicated workers were here, too, when the Capitol was attacked, as were many committed journalists who report on our work to the American people.

To make this place safe going forward, we must answer some key questions. First and foremost on many of our minds is what took so long to deploy the National Guard that day, both because of decisions made in the Capitol Complex but also by others in the Federal Government.

We must find out what was known about the potential for violence before the attack and how that intelligence was shared with law enforcement partners, including the officials responsible for protecting the Capitol. There are also important questions to be asked about how information concerning those threats was communicated to rank-and-file officers. It is vital that we explore necessary reforms to the structure of the Capitol Police Board, which I know we will hear more about today.

We owe it to the 140 Capitol Police officers injured and to all those at the Capitol who continue to suffer the repercussions. We owe it to the officer beaten by the violent rioters because he literally placed his body in the doorway to protect us. We owe it to the officers who lost their lives. We owe it to the American people to figure out how the United States Capitol, the preeminent symbol of democracy around the world, could be overtaken by an angry, violent mob. We owe it to ourselves, colleagues, to believe enough in our democracy and in the U.S. Senate that, despite our political differences, we will be constructive in this hearing today, not just here to make political hay but be constructive today, to figure out what went wrong and what changes we can make to ensure that the Capitol is safe for us and the public going forward.

Chairman Peters, Ranking Member Blunt, Ranking Member Portman, and colleagues, for me the bottom line is that we must get the answers, and those answers are what will give us the solutions.

Thank you very much.

Chairman PETERS. Thank you, Madam Chairwoman.

It has been just over six weeks since our Nation watched with horror as our Capitol Building was breached by domestic terrorists who sought to use violence and intimidation to overturn the results of a free and fair election. This was a shocking assault on our democracy, and it marked one of our Nation's darkest days.

The United States has stood as a beacon for the world, showing how democracy can thrive. On January 6th, we saw how fragile many of our most valued democratic principles, including the peaceful transfer of power is.

It is hard to express how deeply grateful we are for the actions our Capitol Police, our Sergeants at Arms, and other law enforcement agencies do to keep us safe every single day, and especially on that day. Too many of our officers were gravely injured or tragically killed as they bravely fought back the attackers.

Chief Contee, we are also indebted to the D.C. Metropolitan Police Department for their valiant efforts to thwart the attack. D.C. Police often provide support or help secure the Capitol, but the officers under your command did not hesitate to come to our aid.

We are thankful for the heroic actions of so many who ensured this direct attack on our democracy failed. But there is no question that there were colossal breakdowns in the intelligence gathering and security preparations leading up to the events of January 6th, as well as during the coordination and response efforts once the attack got underway.

Our goal today is to begin to understand where those breakdowns and failures occurred and to determine if there are policy and structural changes Congress must make to prevent a future attack of this nature.

In my role on the Homeland Security Committee, I have worked to draw attention to the rising threat of domestic terrorism, including the rise of insidious ideologies of white supremacy, antigovernment militias, and now QAnon conspiracies. These ideologies are intertwined in numerous ways, and on January 6th we saw just how quickly they can shift from online communities to committing organized, violent attacks in the real world.

But the warning signs were there. Just a few months earlier, in my home State of Michigan, law enforcement successfully stopped a plot by antigovernment militias to kidnap our State's Governor. We have seen an increase in violent crimes over the last decade that are driven by hateful ideologies. We saw the deadly and tragic consequences on January 6th when the domestic terrorist threat was not taken as seriously as it should have been.

This is a systemic and leadership failure on the part of our security officials from the FBI and Department of Homeland Security to the security leadership on the ground in the Capitol, and it must be addressed.

Domestic terrorism is not a new threat, but it is an urgent threat. It will require serious focus to ensure that we are doing ev-

everything we can to protect the safety and security of all Americans, and I would like to take a moment to remind my colleagues that every Senator here today took an oath to protect and defend the Constitution against all enemies, both foreign and domestic.

As the Committees charged with oversight, strengthening homeland security, and maintaining Capitol operations, we have a solemn duty to thoroughly examine the security breakdowns and make needed reforms. I am hopeful we will be able to work together and carry out this responsibility in a serious and a non-partisan way.

Finally, while today's hearing is our first on the January 6th attack, it will not be our last. We will continue to seek testimony and information from a range of agencies and officials who were involved in preparing for and responding to the events of the day for the U.S. Capitol and for the entire region.

The attack on January 6th was an extraordinary event that requires exhaustive consideration. The American people deserve answers on why their Capitol was breached, and I look forward to having a productive discussion with our witnesses in order to provide the American people with those answers.

Thank you, Madam Chairwoman.

Chairwoman KLOBUCHAR. Very good. Senator Blunt.

OPENING STATEMENT OF SENATOR BLUNT¹

Senator BLUNT. Thank you, Chairwoman Klobuchar. It is great to work with you, Chairman Peters, and Senator Portman as we move forward on this hearing on what happened on January 6th, and I think that will obviously also require discussion of what happened in the days immediately leading up to January 6th. This hearing, as Senator Peters and you have both said, is really the beginning of a series of efforts that hopefully we can approach in a bipartisan way that looks for solutions and ensures that the deadly, outrageous, destructive attack that marked such a sad day in our history never happens again. Certainly the officers who defended the Capitol that day deserve to be recognized and praised for their valiant efforts and their willingness every day to stand ready to do what needs to be done to defend the Capitol and those who work there. I am certainly grateful to them. I am particularly grateful in this instance to the Metropolitan Police Department and their really admirable response to be here quickly, to be here with significant numbers of people in the very short term, and within an hour to have an incredible impact on what was going on here at the Capitol in a positive way.

The failures of the day, unfortunately, were of the most serious kind. Senator Klobuchar has already mentioned the three officers whose lives were lost and other officers who have really had to deal with this in a significant way. You also have to remember that this was an event where the families of our officers were watching in real time on television an attack where they are seeing people that mean the entire world to them in this fight for their lives and fight for our lives and the Capitol.

¹The prepared statement of Senator Blunt appears in the Appendix on page 84.

Three of today's witnesses, former House Sergeant at Arms Irving, former Senate Sergeant at Arms Stenger, and former Chief of the United States Capitol Police Sund, were all charged with the protection of the Capitol on January 6th. We need to hear from them, whether it was a failure of imagination, of what could go wrong, a failure of intelligence gathering and dissemination, a failure of preparation, which ultimately led to this problem, or maybe a structural failure that just is not designed in a way that it allows us to respond to an immediate crisis, and obviously we need to get that done.

I want to hear from Chief Contee of the Metropolitan Police Department to learn about the department's role and, frankly, to learn how their decisionmaking process appeared to be so much quicker than the decisionmaking process we could go through here.

I believe it is important for everyone to note that the attacks on January 6th did not prevent Congress from fulfilling its responsibilities. Both chambers reconvened that evening and finished the certification of the results of the Electoral College. I think Senator Klobuchar and the Vice President and I left the building about 4 a.m. on Friday, but we did get our work done where the American people and people all over the world would have expected it to get done.

On the 20th, we held an Inauguration on the same platform that had been stormed two weeks earlier and carried out one of our most important aspects of our democracy, the peaceful transfer of power.

I want to thank my colleagues from both the Homeland Security and Rules Committee for today's hearing and the staff work that has gone into getting ready for today.

Chairman PETERS. Ranking Member Portman.

OPENING STATEMENT OF SENATOR PORTMAN¹

Senator PORTMAN. Thank you, Chairman Peters, Chairwoman Klobuchar, Ranking Member Blunt, for the constructive comments this morning.

In this business you often finish like you start, and I appreciate the fact that we are starting this review by taking the politics out of it so we can get to the bottom of what happened.

I want to start by expressing my gratitude on behalf of everybody for the men and women of law enforcement—U.S. Capitol Police, U.S. Secret Service (USSS), National Guard, Metropolitan Police Department, the FBI, and all the law enforcement agencies who put their safety on the line to safeguard democracy on January 6th.

As I said on the Senate floor that night, it was thanks to them that Vice President Pence, Members of Congress, staff, and the Capitol Complex workforce were protected, and we were able to complete our constitutional duty of certifying the election.

It was important, in my view, that we sent a clear message that night to our constituents and to the world that we would not be intimidated, that the mob would not rule here. But that message could not have been delivered without law enforcement securing us and our respective chambers.

¹The prepared statement of Senator Portman appears in the Appendix on page 81.

Seven individuals lost their lives as a result of the Capitol attack, including two Capitol Police officers and a D.C. Metropolitan Police Department officer. We will never forget the service and sacrifice of Officers Brian Sicknick, Jeffrey Smith, and Howard Liebengood. I knew Officer Liebengood. I saw Howie most days at his post at the Russell Office Building. His colleagues will tell you no officer was more dedicated to the mission of the Capitol Hill Police Department, a mission and duty to serve and protect. I am proud to have called him a friend.

We will never forget Officer Eugene Goodman and the hundreds of other officers who were heroes on the front lines that afternoon, that evening, many of whom sustained injuries. To honor that kind of sacrifice and avoid future attacks, we have to take a really hard look at what happened on January 6th, the decisionmaking that led up to that day and the decisionmaking that allowed the Capitol to be breached and overrun.

As the bipartisan media advisory announcing this joint hearing stated, the purpose today is to examine the security failures that led to a breach of the Capitol on January 6th, specifically the preparation and response efforts. There are key questions that have to be answered.

First, some witnesses have suggested there was an intelligence failure. We need to know: Was there credible intelligence about potential violence? When was it known? And who knew it?

Second, our witnesses have differing accounts about requests for National Guard assistance. We need to know: Did the U.S. Capitol Police request approval to seek National Guard assistance prior to January 6th? If so, why was that request denied? We need to know: Was the request for National Guard assistance on January 6th delayed, and why, if that is true? We need to know why it took so long for the National Guard to arrive after their support was requested.

Third, the Capitol was overtaken in a matter of hours. We need to know whether Capitol Police officers were properly trained and equipped to respond to an attack on the Capitol? If not, why not? We need to know why the Capitol Complex itself was so vulnerable and insecure that it could be so easily overrun.

My hope is that today we get clear answers to these questions from our witnesses. We need to know what happened and how to ensure this never happens again. It is that simple. I will be listening carefully, as I know my colleagues will, to the testimony of the witnesses before us. These events on January 6th showed that while our democracy is resilient, our democracy at times will be challenged. We have to be up to that challenge. That certainly includes securing this Capitol, the citadel of democracy. That is something we can all agree on.

Thank you, Mr. Chairman.

Chairwoman KLOBUCHAR. Thank you, Senator Portman.

Before I introduce the panel, it is important that we hear from someone who was on the front lines that day, and I would like to recognize Captain Carneysha Mendoza of the U.S. Capitol Police. Captain Mendoza has been a member of the Capitol Police for almost 19 years, with 13 years of leadership experience. She currently serves as the field commander in the Special Operations Di-

vision where her duties include acting as a Field Commander for significant security incidents. She has served in various divisions within the department, including the Command Center, House Division, and Senate Division.

Before she joined the Capitol Police, she served as an active-duty soldier in the United States Army, and she has received various awards for her work, including her work on recovery efforts during the Pentagon attack on September 11, 2001.

Born and raised in Missouri, Senator Blunt, Captain Mendoza graduated from Park University with a Bachelor of Science (BS) in Criminal Justice Administration. She has two children.

On January 6th, she rushed to the Capitol when she heard that her fellow officers needed immediate help and assumed command in the rotunda as she and her colleagues fought to push back the rioters and ultimately drive them out of the building.

Captain, thank you for sharing your story today.

TESTIMONY OF CAPTAIN CARNEYSHA MENDOZA,¹ FIELD COMMANDER, U.S. CAPITOL POLICE SPECIAL OPERATIONS DIVISION

Ms. MENDOZA. Thank you. Good morning. Thank you for the opportunity to speak before the Committee today and thank you all for your service to our country.

My name is Captain Carneysha Mendoza, and I have served with the United States Capitol Police for 19 years. I take a lot of pride in my job. Prior to serving with the Capitol Police, I served as an active-duty soldier with the United States Army. My last duty station was split between the Pentagon and the Washington Area Criminal Investigations Division (CID). I have received various awards from the Army and the Capitol Police, to include an award for recovery “efforts” during the Pentagon attack. Unfortunately, I did not save any lives, but there are certain lessons that always stuck with me after September 11, 2001. One of those lessons is knowing the unthinkable is always possible, so be ready. I always take my job very seriously, as September 11 is always in the back of my mind.

With the Capitol Police, I have served in various operational, administrative, and collateral assignments. I am currently serving as a captain in the Special Operations Division where I have various responsibilities to include serving as a field commander and a field force commander for the Civil Disturbance Unit (CDU).

Throughout my career, I have responded to and managed various critical incidents and events from congressional and member security-related issues to shootings and armed carjackings. I have served as the CDU field force commander for multiple events, including the November 14th Million Make America Great Again (MAGA) March.

In my career, I have been activated to work demonstrations with various controversial groups, and I have been called some of the worst names so many times that I am pretty numb to it now.

¹The prepared statement of Ms. Mendoza appears in the Appendix on page 87.

As an agency, we have trained for and handled numerous demonstrations. It is something we do on a regular basis, and it is something I have always felt we have excelled at.

During the Million MAGA March, multiple white supremacist groups, to include the Proud Boys and others, converged at the Supreme Court along with counter groups. The Civil Disturbance Unit fought hard that day, physically breaking up fights and separating various groups. I literally woke up the next day unable to move due to the pain.

On January 6th, we anticipated an event similar to the Million MAGA March that took place on November 14, where we would likely face groups fighting among one another. Additional Civil Disturbance Units were activated that day. I was working the evening shift and had planned to report in at 3 p.m. I was prepared to work a 16-hour shift and assume field force commander should the event continue into the evening and overnight shifts.

It was approximately 1:30 in the afternoon. I was home eating with my 10-year-old, spending time with him before what I knew would be a long day, when a fellow captain contacted me and told me things were bad and that I needed to respond in. I literally dropped everything to respond in to work early.

I arrived within 15 minutes, and I contacted dispatch to ask what active scenes we had. I was advised things were "pretty bad." I asked where assistance was needed and was advised of six active scenes.

There was an explosive device at the Democratic National Committee (DNC) building, a second explosive device at the Republican National Committee (RNC) building, and large hostile groups at different locations outside the Capitol Building. I advised the dispatcher I would respond to the DNC since that building was closest to where I was at the time.

En route, I heard officers at the Capitol Building calling for immediate assistance, so I proceeded past the DNC to the Capitol.

As I arrived to the East Front Plaza of the Capitol, I heard an officer yell there was a breach at the rotunda door, and I heard various other officers calling for assistance in multiple locations throughout the building.

Many of the doors to the building were not accessible due to the size of the crowd. I was able to enter a lower-level door with the assistance of a Capitol Division officer.

Once inside the Memorial Door, I immediately noticed a large crowd of possibly 200 rioters yelling in front of me. Since I was alone, I turned to go back out so I could enter another door, but within the few seconds it took me to walk back to the door I entered, there were already countless rioters outside the building banging on the door. I had no choice but to proceed through the violent crowd in the building.

I made my way through the crowd by yelling and pushing people out of my way until I saw Capitol Police Civil Disturbance Units in riot gear in the hallway. They were holding the hallway to keep rioters from penetrating deeper into the building. I immediately jumped in line with them to assist with holding the crowd of rioters.

At some point, my right arm got wedged between rioters and the railing along the wall. A CDU sergeant pulled my arm free, and had he not, I am certain it would have been broken.

Shortly after that, an officer was pushed and fell to the floor. I assisted the officer to a safer location and got back in line. At some point, the crowd breached the line officers worked so hard to maintain. Civil Disturbance Units began to redeploy to keep rioters from accessing other areas of the building.

I proceeded to the rotunda where I noticed a heavy smoke-like residue and smelled what I believed to be military-grade chlorobenzylidenemalononitrile (CS) gas—a familiar smell. It was mixed with fire extinguisher spray deployed by rioters. The rioters continued to deploy CS inside the rotunda.

Officers received a lot of gas exposure, which is worse inside the building than outside because there is nowhere for it to go. I received chemical burns to my face that still have not healed to this day.

I witnessed officers being knocked to the ground and hit with various objects that were thrown by rioters. I was unable to determine exactly what those objects were.

I immediately assumed command in the rotunda and called for additional assets. Officers began to push the crowd out the door. After a couple of hours, officers cleared the rotunda, but had to physically hold the door closed because it had been broken by the rioters. Officers begged me for relief as they were unsure of how long they could physically hold the door closed with the crowd continually banging on the outside of the door attempting to gain re-entry. Eventually, officers were able to secure the door with furniture and other objects.

I am proud of the officers I worked with on January 6th. They fought extremely hard. I know some said the battle lasted three hours, but according to my Fitbit, I was in the exercise zone for four hours and nine minutes, and many officers were in the fight even before I arrived.

I am extremely proud of the United States Capitol Police. I am especially proud of the officers who are the backbone of this agency and carry out day-to-day operations. I know with teamwork we can move forward.

The night of January 7th into the very early morning hours of my birthday, January 8th, I spent at the hospital comforting the family of our fallen officer and met with the medical examiner's office prior to working with fellow officers to facilitate a motorcade to transport Officer Sicknick from the hospital.

Of the multitude of events I have worked in my nearly 19-year career in the department, this was by far the worst of the worst. We could have had 10 times the amount of people working with us, and I still believe the battle would have been just as devastating.

As an American and as an Army veteran, it is sad to see us attacked by our fellow citizens. I am sad to see the unnecessary loss of life, I am sad to see the impact this has had on Capitol Police officers, and I am sad to see the impact this has had on our agency and on our country.

Although things are still raw and moving forward will be a difficult process, I look forward to moving forward together as an agency and as a country.

In closing, I want to honor Chief Sund's leadership. I served under his command as a watch commander for three years and was able to personally see his hard work and dedication. He was fully dedicated to the United States Capitol Police, and he cared about every employee on the department. I often hear employees on the department praise his leadership and his ability to inspire others. He has made a significant impact on our agency. Thank you, Chief.

Thank you.

Chairwoman KLOBUCHAR. Thank you very much, Captain Mendoza, for that beautiful statement and for your work on behalf of our country.

I am going to give you the bios on the other witnesses, and then Senator Peters will swear them in.

Our first witness today is Robert J. Contee, Acting Chief of the Metropolitan Police Department of the District of Columbia. Acting Chief Contee was sworn in as Acting Chief of the MPD on January 2, 2021. He first joined the department in 1989 as a Cadet. After being sworn in, he became a patrol officer before being promoted to Lieutenant and leading the force's intelligence branch. In 2004, he was promoted to Captain and put in charge of the Violent Crimes Branch. After being promoted to 2nd District commander, he joined the Special Operations Division. For the next decade, Acting Chief Contee served in multiple leadership roles with the MPD, including as Patrol Chief of Patrol Services South, where he oversaw several police districts. He was appointed as Assistant Chief of the Investigative Services Bureau in March 2018. Acting Chief Contee is a graduate of D.C. schools and holds a Bachelor's degree in professional studies from the George Washington University. Acting Chief Contee grew up in the Carter Terrace community in Northeast Washington, D.C.

Our second witness today will be Steven A. Sund. Mr. Sund served as Chief of the U.S. Capitol Police from June 2019 to January 16, 2021. Mr. Sund joined the Capitol Police in 2017 as Assistant Chief and Chief of Operations. Prior to joining the USCP, he spent nearly 25 years with the Metropolitan Police Department where he started out as a patrol officer in 1990. From 1999 to 2006, he served in MPD's Special Operations Division and helped plan several major events, including the 2001 and 2005 Presidential Inaugurations. After joining the MPD's Homeland Security Division, he rose through the ranks to become Commander of the Special Operations Division in 2011. As Commander of the Special Operations Division, he served as lead planner for both the 2009 and 2013 Presidential Inaugurations and many other National Special Security Events (NSSEs). He received his Bachelor and Master of Science (MS) degrees from Johns Hopkins and his Master of Arts in Homeland Security from the Naval Postgraduate School.

Our third witness will be Michael Stenger, former Senate Sergeant at Arms, who served in that capacity from April 2018 to January 7th of this year. He joined the Senate in 2011 as Assistant Sergeant at Arms for the Office of Protective Services and Continuity. He has also served as chief of staff of the Sergeant at Arms

and as Deputy Sergeant at Arms. Prior to joining the Sergeant at Arms office, he was a 35-year veteran of the United States Secret Service where he served in many roles, including as the Special Agent in Charge of the Washington Field Office. Immediately before joining the Senate, he served as Assistant Director of the Office of Government and Public Affairs for the Secret Service. He graduated from Fairleigh Dickinson University. He is also a veteran, having attained the rank of captain in the U.S. Marine Corps (USMC).

Our final witness today is Paul Irving. Mr. Irving served as the Sergeant at Arms of the U.S. House of Representatives from January 2012 through January 7th of this year. He joined the United States Secret Service in 1983 after briefly serving with the FBI. He served as head legal instructor for constitutional law and criminal procedure at the Secret Service Training Academy before joining the Presidential Protective Division during the George H.W. Bush and Clinton Administrations. Following his White House service, he served as the Assistant Director for Congressional Affairs, Assistant Director for Government Affairs, Assistant Director for Homeland Security, and Assistant Director for Administration for the Secret Service. He retired from the Secret Service in 2008 as Assistant Director and worked as a private security consultant until his appointment as House Sergeant at Arms in 2012. He is a graduate of the American University and Whittier Law School.

I want to thank our witnesses for appearing voluntarily today, and I look forward to your testimony.

Chairman PETERS. It is the practice of the Homeland Security and Governmental Affairs Committee to swear in witnesses, so if the witnesses would stand, including those joining us virtually, and raise your right hand. Do you swear that the testimony you will give before this Committee shall be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. CONTEE. I do.

Mr. SUND. I do.

Mr. STENGER. I do.

Mr. IRVING. I do.

Chairman PETERS. Thank you. You may all be seated.

Chairwoman KLOBUCHAR. Do you want to begin then, Chief Contee?

Mr. CONTEE. Sure.

TESTIMONY OF ROBERT J. CONTEE, III,¹ ACTING CHIEF OF POLICE, METROPOLITAN POLICE DEPARTMENT, WASHINGTON, D.C.

Mr. CONTEE. Good morning, Chairman Peters, Chairwoman Klobuchar, Ranking Members Portman and Blunt, and Members of the Committees. I am Robert J. Contee, III, the Acting Chief of Police of the Metropolitan Police Department, the primary police force in the District of Columbia. I appreciate this opportunity to brief you on the events of January 6, 2021, a dark day for our country.

I would like to begin by highlighting a few key facts to ensure the Committees and the audience understand the very different

¹The prepared statement of Mr. Contee appears in the Appendix on page 90.

roles of Mayor Muriel Bowser and the District of Columbia, including MPD, and those of congressional and Federal authorities.

First, MPD is prohibited by Federal law from entering the Capitol or its grounds to patrol, make arrests, or serve warrants without the consent or request of the Capitol Police Board.

Second, the President of the United States, not the Mayor of the District of Columbia, controls the D.C. National Guard. The scope of the request by the Mayor must be limited to supporting the District's local jurisdiction and authority, which excludes Federal entities and property.

Third, since Mayor Bowser declared a public health emergency last March, the District has not issued permits for any large gatherings. Although the District and MPD take pride in facilitating the exercise of First Amendment rights by all groups, regardless of their beliefs, none of the public gatherings on January 5th and 6th were issued permits by the city.

On the morning of January 6th, MPD was prepared to support our Federal partners with a First Amendment assembly that was held primarily on Federal land, while continuing to patrol and respond to calls for service throughout D.C.. Based on our experience with prior demonstrations after the election, we recognized that there was a possibility of violence, especially after dark as smaller groups of protesters gathered with malicious intent on our city streets.

To be clear, available intelligence pointed to a large presence of some of the same groups that had contributed to violence in the city after demonstrations in November and December. The District had intelligence indicating the potential for violent actions in the streets of the District of Columbia.

In preparation for the anticipated demonstrations and the possibility of violence on city streets, MPD was fully deployed on 12-hour shifts the week of January 4th, with days off and leave canceled.

At Mayor Bowser's request, several area police departments were on standby in D.C., and more than 300 members of the National Guard were deployed on District streets providing traffic control and other services.

However, these resources were barely enough to counter an event that had never happened in the history of the United States: a mob of thousands of American citizens launching a violent assault on the U.S. Capitol—the seat of our Government—in an attempt to halt the counting of the electoral ballots, an essential step in the peaceful transfer of power in our Nation. The mob's sustained assault on the Capitol precipitated an equally unprecedented response, with then-Capitol Police Chief Steve Sund issuing an urgent request for MPD to come assist in defending the Capitol. Needless to say, when we received the call for help, MPD responded immediately.

Within minutes, our members arrived at a chaotic scene. The violent mob had overrun protective measures at the Capitol in an attempted insurrection, prior to the arrival of MPD officers at the west front. Our objectives were to: one, stop the rioters from entering the Capitol Building and remove those that were already inside; two, secure a perimeter so that the Capitol could be cleared

for lawmakers; three, enable Congress to resume their sessions to demonstrate to our country and to the world that our democracy was still intact; and, last, once the third objective had been accomplished, begin making arrests of anyone violating the law.

At 2:22 p.m., a call was convened with, among others, myself, leadership of the Capitol Police, the National Guard, and the Department of the Army. I was surprised at the reluctance to immediately send the National Guard to the Capitol grounds.

In the meantime, by 2:30 p.m., the District had requested additional officers from as far away as New Jersey and issued notice of an emergency citywide curfew beginning at 6 p.m. From that point, it took another 3½ hours until all rioters were removed from the Capitol. Ninety minutes later, at 8 p.m., Congress was able to resume its critical work and fulfill its constitutional duty.

Over the course of January 6th and into the early morning of the 7th, approximately 1,100 MPD members responded to the Capitol. At least 65 MPD members sustained injuries. Five people lost their lives on January 6th. As we reflect on that dark day, we offer our condolences to all of the grieving families.

In closing, I appreciate the opportunity to highlight the heroism of MPD officers who put their lives on the line to protect the Capitol, Congress, and our democracy. But to ensure the continued safety of the District and everyone in it, we must be frank in looking at several critical issues. This assault on the Capitol has exposed weaknesses in the security of the most secure city in the country. The Federal police forces in D.C. will be reexamining their security protocols given the risks of both foreign and domestic terrorism.

As the Chief of the District's municipal police force, I must think about our preparations not only for possible attacks, but the daily impact of the changing operations of our Federal partners. As they harden targets in the Federal enclave, other buildings in the city under MPD jurisdiction may become more likely targets.

This concludes my testimony. I am happy to answer any questions.

Chairwoman KLOBUCHAR. Thank you very much.
Mr. Sund.

**TESTIMONY OF STEVEN A. SUND,¹ FORMER CHIEF OF POLICE
(2019–2021), U.S. CAPITOL POLICE**

Mr. SUND. Good morning, Chairwoman Klobuchar, Ranking Member Blunt, Chairman Peters, and Ranking Member Portman. Thank you for allowing me the opportunity to testify before your two Committees regarding the attack on the United States Capitol that occurred January 6th.

I have been in policing for almost 30 years. The events I witnessed on January 6th was the worst attack on law enforcement and our democracy that I have seen in my entire career. I witnessed insurgents beating police officers with fists, pipes, sticks, bats, metal barricades, and flagpoles. These criminals came prepared for war.

¹The prepared statement of Mr. Sund appears in the Appendix on page 95.

They came with their own radio system to coordinate the attack and climbing gear and other equipment to defeat the Capitol's security features.

I am sickened by what I witnessed that day. Our officers fought valiantly, using batons, shields, chemical munitions, and pepper ball guns to hold back the attackers.

Capitol Police and responding law enforcement agencies showed tremendous restraint by not using their firearms, which would have likely led to a more chaotic situation and a possible mass casualty incident. No civilian law enforcement agency, to include the United States Capitol Police, is trained or equipped to repel an insurrection of thousands of individuals focused on breaching a building at all costs. I am extremely proud and appreciative of the Capitol Police officers, the Metropolitan Police Department, and the other law enforcement agencies that came to our assistance.

A clear lack of accurate and complete intelligence across several Federal agencies contributed to this event, and not poor planning by the United States Capitol Police. We rely on accurate information from our Federal partners to help us develop effective security plans.

The intelligence that we based our planning on indicated that the January 6th protests were expected to be similar to the previous MAGA rallies in 2020, which drew tens of thousands of participants. The assessment indicated that members of the Proud Boys, white supremacist groups, Antifa, and other extremist groups were expected to participate on January 6th and that they may be inclined to become violent.

Based on the intelligence that we received, we planned for an increased level of violence at the Capitol and that some participants may be armed. But none of the intelligence we received predicted what actually occurred.

Extensive preparations were put into place for January 6th that included the full activation of the department, intelligence and information sharing with our Federal and local partners and department officials, implementing a significant enhancement for member protection, extensive operational enhancements to include significant civil disobedience deployment and an expanded perimeter. We also distributed additional protective equipment for our officers and coordinated outside agency support.

As recently as Tuesday, January 5th, during a meeting I hosted with my executive team, the Capitol Police Board, and a dozen of the top law enforcement and military officials from D.C., no entity, including the FBI, provided any new intelligence regarding January 6th. It should also be noted that the Secretary of Homeland Security did not issue an elevated or imminent alert in reference to the events at the United States Capitol on January 6th. We properly planned for a mass demonstration with possible violence. What we got was a military-style coordinated assault on my officers and a violent takeover of the Capitol Building.

I know that the images we saw of the officers battling for their lives and the visuals on national TV had a profound effect on the Nation. The United States Capitol Police did everything we could based on the intelligence and available resources to prepare for this event. While my officers were fighting, my post was in the com-

mand center coordinating resources from numerous agencies around the National Capital Region to provide critically needed support. I was also briefing the two Sergeants at Arms and working on establishing accountability and priorities for the incoming resources.

As Capitol Police and outside resources began to reestablish the security perimeter, I responded to the Capitol Building to personally evaluate the situation and brief the Sergeants at Arms and leadership. I acknowledge that under the pressure of an unprecedented attack, a number of systems broken down. One of the reported issues described by our officers was a lack of clear communications and directions from officials. It appears that the established incident command for the Capitol Building was overwhelmed by the enormity of the situation and as officials battling insurrections as opposed to directing the response.

There have also been reports that some officers may have felt confused or let down during the attack. As an official who cares as much as I do about my colleagues, nothing is more painful to me. These issues must be addressed through new training policies and procedures. Even our best efforts were not enough to stop this unprecedented assault on the Capitol. However, casting blame solely on United States Capitol Police leadership is not only misplaced, but it also minimizes what truly occurred that day.

The focus going forward needs to be on the efforts to improve intelligence and the coordination of security measures between all involved agencies. Hopefully this will be part of the focus of an independent after-action committee to look at all aspects of the January attack on our Nation's Capitol.

In closing, I want to again recognize the heroic efforts of the Capitol Police officers who on January 6th, outnumbered and against the odds, successfully carried out their mission to protect the Members of Congress and the legislative process. I could not have been more proud to be part of their team and the USCP mission.

I am available to answer any questions you may have. Thank you.

Chairwoman KLOBUCHAR. Thank you, Mr. Sund.
Mr. Stenger.

**TESTIMONY OF MICHAEL C. STENGER,¹ FORMER SERGEANT
AT ARMS AND DOORKEEPER (2018–2021), U.S. SENATE**

Mr. STENGER. Chairwoman Klobuchar, Chairman Peters, Ranking Member Blunt, and Ranking Member Portman, the National Capital Region is a unique environment for law enforcement. The U.S. Capitol Police, in conjunction with the Sergeants at Arms, work to provide security of the Capitol Complex and its population, but there is a shared responsibility with other law enforcement groups within the region. The sharing of information and resources is paramount for success. Since assuming the position of the Senate Sergeant at Arms, enhancement of the working relationship between my office and the U.S. Capitol Police has been a priority.

I am a proponent of the concept of intelligence-led policing. This methodology can be used in assessing threats to individual mem-

¹The prepared statement of Mr. Stenger appears in the Appendix on page 106.

bers as well as threats to the campus. As in all intelligence operations, it is only as good as the analyst assessing it, and that assessment is then placed in the appropriate hands to take steps in order to mitigate any threats.

We have to be careful of returning to a time when possibility rather than probability drives security planning. Though the events of January 6th certainly reveal that a review of intelligence should be done, returning to the concept of possibility driving security operations may result in the poor use of resources. This is the constant give and take of security planning.

There is an opportunity to learn lessons from the events of January 6th. Investigations should be considered as to the funding and travel of what appears to be professional agitators. First Amendment rights should always be considered in conjunction with these investigations.

The law enforcement coordination in the National Capital Region should be reviewed to determine what can be done in a more efficient and productive manner. Intelligence collection and dissemination, training, and concepts on the use of force must be consistent. This integration should be accomplished without regard to self-interest and cost.

In conclusion, whenever you prepare for a major event, you must always consider the possibility of some level of civil disobedience at these demonstrations and plan accordingly. The events of January 6th went beyond disobedience. This was a violent, coordinated attack where the loss of life could have been much worse.

This concludes my prepared remarks.

Chairwoman KLOBUCHAR. Thank you, Mr. Stenger.

Mr. Irving.

TESTIMONY OF PAUL D. IRVING,¹ FORMER SERGEANT AT ARMS (2012–2021), U.S. HOUSE OF REPRESENTATIVES

Mr. IRVING. Chairman Peters, Chairwoman Klobuchar, Ranking Member Portman, Ranking Member Blunt, and distinguished Members of the Committees, thank you for the opportunity to appear before you today.

There has been a lot of press reporting about me, not all of it accurate, and I appreciate the opportunity to address some of that today.

My name is Paul Irving, and I served as the Sergeant at Arms for the House of Representatives for the past nine years. Serving in that role was one of the great honors of my life, and I count it a privilege to have worked with Speakers from both political parties, including Speaker Boehner, Speaker Ryan, and Speaker Pelosi.

I am a law enforcement officer by training. My professional career started more than 40 years ago as an intern at the Department of Justice (DOJ) and then as a Clerk at the FBI. I later became a Special Agent at the Secret Service where I worked on two different Presidential protection details and ultimately rose to the rank of Assistant Director.

¹The prepared statement of Mr. Irving appears in the Appendix on page 108.

Like you, I am profoundly saddened by the events of January 6th. The entire world witnessed horrific acts of violence and destruction carried out by our very own citizens against a global symbol of democracy—our seat of Government. I am particularly saddened by the loss of life, which included three officers. My heart goes out to all the families that lost a loved one.

We began planning for the protests of January 6th in December 2020. The planning relied on what we understood to be credible intelligence provided by various State and Federal agencies, including a special event assessment issued by the Capitol Police on January 3rd. The January 3rd assessment forecast that the protests were “expected to be similar to the previous Million MAGA March rallies” that had taken place in November and December 2020. Every Capitol Police daily intelligence report between January 4th and January 6th, including on January 6th, forecast the chance of civil disobedience or arrests during the protests as “remote to improbable.”

I relied on that intelligence when overseeing the security plan put forth by Chief Sund. The Chief’s plan took on an all-hands-on-deck approach whereby every available sworn Capitol police employee with police powers was assigned to work on January 6th. That meant approximately 1,200 Capitol police officers were onsite, including Civil Disturbance Units and other tactical teams.

I also understood that 125 National Guard troops were on notice to be standing by for a quick response. The Metropolitan Police Department was also on 12-hour shifts with no officers on day off or leave, and they staged officers just north of the Capitol to provide immediate assistance if required. The plan was briefed to multiple law enforcement partners. Based on the intelligence, we all believed that the plan met the threat and that we were prepared.

We now know that we had the wrong plan. As one of the senior security leaders responsible for the event, I am accountable for that. I accept that responsibility, and as you know, I have resigned my position.

Much has been said about whether optics affected my judgment in a January 4th telephone call with Chief Sund and Senate Sergeant at Arms Stenger about a National Guard offer to incorporate 125 unarmed National Guard troops into the security plan. The Guard’s purpose would have been to work traffic control near the Capitol.

My use of the word “optics” has been mischaracterized in the media. Let me be clear: Optics as portrayed in the media played no role whatsoever in my decisions about security, and any suggestion to the contrary is false.

Safety was always paramount when making security plans for January 6th. We did discuss whether the intelligence warranted having troops at the Capitol. That was the issue. The collective judgment at that time was no, the intelligence did not warrant that. If the Chief or any other security leader had expressed doubt about our readiness without the National Guard, I would not have hesitated to request them.

Chief Sund, Senate Sergeant at Arms Stenger, and I were confident in the Chief’s plan, and I did whatever I could to ensure that Chief Sund had the support needed to prepare and execute that se-

curity plan. On January 6th, when I was asked for authorization to request National Guard assistance, I approved it.

There are important lessons to be learned from January 6th. I commend the Committees for conducting this proactive review of the events leading up to and on January 6th. I want to help the staff and members make changes and improvements and to ensure the tragedies of January 6th never occur again.

I look forward to answering your questions.

Chairwoman KLOBUCHAR. Thank you very much.

We will now begin questioning. I want to start out just to clear up one thing by just asking all of our witnesses a yes-no question. Based on what we know now, including the recent Department of Justice indictments, do you agree that there is now clear evidence that supports the conclusion that the January 6th insurrection was planned and it was a coordinated attack on the U.S. Capitol? Everyone agree?

Mr. CONTEE. Yes.

Mr. SUND. Yes.

Mr. STENGER. Yes.

Mr. IRVING. Yes.

Chairwoman KLOBUCHAR. OK. Would you agree that this attack involved white supremacist and extremist groups?

Mr. CONTEE. Yes.

Mr. SUND. Yes.

Mr. STENGER. Yes.

Mr. IRVING. Yes.

Chairwoman KLOBUCHAR. OK. Would you agree that this was a highly dangerous situation which was horrific but could have actually been worse without the courage of the officers that you commanded?

Mr. CONTEE. Yes.

Mr. SUND. Yes.

Mr. STENGER. Yes.

Mr. IRVING. Yes.

Chairwoman KLOBUCHAR. OK. Thank you. Now let us look at what we knew leading up to it or what you knew leading up to it or what people that worked for you knew leading up to it.

We knew that leading up to January 6th President Trump sent nationwide tweets telling people to come to Washington on January 6th and saying, "Be there. Will be wild." According to public reporting by the Washington Post, the FBI's Norfolk Field Office issued a threat report on January 5th that detailed specific calls for violence online in connection with January 6th, including that protesters "be ready to fight" and "go there ready for war."

I guess I will start with you, Mr. Sund. When a critical intelligence report is received by the Capitol Police from an intelligence community (IC) source like the FBI, who usually would receive it? I guess I will start with, did you receive this report?

Mr. SUND. Thank you very much for the question, ma'am. In the last 24 hours I was informed by the department that they actually had received that report. One of our sworn members that is assigned to the Joint Terrorism Task Force (JTTF), which is a task force with the FBI, received it the evening of the 5th, reviewed it,

and then forwarded it over to an official at the Intelligence Division over at U.S. Capitol Police headquarters.

Chairwoman KLOBUCHAR. And so you had not seen it yourself?

Mr. SUND. No, ma'am. It did not go any further than that.

Chairwoman KLOBUCHAR. OK. Then was it sent to the House and Senate Sergeants at Arms?

Mr. SUND. I do not believe it went any farther than over to the Sergeant at the Intelligence Division.

Chairwoman KLOBUCHAR. OK. Mr. Irving, Mr. Stenger, did you get that report beforehand?

Mr. STENGER. No.

Chairwoman KLOBUCHAR. Mr. Irving?

Mr. IRVING. I did not.

Chairwoman KLOBUCHAR. I think that may have contributed in part to the lack of information, but I will leave that for the future.

Now let us go back to another report. I know on January 3rd, Mr. Sund, you said in your written testimony that the Capitol Police published an intelligence assessment of the event, including one on January 3rd. Do you mostly rely on your Federal partners like the FBI to gather and analyze intelligence on potential threats to the Capitol and Members of Congress?

Mr. SUND. Yes, I think what is important to realize, as a law enforcement agency, we are a consumer of intelligence and information that is provided by the intelligence community. The intelligence community is 18 Federal agencies that collect information, do the analyzing of the raw data, raw intelligence, and then provide it to us. We are reliant on that information to be complete and accurate.

Chairwoman KLOBUCHAR. But in that report we now know, according to your testimony, that tens of thousands of participants were likely to descend on Washington. Is that correct?

Mr. SUND. Yes, ma'am.

Chairwoman KLOBUCHAR. OK. The January 3rd memo, according to the Washington Post, made clear that supporters of President Trump see January 6th as the last opportunity to overturn the results of the Presidential election, and that "this sense of desperation and disappointment may lead to more of an incentive to become violent." Is that correct?

Mr. SUND. Yes, it is, ma'am.

Chairwoman KLOBUCHAR. The article also quoted the memo as stating that, unlike previous post-election protests, the targets of the pro-Trump supporters are not necessarily the counterprotesters but, rather, Congress itself is the target on the 6th. Is that right?

Mr. SUND. That is correct.

Chairwoman KLOBUCHAR. Did you have any indication that many of these protesters might arrive armed or that members of extremist groups might be there?

Mr. SUND. We knew that members of extremist groups would be there, and there was social media calls for people to come armed, yes.

Chairwoman KLOBUCHAR. You have also said that at a January 5th meeting with Capitol police, the Sergeant at Arms and Federal law enforcement, military officials, all present at the meeting indi-

cated that there was no new intelligence to report for January 6th. Is that right?

Mr. SUND. That is correct, ma'am.

Chairwoman KLOBUCHAR. But your testimony states that the Capitol Police took a number of steps after these assessments. What you said was the largest number of Civil Disturbance Unit platoons possible, increasing dignitary protection coverage, coordinating with the D.C. Police, and order all-hands-on-deck status for Capitol Police. Is that right?

Mr. SUND. That is correct, ma'am. We took extensive efforts to prepare for the events based on the information, much of which you just reviewed, yes.

Chairwoman KLOBUCHAR. Good. If the information was enough to get you to do that, why didn't we take some additional steps, why didn't you and others involved, to be better prepared to confront the violence?

Mr. SUND. We expanded our perimeter. When we expanded the perimeter, again, we knew there was going to be some maybe limited violence, but we did. We expanded the perimeter. We took a number of steps to outfit our personnel with additional hard gear. We developed a plan for if we had protesters that may be armed, and that was one of the reasons, the expanded perimeter and the heightened risk, that I went to the Sergeant at Arms and requested the National Guard.

Chairwoman KLOBUCHAR. But now you realize it was not enough, those security measures. Is that right?

Mr. SUND. Hindsight being what it is, You look around the Capitol right now, and you see the resources that are brought to bear based on the information we now know from January 6th.

Chairwoman KLOBUCHAR. OK. Mr. Sund, you stated in your written testimony that you first made a request for the Capitol Police Board to declare an emergency and authorize National Guard support on Monday, January 4th, and that request was not granted.

Mr. SUND. That is correct, ma'am.

Chairwoman KLOBUCHAR. Your testimony makes clear that the current structure of the Capitol Police Board resulted in delays in bringing in assistance from the National Guard. Would you agree with that? That is one of the things we want to look at.

Mr. SUND. Yes, ma'am.

Chairwoman KLOBUCHAR. Do you think that changes are needed to make clear that the Capitol Police Chief has the authority to call in the National Guard?

Mr. SUND. I certainly do. I think in exigent circumstances there needs to be a streamlined process for the Chief of Police of the Capitol Police to have authority.

Chairwoman KLOBUCHAR. Mr. Stenger, do you think that reforms are needed to the structure of the Capitol Police Board to make that clear?

Mr. STENGER. I think a review of the Capitol Police Board and their statutory authority probably would be a good time to do this now. There are a lot of statutes out there on the Capitol Police Board that go back many years. Things have changed, and to make the board a little bit more nimble, it is probably not a bad time and idea to take a look at what is there.

Chairwoman KLOBUCHAR. That is probably an understatement with what happened, but thank you.

Mr. Irving, your views?

Mr. IRVING. I would certainly agree with both Chief Sund and Michael Stenger. I think a review would certainly be warranted at this time of the Capitol Police Board.

Chairwoman KLOBUCHAR. Mr. Sund, your written testimony states that you had no authority to request the assistance of the National Guard without an emergency declaration of the Capitol Police Board. On what rule, regulation, or authority did you base that view?

Mr. SUND. I would have to go back and look at the specific rule, but it is a standing rule that we have. I cannot request the National Guard without a declaration of emergency from the Capitol Police Board. It is kind of interesting because it is very similar to the fact, I cannot even give my men and women cold water on an excessively hot day without a declaration of emergency. It is just a process that is in place.

Chairwoman KLOBUCHAR. To be clear, apart from the Capitol Police Board, you also faced delays in getting authorization to bring in the National Guard from the Department of Defense. Is that correct? We will be hearing from them next week.

Mr. SUND. Yes, ma'am, that is correct.

Chairwoman KLOBUCHAR. Would you agree that there were serious issues at the Pentagon that contributed to the fact that Guard troops did not arrive at the Capitol until about 5:40 p.m. that day after most of the violence had subsided?

Mr. SUND. I do not know what issues there were at the Pentagon, but I was certainly surprised at the delays I was hearing and I was seeing.

Chairwoman KLOBUCHAR. OK, very good. My last question of all of you, in addition to the reforms of the Police Board, which you are very clear need to be made, any other suggestions that would not involve classified information you have for us. Mr. Sund?

Mr. SUND. As referenced to some of the recommendations?

Chairwoman KLOBUCHAR. Yes.

Mr. SUND. Again, one of the big things that I think was a contributing factor to this was intelligence. I think as you meet with the law enforcement and the intelligence community, we have a very good relationship. I think the aperture just needs to be opened up a little bit farther. Like Chief Contee had mentioned, January 6th was a new day. It was a change of what threat we face, and I think getting them to open the aperture and looking a little bit harder. I think internally, looking at some of our policies, procedures, our processes for how we handle special events, how we handle incident command, what stuff we can do. Then looking at physical security of the building and the grounds I think is going to be critical. I know a lot of people have talked about the fencing, the open environment. I understand and I know that goes way back, and Members of Congress like the open environment. I think there are ways to develop a more secure campus while keeping an open environment, but I would leave that for more classified or restricted hearings.

Chairwoman KLOBUCHAR. Thank you.

Anything you would add in addition, just any other thing you would add in addition to what the former Police Chief laid out here, Mr. Stenger?

Mr. STENGER. I would be very supportive about those areas that the Chief mentioned. I think he is right on. I think there is maybe another area, use of force, that probably needs to be coordinated better in the region here. But certainly intelligence needs to be taken a look at as to how it works.

Chairwoman KLOBUCHAR. OK.

Mr. STENGER. We have a lot of people that we ramped up since September 11th, and I think maybe it is time to take a look at how efficient it is, the gathering of intelligence and collection of intelligence.

Chairwoman KLOBUCHAR. Thank you. I am going to allow my colleagues to ask that same question of you, Mr. Irving, and you, Chief Contee, because I have gone over my time. Thank you.

Chairman PETERS. Thank you, Madam Chair.

Mr. Sund, you have brought up the issue of intelligence throughout your testimony and the gaps that were there and how we need to strengthen the intelligence. My understanding is that that report has some fairly specific information that was troubling. I was struck by the fact that you said the FBI report did get sent to the Capitol Police, that it went to the folks in the intelligence department, but that you were not aware of it, which raises a really big question. Something coming in like that right before an event that I think is significant, it does not get to operational commanders who are there to deal with it? How can that happen? How could you not get that vital intelligence on the eve of what is going to be a major event?

Mr. SUND. Thank you, sir. I know that is something that is going to be looked at. I think that information would have been helpful to be aware of. Again, looking at the information for the first time yesterday, it is strictly raw data. It is raw intelligence information that has come in, seen on a social media post, lots of people posting on social media that need to be corroborated and confirmed. Again, it is coming in as raw data, so please keep that in mind.

But, I agree that is something we need to look at. What is the process and how do we streamline that information getting to where it needs to go?

Chairman PETERS. I understand it is raw data, but it is the eve of the event. You are not going to have time to do the kind of analysis that you would normally like to do. That is information that has to get to you, so that is clearly a major problem.

My question is also related to the report that was put out by Capitol Police, by your intelligence folks, on January 3rd. The Intelligence Division of the Capitol Police issued an internal report which reportedly stated—and some of this has been out in the public domain—that instead of targeting counterprotesters, as you have seen in the prior events that occurred, that you have referenced earlier, that, this is a quote that has been out in the public domain—that “Congress itself is the target on the 6th by Trump supporters.” Congress was the target.

The report also mentioned that members of the Proud Boys, white supremacist groups, other extremist groups would be in at-

tendance, and, quote—again, out in public sources—“may be inclined to become violent.”

So you have your own report. Did you see that report that was put out on the 3rd?

Mr. SUND. Yes, I did.

Chairman PETERS. How is that not a warning of some extraordinary measures? I understand you increased your presence with the folks you had there. But how is that not a real big warning flag? If it was, what exactly did you do when you read that report?

Mr. SUND. That was one of the reports that contributed to the fact that we expanded our perimeter. I reached out to the Metropolitan Police Department just knowing even before that report, knowing that extremists were likely to be there in the previous reports that have been called for on social media for people to be armed. In talking with our partners over at the Metropolitan Police Department, I reached out to say, “Hey, are you going to be able to provide us some support?” We coordinated that additional support the morning of the 6th.

Yes, we did take all that in consideration as we developed the extensive security plans for this event.

Chairman PETERS. So you changed plans on January 3rd after getting that report?

Mr. SUND. Yes, we adjusted our perimeter; we did a number of things. We actually were adjusting our perimeter probably a little bit before that as well.

Chairman PETERS. That was happening before. We are going to want to know more specifically, when you get that. Of course, I think we are going to see you got additional information from the FBI, for example, but that did not get to you. I understand that.

Mr. SUND. Yes.

Chairman PETERS. The other thing that I think is important for us to understand—and I have heard all of you mention this in your testimony—is this was not just a random violent attack. It was coordinated. I believe in your testimony as well—I am going to ask other witnesses to respond to this, too, because all of you mentioned that. How do you define “coordinated”? What did we actually see from these folks that leads you to believe that it was coordinated? I think in your testimony now you just mentioned military-style coordination. That would mean command and control; it would mean understanding the layout of the Capitol; it may mean knowing the internal operations of defense perimeters, of folks that are engaged.

Talk to me. What did you see that leads you to believe that this was a coordinated attack? I would like our other witnesses to engage in that as well.

Mr. SUND. Yes, I am able to provide you a quick overview of why I think it was a coordinated attack.

One, these people came specifically with equipment. You are bringing climbing gear to a demonstration. You are bringing explosives. You are bringing chemical spray such as what Captain Mendoza talked about. You are coming prepared.

The fact that the group that attacked our west front, approximately 20 minutes before the event at the Ellipse ended, which means they were planning on our agency not being at what they

call “full strength,” watching the other event, saying that event is ending, OK, everybody get on post, they are going to be marching our way, knowing that we may not be at full strength at that time. Then also the fact that we were dealing with two pipe bombs that were specifically set right off the edge of our perimeter to, what I suspect, draw resources away.

I think there was a significant coordination with this attack.

Chairman PETERS. Anyone else? Chief Contee, I think you also believe it was a coordinated attack.

Mr. CONTEE. Oh, absolutely. My view is from the day of the incident. I think there were hand signals that were being used by several of the insurrectionists. There was radio communication by several individuals that were involved; the coordinated use of chemical emissions to include bear spray by several people that were out there. I certainly believe it was coordinated.

To Chief Sund’s point regarding the placement of the pipe bombs in the area, their discovery prior to this event, all of those things, and plus adding to that what we know in hindsight now as a result of the ongoing investigation that is being handled by the FBI, as they continue to scrub social media, I think we are learning more and more and more that this was clearly a coordinated effort.

Chairman PETERS. Real quick, Mr. Irving? Then I will ask another question.

Mr. IRVING. Based on the information provided by Chief Contee and Chief Sund, I would agree. The evidence would indicate a coordinated attack.

Chairman PETERS. We are looking at folks that were coming out in intelligence reports, groups like the Oath Keepers, Proud Boys, others that were engaged, these violent extremist groups, which we clearly need to collect more intelligence on. It will be the subject of another hearing that we will do regarding this.

But if you look at what the DOJ is now prosecuting, 200 Federal cases, the FBI has linked at least 40 to extremist groups, 59 to other defendants that have connections on social media, to violent or extremist rhetoric, conspiracy theories, this is clearly an area that we have to focus on as to why did we not have more information about these groups that were coming here planning—and usually you leave a trail when you are planning; either that or you are real sophisticated using encrypted devices and other things. But those are things that we are going to have to be looking at. Clearly, the National Guard presence was critical. I know you are going to get a lot of questions related to that.

But, Chief Contee, in my remaining time, just a question, and you mentioned this in your testimony. But in an earlier statement, Chief, you stated that you were stunned by “the tepid response” of the Army officials in response to Chief Sund’s request for assistance while the violent siege was escalating. Clearly, here we have a coordinated attack. All of you saw this immediately the way they were doing it. I can imagine the conversations with the National Guard. Chief, you were stunned by the tepid response. Could you clarify that and tell us exactly how those conversations went?

Mr. CONTEE. Yes, so sometime after 2 p.m., I had left the west front of the Capitol after initially being at the scene assessing what was going on, looking at the violent actions that were taking place.

Shortly thereafter, there was a phone call that was convened between several officials; Chief Sund was on the call literally pleading for it. There were several Army officials that were on the call. I do not know all by name who were on the call. Several officials from District Government that were on it. Chief Sund was pleading for the deployment of the National Guard. In response to that, there was not an immediate, “Yes, the National Guard is responding. Yes, the National Guard is on the way. Yes, the National Guard are being restaged from traffic posts to respond.” The response was more asking about the plan; what was the plan for the National Guard? The response was more focused on, in addition to the plan, the optics, how this looks with boots on the ground on the Capitol.

My response to that was simply—I was just stunned that, I have officers that were out there literally fighting for their lives, and, we are kind of going through what seemed like an exercise to really check the boxes, and it was not an immediate response.

When I asked specifically, Chief Sund, was he requesting the National Guard and was that request being denied, the response from the U.S. Department of the Army was, “No, we are not denying the request.” But they were concerned—they did have concerns. I was, again, just stunned at that response.

Chairman PETERS. Thank you. Senator Blunt.

Senator BLUNT. Thank you, Chairman.

Chief Sund, if I have your testimony correct this morning, I think what I am hearing you say is based on the intelligence you saw on January 3rd, after that on January 4th you decided this was going to be a different kind of protest than you had seen in November and December, and that is when you asked for an expanded perimeter and National Guard assistance. Is that correct?

Mr. SUND. The information we received, yes, it was very similar to the previous assessments. It was just a little bit more detailed. We had been analyzing kind of how we responded to the previous MAGA marches and decided to expand the perimeter.

Really, when you expand an perimeter as large as we expanded it, it creates a large area you have to defend, and that was the primary reason, knowing that these protesters were coming here, we were the focus of the protest and the expanded perimeter, and we knew this was going to be a long day.

Senator BLUNT. Did you know from the time you expanded the perimeter that you were going to have to have more help in all likelihood to defend that perimeter than your force would be able to provide?

Mr. SUND. We knew we could utilize the additional support, yes.

Senator BLUNT. Why did you believe that you needed the approval of Mr. Irving and Mr. Stenger to request assistance of the National Guard?

Mr. SUND. That has always been the case. We only request the National Guard for very specific events, usually the Inauguration, and that requires a declaration of emergency from the Capitol Police Board to utilize those resources.

Senator BLUNT. Do you know if there is a statutory requirement for that?

Mr. SUND. I could look into that and get to thank you as a follow-up if you would like, Senator.

Senator BLUNT. I do not know that there is, but I do know that if you get the approval to expand the perimeter and you do not have the assistance to do that, that is obviously a problem. Why didn't you contact the third member of the Police Board, the Architect of the Capitol (AOC), Mr. Blanton?

Mr. SUND. Thank you for that question, sir. My conduit to the Capitol Police Board was usually through the House and Senate Sergeant at Arms. They were the ones usually having the communications with the department, especially law enforcement-related issues. They are both law enforcement. Also the fact that Mr. Stenger at the time is the Capitol Police Board Chairperson. But usually outside the monthly Capitol Police Board meeting that we would have unless it was an issue specific to the Architect regarding, building structure or something like that, my conduit was regularly the House and Senate Sergeant at Arms.

Senator BLUNT. Why do you think the Architect of the Capitol is on the Police Board?

Mr. SUND. As one of the voting members and providing oversight.

Senator BLUNT. But apparently not enough oversight that you thought you needed to involve him in the conversation.

Mr. SUND. Like I said, my usual conduit was going through the House and Senate Sergeant at Arms. That is already two people I have to go to. You know, going to three? In the future I guess if that is something that we will implement, then I will implement it. But I was just following my usual course of action.

Senator BLUNT. Mr. Irving and Mr. Stenger both—let us start with Mr. Irving. Why was the request for National Guard assistance not approved at the same time you approved the expansion of the perimeter? Mr. Irving?

Mr. IRVING. Senator, I did not take the call from Chief Sund on the 4th as a request. Chief Sund called me to tell me that he had received an offer from the National Guard to provide us 125 unarmed troops to work traffic control on the perimeter of the Capitol. Shortly after that discussion, I said, "Let us include Sergeant at Arms Stenger as Chair of the Board and another senior official with quite a bit of experience." The three of us talked it through, and during that call the number one question on the table was: Did the intelligence support that additional offer for those 125 troops?

Senator BLUNT. Did you discuss this with anybody except Sergeant at Arms Stenger and Chief Sund?

Mr. IRVING. No. It was just this one phone call, and during that call we all agreed that the intelligence did not support the troops and collectively decided to let it go. Michael Stenger then said, "How about we put them on standby just in case?" That is what we ended up doing.

Senator BLUNT. OK.

Mr. IRVING. But from what I remember, everyone was very satisfied that we had a robust plan, security plan, that was consistent with the intelligence that we had at the time.

Senator BLUNT. Mr. Stenger, why did you think that the troops were on standby?

Mr. STENGER. I brought up—

Senator BLUNT. They must have been standing way away from where we needed them if it took hours to get them here. What did that mean, they were going to be on standby?

Mr. STENGER. What I did, when I spoke to the Chief, when the Chief brought it up to me, this attempt to get the National Guard, and it apparently was not going forward, I suggested to him that he reach out—he knew the National Guard commander from his previous work in the Metropolitan Police Department, and I suggested he reach out to the National Guard commander for a couple reasons. One of them was I had either read in the paper or heard on the news that the National Guard in D.C. was rather reticent to engage with demonstrations at this time because of the issues that had arisen during the White House demonstrations of a month ago, and that we need to make sure that the National Guard was engaged in this.

Senator BLUNT. Do you think you did make sure that they were engaged and would be willing? I am going to have to go to one more question here. Did you think they were engaged and would be willing if called on?

Mr. STENGER. Yes, that is what I asked the Chief to determine from the general.

Senator BLUNT. All right. Mr. Irving, you said in your testimony that when asked for National Guard assistance, you approved it. Mr. Sund stated that he asked for the National Guard assistance at 1:09 p.m., and it was approved at 2:10 p.m. Why would it take an hour to approve National Guard assistance on your part in that moment of crisis, Mr. Irving?

Mr. IRVING. Senator, from my recollection, I did not receive a request for approval for National Guard until shortly after 2 p.m., when I was in Michael Stenger's office.

Senator BLUNT. All right. Let me get that straightened out. Mr. Sund, do you know when you asked for National Guard assistance? Was it 1:09 or was it 2 p.m.?

Mr. SUND. It was 1:09 p.m., sir.

Senator BLUNT. 1:09 p.m. Who did you ask for assistance at 1:09 p.m.?

Mr. SUND. It was from Mr. Irving. I believe he was in the company of Mr. Stenger at the time as well.

Senator BLUNT. Mr. Irving, why would you not remember that?

Mr. IRVING. Senator, I have no recollection of a conversation with Chief Sund at that time. I was on the floor during the Electoral College session, and my conversation with Chief Sund in that time-frame was shortly before 1:30 p.m. when I recall he was describing conditions outside as deteriorating. He may, in fact, be submitting a request, and I carried that forward, and that was as much as I can tell you. I have no phone record of a call from Chief Sund at 1:09 p.m.

Senator BLUNT. Did you discuss that request at 1:09 p.m. or whenever you got it with anybody else, or did you and Mr. Stenger make that decision then?

Mr. IRVING. I did not get a request at 1:09 p.m. that I can remember. The first conversation I had with Chief Sund in that time-frame was at 1:28 or 1:30 p.m., and in that conversation he indicated that conditions were deteriorating, he might be looking for

National Guard approval and approval of our mutual aid agreements with local law enforcement. I went to Mike Stenger's office awaiting an update—

Senator BLUNT. This is a time, Mr. Irving—I am sure my colleagues will want to follow up on this because I am out of time, but this is a time when the difference in 1:30 and 2:10 or 1:09 and 2:10 makes a big difference. One of the things I am wondering—and we do not have time for you to answer this, but I am going to tell you what I am thinking here—is in a moment like this, if your focus is chiefly on the safety of House Members—and I would certainly understand that—and Mr. Stenger's is chiefly on the safety of Senate Members, maybe that is a problem here where the Board really cannot function as a Board because you have such diverse areas of immediate responsibility. But whatever happened here does not seem to me to be in agreement with the various timeframes, and I am out of time, Mr. Chairman.

Chairwoman KLOBUCHAR. Thank you, Senator Blunt. Senator Peters and I are going to tradeoff chairing here with the votes, and we have a set order that all the Senators' staff have based on a melded set of rules between the two Committees. I would like to submit for the record a written statement from the United States Capitol Police Labor Committee dated February 23, 2021.¹

Chairman PETERS. Without objection.

Chairwoman KLOBUCHAR. Thank you. Senator Portman.

Chairman PETERS. Ranking Member Portman.

Senator PORTMAN. Thank you, Mr. Chairman.

First of all, with regard to the conversation we just had on the discrepancies with regard to the National Guard assistance, I would request that both, Chief Sund, you and Mr. Irving provide us with those phone records. I know there have been some interviews that have been conducted, but I am not sure we have the phone records, and that seems that would clear up some of the confusion.

I want to shift gears a little bit and talk about preparedness. Chief Sund, in your testimony you talked about the need for better intelligence and better coordination. That was your conclusion, and I think that is true. Certainly everything we have learned indicates that was part of the problem.

But what about preparedness? We have received information that prior to January 6th, Capitol Police officers were not trained on how to respond to an infiltration of the Capitol Building. Is that correct, Mr. Sund?

Mr. SUND. When you talk about infiltration, are you talking about a large insurrection like we saw on January 6th? No.

Senator PORTMAN. Why not? Why wouldn't we be prepared for an infiltration of the Capitol given the risk that is out there? I would say to Mr. Irving and Mr. Stenger, both of you have had distinguished careers with the Secret Service. I would ask you all to just give me a quick yes or no answer. Does the Secret Service have training regarding infiltration as an example of the White House? Yes or no. Mr. Stenger? Mr. Irving?

Mr. IRVING. Senator.

¹The U.S. Capitol Police Labor Committee statement appears in the Appendix on page 140.

Senator PORTMAN. I will take that as a yes.

Mr. IRVING. Yes.

Senator PORTMAN. If it is a no—OK. Mr. Stenger, are you a yes also?

Mr. STENGER. Yes.

Senator PORTMAN. OK. It seems obvious that you would have training on responding to an infiltration. I think if nothing else comes out of this process, we have to figure out how to deal with, again, the real danger that is out there, and it seems to me the intelligence reports but also just the previous demonstrations would indicate a need for that kind of training.

Let me ask you about something else, if I could, Mr. Sund, and that has to do with the U.S. Capitol Police officers that I saw on video and the world saw fighting against this attack in street uniforms or soft uniforms. Many of them did not have riot gear. I am told by contrast D.C. Metropolitan Police Department provides all of its officers with such gear, including helmets, shields, gloves, gas masks. Having seen those incredibly disturbing videos and photographs of your brave officers attempting to hold the line to defend the Capitol without that kind of riot gear, are all Capitol Police officers outfitted with riot gear?

Mr. SUND. No, they are not, sir.

Senator PORTMAN. They are not. Why are they not?

Mr. SUND. If you look at the way we outfit our officers, it would probably be very similar to—I think you will find even with Metropolitan—and I had been with Metropolitan for a number of years. They will have a certain number of officers, CDU platoons, as they call. It is not the entire force that is outfitted to the Level 1 CDU with the big protective gear, the helmets, things like that. We have seven CDU platoons that we can activate. Four of those platoons—it is 40 people in a platoon—are activated to what we call the Level 1, the full CDU gear and equipment. It requires extensive cost, extensive training to keep and maintain that level. For us, a number of our officers are posted in interior posts, screening posts, things like that, where that gear would not provide them any support.

We have determined, up until January 6th, that that number of CDU platoons had sufficed for all the demonstrations that we have been dealing with on Capitol Hill—

Senator PORTMAN. Mr. Sund, I would just say, obviously, those officers who you say had interior posts needed it that day. It is not accurate to say that they did not need it. But I know that you activated seven of these Civil Disturbance Unit platoons, and only four of them had riot gear. I do not know why you would have a Civil Disturbance Unit platoon that did not have riot gear. But you have just testified that that is true, that only four of them had it. Is that correct?

Mr. SUND. That is correct, and just one additional point. Since I have been Chief, I have actually pushed for every member in the department to have riot helmets. I ordered those back in September. We had been looking at delays because of Coronavirus Disease 2019 (COVID-19) from the manufacturer getting them delivered, and they actually just started being delivered January 4th

and distributed to our officers just days before this, with limited numbers being given to the officers prior to this event.

Senator PORTMAN. Yes, too late for many of those officers.

Chief Contee, the comment was made that the Metropolitan Police does not all have riot gear. Is that true? I thought that the Metropolitan Police Department officers did have access to riot gear. Could you comment on that?

Mr. CONTEE. Yes. So we have seven platoons that have the hard and hardened gear, but all of our officers have ballistic helmets; all of our officers have batons; all of our officers have gloves as well and gas masks. Our entire department are deployed with that level, but when you are talking about the hardened part, all of the other extras, we have seven platoons that is a different layer of protection.

Senator PORTMAN. But every officer has a helmet; every officer has the protective gloves; every officer has the baton. Is that correct?

Mr. CONTEE. Gas mask. That is correct.

Senator PORTMAN. Gas mask, yes. It appeared to the Metropolitan Police Department, I am told, that the Capitol Police officers did not have the training in civil disturbance tactics that they had. That is what I was told by some of the interviews that we have had. Chief Contee, is that correct?

Mr. CONTEE. Yes, I have heard the same thing with respect to the training of the U.S. Capitol Police officers.

Senator PORTMAN. Are all of your Metropolitan Police officers trained in civil disturbance tactics?

Mr. CONTEE. We have platoons that are trained for every patrol district and Special Operations Division. Some officers do not have the civil disturbance training. Those officers, generally they work on traffic duties or they work assignments back in patrol.

Senator PORTMAN. Chief Sund—

Mr. CONTEE. If I could add, too, one other thing.

Senator PORTMAN. Yes.

Mr. CONTEE. All officers who leave the training academy, they get the basic Civil Disturbance Unit training. All of our officers do get the basic training, but we might have some members, for example, who have been on for 30 years, and they have not been CDU trained, and they work back at a patrol district. But all of our members coming out of the academy, they receive the Civil Disturbance Unit training.

Senator PORTMAN. Mr. Sund, is that true with Capitol Hill police officers also? Are they all trained in civil disturbance tactics as they go through their training?

Mr. SUND. That was a process being implemented. I can check and let you know if that has been fully implemented for new recruits coming out of the academy. That was one of the initiatives I was working on.

Senator PORTMAN. We were working on that, but as far as you know, this training was not being provided even for new officers, much less for those—

Mr. SUND. I believe the new officers coming out were, but I just need to confirm that.

Senator PORTMAN. Yes, I think the bottom line here is that, unfortunately, our officers were not given the proper training with regard to infiltration of the building or the complex with regard to dealing with civil disturbance, and they did not have the equipment necessary to push back and, most importantly, to protect themselves. My hope is that, again, one of the ways that this joint hearing and this Committee report can be helpful is to bring the Capitol Police Department up to speed. I appreciate the sacrifice and the bravery of that day, but I think we also owe it to those officers to provide them the training and equipment they need to protect themselves and to protect the Capitol.

Thank you, Mr. Chairman.

Chairman PETERS. Thank you, Ranking Member.

The Chair now recognizes Senator Leahy.

OPENING STATEMENT OF SENATOR LEAHY

Senator LEAHY. Thank you, Mr. Chairman.

I would like to follow up on what Senator Portman said. I agree with his concerns, but I might ask a question from the Appropriations Committee, and I know time is limited, so these could be yes or no answers.

The Appropriations Committee has always worked in a bipartisan fashion to get money to the Capitol Police. So, Mr. Sund, yes or no: The Appropriations Committee and ultimately the Congress has met your request for salaries and operating expenses in every fiscal year. Is that not correct?

Mr. SUND. Yes, sir.

Senator LEAHY. Thank you. Mr. Stenger, the Appropriations Committee and ultimately the Congress has met your request for salaries and operating expenses in every fiscal year. Is that correct?

I do not hear an answer. I will ask Mr. Irving. Mr. Irving, the Appropriations Committee and ultimately the Congress has met your request for salaries and operating expenses in every fiscal year. Is that correct?

Mr. IRVING. Yes, that is correct.

Senator LEAHY. Mr. Stenger.

Mr. STENGER. Yes, that is correct, sir.

Senator LEAHY. Thank you very much. I have to think not that we had inadequate resources, but a failure to deploy the people that we were supposed to. I look at those who appeared. I looked at the lives that were lost, the police who fought to protect our Capitol. We saw this as a violent, and I would say a planned and organized, attack on the United States, on the U.S. Government, by domestic terrorists. I hope they are all going to be prosecuted as fully as they can be. But when we see people encouraging them, including from the former President of the United States, who urged his followers to fight and to show strength, I really wonder why we did not take it seriously enough to be prepared for them, the hours it took to bring in the National Guard, and everything else.

Mr. Sund, I read your detailed letter to Speaker Pelosi, but you said there was not enough intelligence shared. But in your same letter, you stated that the intelligence assessment, and I am

quoting here, “indicated that members of the Proud Boys, white supremacist groups, Antifa, and other extremist groups were expected to participate in the January 6th event and that they may be inclined to become violent.”

How much more intelligence do we need than that?

Mr. SUND. Yes, sir, that is correct. That is what the intelligence assessment said. It was very similar to the intelligence assessments that we had for the November and December MAGA marches. The intelligence assessments that we had developed for the January 6th event all the way up until January 6th were all saying very much the same thing, and that is what we had planned for. We had planned for the possibility of violence, the possibility of some people being armed, not the possibility of a coordinated military-style attack involving thousands against the Capitol.

Senator LEAHY. But violent and armed strike me as pretty strong things, and I would suggest that everybody get together and look at the future, because if you have something that goes on for months, the President calling them, everybody else calling them, I am worried that there was not more response there. I think until we root out the hate and throw the rioters to our door that day, no fence or tank or barrier is going to provide the safety we need. We want safety, but also, talking about what Benjamin Franklin said, “Those who would give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety.”

But I know a vote is on, and before I close, I do want to commend you, Chief Contee, for your swift response. You do not have an easy job, charged with protecting a city as large as Washington, D.C., and balancing the delicate balance with dozens of other law enforcement. But I commend the two Chairs and Ranking Members for holding this hearing. We will hold more in Appropriations, but we are going to look very closely at the requests this year and say, “What do we do if we have another one of these?”

I thank you, and I yield back my time.

Chairman PETERS. Thank you, Senator Leahy.

The Chair recognizes Senator Johnson.

OPENING STATEMENT OF SENATOR JOHNSON

Senator JOHNSON. Thank you, Mr. Chairman. I want to start off by thanking our law enforcement witnesses for your service. Some of what I have seen from testimony, it seems like there is a fair amount of thought, a fair amount of due diligence that went into this. So, again, I appreciate your service.

I also want to say I find the videos, as you said, Chief Sund, sickening, the violence reprehensible, the racial slurs repugnant, and I want to make sure the perpetrators, the people that engaged in the violence are prosecuted to the full extent of the law.

I have a long list of questions which this format really does not lend itself to asking, so what I will be doing is preparing a letter for the Committee Chair and hoping that they will ask those questions and investigate these issues that I will be listing. But what I want to do in terms of asking some questions, I want to start out by reading excerpts from what I thought was a very interesting eyewitness account by J. Michael Waller. He is a Senior Analyst for strategy at the Center of Security Policy. His areas of con-

centration include political and psychological warfare and subversion. He is a former professor and instructor at the Institute of World Politics at the Naval Postgraduate School. He is a current lecturer at the John F. Kennedy School Special Warfare Center at Fort Bragg. He wrote this piece titled, "I Saw Provocateurs at the Capitol Riot on January 6th," and he basically arrived on the scene about 11:30 from Union Station, and I will just start reading it.

"At about 11:30, I walked from near Union Station . . . and noticed a small number of Capitol Police dressed in full riot gear, with shin guards and shoulder guards. . . . then [I] walked . . . up Pennsylvania Avenue toward an empty Freedom Park."

He noticed that the speech had broken up, and so a crowd was walking down Constitution Avenue. He joined them at 13th Street. But he said "the mood of the crowd was positive and festive."

"Of the thousands of people I passed or who passed me along Constitution Avenue, some were indignant and contemptuous of Congress, but not one appeared angry or incited to riot. Many of the marchers were families with small children; many were elderly, overweight, or just plain tired or frail—traits not typically attributed to the riot-prone."

"Many wore pro-police shirts or carried pro-police black and blue flags."

"Although the crowd represented a broad cross-section of Americans, mostly working-class by their appearance and manner of speech, some people stood out. A very few didn't share the jovial, friendly, earnest demeanor of the great majority. Some obviously didn't fit in." He describes four different types of people: plain-clothes militants, agents provocateurs, fake Trump protesters, and then a disciplined, uniformed column of attackers. I think these are the people that probably planned this.

He goes on: "The D.C. Metropolitan police were their usual professionally detached selves, standing on curbs or at street crossings and exchanging an occasional greeting from marchers."

"When we crossed First Street NW to enter the Capitol grounds where the Capitol Police had jurisdiction, I noticed no police at all. Several marchers expressed surprise."

"The openness seemed like a courtesy gesture from Congress, which controls security."

"But that appearance of low threat level made no sense."

"Yet no Capitol Police appeared anywhere from what we could see"—now, again, I am taking these excerpts in order, but there is a lot more to this piece.

"What looked like tens or even hundreds of thousands of people surged down the avenues as far as one could see. . . . but almost everyone seemed talkative and happy."

"No police could be seen on the platform for now. No police could be seen anywhere."

"People kept surging in from Constitution Avenue, and the plaza quickly filled up and overflowed onto the lawn. Everyone squeezed closer and closer together, with most in high spirits. Some trouble began up in the front, near the base of the inaugural platform itself, but we could not see what was happening."

“Then something happened at the front of the crowd. . . . It seemed like a scuffle, but from 40 feet back, I couldn’t see. People started chanting ‘USA, USA,’ and other slogans.”

“For a few seconds I saw what looked like police in a tussle with some of the marchers up front—what appeared to be an organized group in civilian clothes. This organized group are the cell I call the ‘plainclothes militants.’ They fit right in with the MAGA people.”

“Suddenly energy surged from the front of the crowd as the anti-riot police, above on the inaugural platform, visibly tensed up. . . . One fired a teargas canister—not at the plainclothes militants at the front line, but into the crowd itself. Then another. Flash grenades went off in the middle of the crowd.”

“The tear gas changed the crowd’s demeanor. There was an air of disbelief as people realized that the police whom they supported were firing on them. ‘What are you doing—we support you,’ someone yelled.”

“All of a sudden, pro-police people felt the police were attacking them, and they didn’t know why.”

“More tear gas. A canister struck a girl in the face, drawing blood. The pro-police crowd went from disbelief and confusion to anger.”

I will stop there. The last five pages is titled “Provocateurs Turn Unsuspecting Marchers into an Invading Mob.”

I would really recommend everybody on the Committee read this account, and I ask that it be entered into the record.¹

But, Chief Sund, I want to ask you, is one of the reasons—the House managers made a big deal that this was predictable, this was foreseeable, which I do not believe. Do you believe that the breach of the Capitol was foreseeable and predictable?

Mr. SUND. No, I do not. If you look at some of our other partner agencies, I think Acting Chief Contee actually made the statement that the breach of the Capitol was not something anybody anticipated, nor do I think some of our Federal partners expected it. I do not think Secret Service would have brought up the Vice President if they expected it.

Senator JOHNSON. Is part of that because of what you had experienced in the past, what this Mr. Waller experiences, the vast majority of Trump supporters are pro-law enforcement and the last thing they would do is violate the law?

Mr. SUND. I will say that, information I have received from some of my officers where they were trying to prevent people from coming into the building, and people were showing up saying, “Hey, we are police, let us through,” and still wanting to violate the law to get inside the building.

Senator JOHNSON. Again, I have a long list. I want to close with the two former Sergeant of Arms. I knew these Committees were going to start an investigation. I waited a couple weeks. I did not see any oversight letter go out, so I wrote my own on the 21st, and I just have a question for both the former Sergeant of Arms. Did you get my oversight letter, with my questions?

¹The information referenced by Senator Johnson appears in the Appendix on page 112.

Mr. IRVING. I did not receive your letter. I left town right after I resigned, but I certainly look forward to working with you and your staff to answer your questions.

Senator JOHNSON. OK. If you would give us an address, because we sent it to the Acting Sergeant of Arms. That Acting Sergeant of Arms will not even let us know whether they passed that letter along to you. Apparently they did not.

Mr. Stenger, did you receive my letter?

Mr. STENGER. I do not recall it, Senator, but it might have come. I do not recall.

Senator JOHNSON. Chief Sund, one last question for you. Do you regret resigning?

Mr. SUND. Yes, I do, sir. I certainly do regret resigning. I love this agency. I love the women and men in this agency, and I regret the day I left.

Senator JOHNSON. Mr. Irving and Mr. Stenger, I really wish you would respond—first of all, look for my letter, and I would like an answer to that as quickly as possible.

Thank you.

Chairwoman KLOBUCHAR. Thank you, Senator Johnson.

We are waiting for Senator Warner and any other member—I see Senator Rosen. Would you like to go ahead? Because you are the first member on. Senator Rosen.

OPENING STATEMENT OF SENATOR ROSEN

Senator ROSEN. Perfect. Thank you very much, Senator Klobuchar, and thank you, everyone, for being here today. Bringing this hearing is much needed, and I think it is the first of many.

But I would like to start off by expressing that my thoughts are with the brave Capitol Police officers that put their lives on the line to protect us on January 6th and their heroic actions like the ones of Eugene Goodman. They redirected those violent rioters away from us. They are going to forever be embedded in our minds, and we know that so many of these courageous men and women, they are really hurting in the aftermath of the insurrection. I have been particularly heartbroken to hear about the death of Capitol Police Officer Howard Liebengood, who has been protecting the Senate since 2005. He was stationed by the door of my Russell office. My prayers are with him and his family and his loved one.

But, insurrectionists, when they came to storm our Capitol on January 6th, they came on not only with weapons but also with hate. Mere weeks before International Holocaust Remembrance Day, the world watched in horror as a rioter inside the Capitol proudly wore a “Camp Auschwitz” shirt as he and others violently pushed forward on the House and the Senate floors. All the while the rioters are waving Confederate flags, are hanging nooses on the front lawn. They are verbally assaulting a Jewish reporter outside the Capitol, saying, “You are cattle today.” That refers to cattle cars that used to transport Jews to Nazi death camps during the Holocaust. This violent attack on the Capitol featured followers of the anti-Semitic QAnon conspiracy theory.

Mr. Contee, on January 4th, the Metro Police Department arrested Enrique Tarrío, leader of the racist, anti-Semitic Proud Boys hate group. The FBI claims that the next day it shared with MPD

concrete intelligence about extremist plans for violence on January 6th, including specific threats on Members of Congress, maps of the tunnels under the Capitol Complex. If MPD was tracking extremist, potentially violent white supremacist activity, then what exactly did you know on January 5th? And why didn't you alert anyone?

Mr. CONTEE. Thank you for that question. What the FBI said, ma'am, on January 5th was in the form of an email. I would certainly think that something as violent as an insurrection in the Capitol would warrant, a phone call or something. But as Chief Sund mentioned earlier, the information that was sent was uncorroborated information. It was raw. The information that we received through the same lines—through the JTTF—that information was not fully vetted and had not been sent through the chains of the Metropolitan Police Department. What the Metropolitan Police Department was prepared for was the larger violence and demonstrations that we expected to see in our city.

Senator ROSEN. I have to ask Mr. Sund the same question now. What did you know as of Tuesday night, January 5th? Because I have a follow-up for both of you on this one. So, quickly, Mr. Sund, what did you know on January 5th? And were you alarmed or not alarmed? What did you expect?

Mr. SUND. Yes, I was concerned. We had the intelligence that was coming out, the intelligence that we would be planning for. Again, keep in mind the intelligence assessments that we had developed at the end of December and the one for January 3rd were very similar. They just provided a little bit more specificity. We had already been planning for the threat for violence, the threat for armed possible people protesting, and that is what we were planning for.

Now, if you are referring to the Norfolk letter, again, I just became aware of that—the department was aware of that—24 hours ago. On the 6th or the 5th or the 4th, I was not aware that memo existed.

Senator ROSEN. You are saying that there is a breakdown between you and the FBI? Because we have rallies, protests, and things happening in Washington all the time. Could both of you just maybe give a guess how many do you think are usually with armed insurrectionists or come heavily armed out of the hundreds, perhaps thousands of rallies that we see in Washington through the year?

Mr. CONTEE. We know of the last three incidents. The first two MAGA rallies, men and women of the Metropolitan Police Department recovered firearms from several people who were attending the demonstrations at the first MAGA rally as well as the second one. Aside from that, those have been really the only demonstrations where we have seen individuals coming armed.

Senator ROSEN. Do you think this was an intelligence breakdown or a resource issue?

Mr. CONTEE. I think that the intelligence did not make it where it needed to be in terms of—

Senator ROSEN. So you think the FBI did not raise this to the level they needed to with the Metropolitan Police Department in your mind?

Mr. CONTEE. We received it in the form of an email that came as an alert bulletin at 7 p.m. the day before. Our posture at the Metropolitan Police Department, again, I think, it is reflected in our deployment in terms of not just the National Guard that was deployed, but as well as other officers from surrounding jurisdictions. That reflected the seriousness that we took with respect to the threats that we were expecting to see in this city.

Senator ROSEN. Mr. Sund, can you tell me, do you think this was a resource issue or an intelligence breakdown or something else? If you will be brief, because this is very important.

Mr. SUND. Yes, ma'am, I will be very brief. It was part of my introduction. I think it was more than just the Norfolk letter. I think we need to look at the whole entire intelligence community and the view they have on some of the domestic extremists and the effect that they have. I look at this as an intelligence problem that impacted this event, yes.

Senator ROSEN. What information would you have had to have heard to have raised up the flag to get more resources for the Capitol Police? Because, thank goodness—I mean, we saw loss of life, and thank goodness there was not more, but one is too many. What is your threshold then? What should be the threshold to protect the Capitol and to protect your officers?

Mr. SUND. I did in advance reach out to the Washington, D.C., police to coordinate resources, and I did also go to both the House and Senate Sergeant at Arms to request the National Guard.

Senator ROSEN. Mr. Contee, I think I have five seconds, and we can take this off the record, but I believe there are some plans by QAnon for something to happen to the Capitol on March 4th. I want to hear what steps we are taking to protect the Capitol on March 4th from any more violent extremists. Thank you.

Chairwoman KLOBUCHAR. OK. We will have you talk to him about that later.

Senator Warner has arrived via video, and I also want to mention Senator Peters will work with our witnesses for restroom breaks and the like and let us know so that—we do not want to take a long break, but I can imagine you need a break at some point here. Senator Warner.

OPENING STATEMENT OF SENATOR WARNER

Senator WARNER. Thank you, Madam Chairman, and thank you to the witnesses for appearing today. We have talked a little bit about the deployment or lack of deployment of the National Guard. One of the questions, I guess, Mr. Sund, or frankly, Chief Contee, the fact that the District did not have the ability to bring the Guard to the table because of, frankly, the fact that they are not a State and Mayor Bowser is not treated, I think, in a totally fair fashion in this. This may be outside your lane, but her inability to bring the Guard to the table—and actually any of you on the panel can answer this—that to me is a reflection of the disempowerment of the District.

On a going-forward basis, at least in terms of being able to deploy the Guard, shouldn't the Mayor of the District of Columbia have the ability to do that without all the additional hurdles they have to go through in terms of Federal checklists?

Mr. CONTEE. Yes, I absolutely agree with that.

Senator WARNER. Does anybody else want to answer on that question as well?

Mr. SUND. Yes, sir. I am happy to add in. I think we have an established process for the Capitol Police to make the request through the Capitol Police Board that is also equally as effective.

Senator WARNER. Again, I feel like the long-term discrimination against the District—we have seen it in some of the COVID legislation where they did not receive the same kind of level of support that other States did. We saw it play out in real time in terms of on January 6th, hurdles from the previous administration. I actually have concerns whether the deployment of the Guard was affirmatively slowed down. I hope that we in the Congress will—as a supporter of D.C. statehood, I would like to see that move forward, but even short of that, trying to ensure that the Mayor has appropriate powers going forward.

I know there were some questions already raised about the FBI and whether the intel that came out on the Norfolk FBI office was ever fully relayed to all of you individuals. But can you talk more generally about the FBI's responsiveness, sharing of intelligence? I had a number of conversations. I called Director Wray on Monday, the 4th, trying to express concerns that there might be this kind of activity. I never expected this level of violence. I had a number of conversations with senior FBI leadership on the 5th through the 6th. I candidly was—I do not think even the full FBI could have been fully informed of all of what was going to come to pass, but I felt like the FBI felt that they were in better shape in terms of intel and preparation than what came to be the case. I would like each of you to comment on how well you felt that the FBI did in terms of sharing intelligence and then coordinating when the actual activities of the 6th played out.

Mr. SUND. I will go ahead and—do you want me to address that first?

Senator WARNER. Yes. I cannot see where you all are, so every one of you can take a crack at that.

Mr. SUND. I will go ahead and start first. I think the relationship we have with the FBI is outstanding. I think in my time with Metropolitan and my time here, we have seen nothing but the relationship get better. The construct that we have that is very similar to some of the other major cities is having the JTTF, being involved with that. The information we are getting in is good. I think the process and having, like I said earlier, the wider lens of what information is being collected, maybe looking at the agencies that are consumers of their information and what their intelligence collection requirements are is something that we need to look at. But I think, getting that information in and then having it processed and pushed forward in an effective manner is something we need to look at.

I would say on the 6th, when this started happening, immediately the FBI, as being a partner of ours, established a process where with Capitol Police and FBI police, we can begin to analyze video footage, analyze other evidence to begin going out and making arrests of the individuals that had created the insurrection in the Capitol.

Mr. CONTEE. Yes, I will go next.

Senator WARNER. What I want to know is did we get enough intel beforehand? If we can get the balance of the panel to respond?

Mr. CONTEE. Yes, sure. I would echo what Chief Sund just mentioned. We have had a great working relationship with the FBI. I think it is a whole-of-intelligence approach, not specifically just the FBI, when we have something as significant as what occurred here at the U.S. Capitol. If there is information, specific information out there that our Government is responding to, I would think that something of that nature would rise to the level of more than just an email that is sent to law enforcement agencies. That should be a larger, more involved conversation about specifics, not just some of the unvetted raw information that is out there. We see a lot of that, but I think it is more of a whole-intelligence approach, not specifically the FBI. They are great partners to the Metropolitan Police Department.

Senator WARNER. Thank you. I do not know if any other panel members want to add any comment on that. Let me just say that my concern is that in Virginia, we have seen these kinds of antigovernment extremists take to the streets of Charlottesville in 2017, resulting in the death of Heather Heyer. We see the same kind of groups come to the forefront on January 6th. I think this is an ongoing threat to national security.

I fear at times that while the FBI and others have pointed this out, that it did not get the level of serious review that it should have with the prior administration, I have felt at times that they did not want to take the information that was coming out of the FBI.

I hope on a going-forward basis we are going to be able to be more coordinated in terms of taking on antigovernment extremism, whether it comes from the left or the right. This is a real ongoing threat. I can tell you from our Intelligence Committee that we have seen that many of these groups have connections and ties to antigovernment extremist groups in Europe, where they have taken a great precedent.

I know my time has expired, Madam Chairman, but this is something we need more work on. Thank you for holding this hearing.

Chairwoman KLOBUCHAR. Thank you very much, Senator Warner. We look to working with you and the Intelligence Committee on this.

Next will be Senator Lankford, and after that, Senator Carper.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. Thank you. Mr. Sund, I want to try to validate something. There is a letter that is in the public domain at this point that is an eight-page letter that was written to Speaker Pelosi that is attributed to you to try to explain the events of that day. Are you familiar with that letter in the public domain? is it accurate?

Mr. SUND. Yes, it is sir.

Senator LANKFORD. So in the letter itself, you described several things in this and the details and the timeline on it. Can you tell me why you wrote this letter to Speaker Pelosi? What was the purpose of the letter?

Mr. SUND. I feel at the time I resigned, I had limited communications with my department. I know my department was getting ready to go and testify at some of the initial committee hearings. I think that she had called for my resignation without full understanding of what we had prepared for, what we had gone through. I think she deserved to read, firsthand what we had prepared for and what I dealt with for the 6th.

Senator LANKFORD. OK. That is helpful. You had said in this, you talked several times about thousands of well-coordinated, well-equipped violent criminals and described them, with climbing gear and all the things that you have also testified here. You also mentioned this letter about the pipe bombs that were located, that the first word will come at 12:52 p.m. that a pipe bomb had been located at the Republican National Committee headquarters. How was that located? Who found it? Why was that particular moment the moment that it was found?

Mr. SUND. I do not know why that was the particular moment that it was found. I believe it was an employee of the Republican National Committee that had located it in the rear of the building that had called it into Capitol Police headquarters.

Senator LANKFORD. You had mentioned before that you thought this was part of the coordination, that there were several that were out there that would take away resources at that exact moment, but there is no way to know that they would find it at that exact moment. I am glad they did find it. They found another one at the Democrat headquarters as well at 1:50 p.m., and you document that as well. But you had to send quite a few individuals to be able to go to the RNC and the DNC to be able to go deal with those explosives that were planted there. Is that correct?

Mr. SUND. That is correct. For your information, the RNC pipe bomb, that was one that was really run by Capitol Police. The DNC, Metropolitan ended up taking that and running that so we could run two concurrently. That resulted in the evacuation of two congressional buildings, the Cannon House Office Building as well as one of the Library of Congress buildings. It took extensive resources.

Senator LANKFORD. The assault on the Capitol is not what caused the evacuation of those buildings. The discovery of those pipe bombs is what caused the evacuation of those buildings.

Mr. SUND. That is correct, sir.

Senator LANKFORD. There has been quite a bit of conversation today and quite a few members here that have talked about the National Guard and the length of time that it took to be able to go through the bureaucratic process to be able to get them deployed. I do think that needs to be shortened obviously in a deployment structure and the complexity of the bureaucracy here. But it seems to be a misunderstanding on this dais with some individuals describing the National Guard as if they are the riot police that can automatically be called out.

Were you expecting them to be like a rapid response special weapons and tactics (SWAT) team at this point? What is a typical response from the National Guard to be able to call them out when they are not currently positioned?

Mr. SUND. I believe the typical response once they are approved is approximately two hours.

Senator LANKFORD. OK. But then the approval process is obviously multiple hours to do that or multiple days to do that. You had started that process several days before in making some requests.

Mr. SUND. That is correct. As far as the process, my initial request was over to Mr. Irving. It was actually an in-person request on the 4th. It was not until the evening of the 4th that I talked to General Walker that he informed me that, if needed, because Mr. Stenger wanted me to ask them if they can lean forward, they can get 125, if needed in a fairly quick fashion, once approved. So that is what led into January 6th, when we made the initial request at 1:09 p.m.

Senator LANKFORD. But that 125 individuals from the National Guard that were prepared to be able to move faster because they were in streets and different places dealing with traffic duty at that point, you had already been informed that the city of Washington, D.C., and the Mayor's office had made a request to DOD and DOD had approved it, that none of them would be armed, none of them would have heavy gear on. There would be no military vehicles that would be available to them. They had to use unmarked vans and other Government vans. There would be no helicopters that would be used. Those were prohibited that day for those 125 individuals that were already on the street. Is that correct?

Mr. SUND. Just for correction, at the time, no, I did not know that was the restrictions being placed on them. Two, when I talked to General Walker the evening of the 4th, which was Monday evening, the 125 he was going to give us were 125 that were doing COVID relief for the District of Columbia, not assigned to the traffic post.

Senator LANKFORD. OK. The individuals that were assigned to traffic duty had no weapons, had no military vehicles to move, had no overhead visual on anything. That had all been requested no from the city of Washington D.C.. Then for the other individuals that could be assigned to use rapid force, those were folks that were currently doing COVID duty. You had no SWAT team. This description is very interesting to me around this dais that people think that suddenly the National Guard just bursts in and is ready to go on that. That is not what the National Guard is pre-positioned to do.

Mr. SUND. That is correct. Anytime we have requested the National Guard, they have been in an unarmed fashion. I was looking for them to help support the perimeter that we had established.

Senator LANKFORD. OK. There has been some concern now. I have talked to some of the officers here, and there has obviously been some conversation around this dais as well about the rules of engagement and about training and authorization. There was not training for what to do if a mass group actually comes through the door and tries to burst through, whether it is an insurrection type event, whether it is just a mob that has gone crazy and whatever it may be, or a protest that gets out of hand, to be able to burst through the door. There was no clarity for the officers inside the building on their rules of engagement once they actually came to

the building. They literally, my impression is, had to make it up on their own, and they determined their stand was going to be where the members and the staff were located. That was going to be their stand to start using lethal force. I have a couple questions for that.

At this point now—and I understand hindsight is 20/20—is there a need for much greater less-than-lethal force capability on officers at the time or available to officers at a time that they have less-than-lethal capabilities and clear rules of engagement of what to if you have a group of individuals come into the building unauthorized?

Mr. SUND. So just for a little clarification, we do train for people trying to get into the building. We do not train for, what I said, an insurrection of thousands of people.

Senator LANKFORD. Right.

Mr. SUND. Our officers do have less lethal capability that they carry with them. With hindsight being what it is from January 6th, absolutely, I think there needs to be additional training and additional equipment to consider this type of attack in the future.

Senator LANKFORD. The challenge is we all watched this summer—in fact, this Committee on Homeland Security had a hearing on the assaults on a Federal courthouse in Portland and went through and all of us saw for a month individuals just attack that courthouse day after day after day. We saw the techniques that were used. Some of those same techniques were used by individuals that came in here. I am not saying it was the same individuals, but some of those same techniques of trying to be able to work to the fence, to be able to find it, to be able to find a way to be able to attack officers.

The challenge is that we saw that this was rising, I guess, that people were watching on TV people attacking a Federal institution all summer long. It is a follow-up that we are going to have to do in the days ahead of how to be able to get less-than-lethal capability and to find ways to be able to stop any kind of assault of a number of individuals to be able to come on the Capitol.

I appreciate your service. I appreciate very much the officers that continue to be able to serve, because they have not had a gap. They have not had a break since that time period. I know you still interact with them; at least I hope you do.

Mr. SUND. I certainly do.

Senator LANKFORD. I would encourage you to pass on from us our gratitude. We are all looking at this as a hindsight, 20/20, saying, “Why couldn’t you read the tea leaves at this particular scrap of intelligence that came in the night before?” None of us saw it at this level. We are grateful for the service they continue to do, and let us find the lessons we can learn.

Mr. SUND. Thank you very much, sir. I know they appreciate your support as well as the support of Congress. They are a hell of a police agency.

Chairwoman KLOBUCHAR. OK. Thank you, Senator Lankford.

Next, thank you for your patience, Senator Carper.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. My pleasure. Thank you, Madam Chair.

Chief Contee, as a former Governor of the First State of Delaware for eight years, I recall numerous instances in which I called on the Delaware National Guard in emergencies. There could have been the floods, blizzards, ice storms, drought, you name it—a lot more. I know the importance of and the value of work that our citizen soldiers have done for decades in the First State and other States around the country.

As we have learned, in contrast to every other States' National Guard in the country, the D.C. National Guard operates differently. I am convinced if someone had been able to activate the D.C. National Guard and have 1,000 or 2,000 guardsmen and—women deployed at the Capitol in a timely way on the 6th of January, this death and destruction would not have occurred.

Unlike the 50 States that we have, the leader of the District of Columbia is not empowered to activate the D.C. National Guard during an emergency. That is one of the reasons why I have worked for years with Congresswoman Eleanor Holmes Norton in support of legislation to admit Washington, D.C., as our 51st State and to provide equal rights to the Americans who make this community of over 700,000 people their home.

Here is the question. Chief Contee, in your testimony, you highlight that a request for D.C. National Guard assistance at the U.S. Capitol on January 6th would have had to have been made by the U.S. Capitol Police with the consent of the U.S. Department of Defense. Can you just take a minute to explain that process and why Mayor Bowser is not able to request D.C. National Guard assistance when Federal installations and property, as well as human lives, are threatened in the District that she leads? Please, go ahead.

Mr. CONTEE. Yes, thank you for the question. Yes, so the Mayor does not have full authority over the National Guard to include their activation or deployment. We make a request as the District of Columbia. We make a request; we send that to the Federal Government. Ultimately, the Secretary of the Army receives that request. There is a whole approval process that that request has to go through in order for National Guard resources to be deployed to the District of Columbia, unlike Governors in other States who are able to activate their National Guard without going through those approval processes and receiving approval from the highest level of the Federal Government. That just does not have to take place in other States, so a real hindrance to us in terms of our response and the ability to call them up.

Senator CARPER. Thanks. Thanks for that response. Could you just take a minute to share with us your thoughts on whether having the D.C. National Guard under the command of the Mayor or even a Governor of a neighboring State might help the D.C. Metropolitan Police in coordinating with Federal authorities to better protect the city and its citizens, and along with Federal installations during the assault like the one we experienced on January the 6th?

Mr. CONTEE. Yes, I think we certainly should. We knew even on that day, on January 6th, prior to any movement of the National Guard from the assignments that they have been given, the traffic posts, again, that required approval at the highest levels of the

Federal Government, to include the Secretary of the Army, the Secretary of Defense, in order to just move the National Guard or change of mission, in essence. So, yes, I think that that should certainly be something that falls under the Mayor's authority.

Senator CARPER. All right. Thanks so much.

A question, if I could, for Mr. Sund. In your testimony, you state that the events of January 6th were not the result of poor planning on behalf of the U.S. Capitol Police but, rather, a lack of actual intelligence that would have allowed the Capitol Police to properly prepare.

As I was looking through Mr. Stenger's testimony, former Sergeant at Arms for the U.S. Senate, he states, and I want to quote, he says, "The chain of information and resources is paramount for success." That is his quote. I strongly agree with that statement.

Mr. Sund, what went wrong leading up to January 6th with regard to gathering and sharing actual intelligence? Why do you think the likelihood of a truly devastating attack was so badly underestimated? Mr. Sund.

Mr. SUND. I think as you start to hear from some of the Federal agencies on the investigations that are currently going on, where they are finding evidence that this was a coordinated attack that had been coordinated among numerous States for some time in advance of this, that is the information that would have been extremely helpful to us, for them to detect some type of level of coordination that would have given us the indication that we are going to see more than just "may become violent," you know, "may be inclined to violence" type of preparations. You look at it now, knowing what occurred, you see what type of resources were brought to bear around the Capitol. That type of information could have given us sufficient advanced warning to plan for more of an attack such as what we saw.

Senator CARPER. The great Paul Newman movie "Cool Hand Luke," has a line that probably a lot of people, certainly in my generation, remember: "What we have here as a failure to communicate." That was right at the end of the film. "What we have here is a failure to communicate."

Did we have a failure to communicate here? I am not one who is crazy about pointing fingers and assigning blame, but to whom do we assign that failure to communicate?

Mr. SUND. I believe that question is for me, sir. What I look at is, we have a process for communications, and being a consumer of intelligence, I look at it more of, I think there is a failure of having a wide enough lens to look at what are the current threats that we are facing in the Nation now from some of the domestic extremists. I think the communications processes are there. They need to be worked on a little bit, but I think the intelligence community needs to broaden its aperture on what information it collects.

Senator CARPER. We now know in retrospect that the rioters on January 6th did not begin on January the 5th, the 4th, or the 3rd. It started weeks before and was fomented, encouraged, as we now know, by, among others, our President. Somehow all of that work and all the intelligence that was gathered by the FBI and Homeland Security never found its way to the people who right here in

D.C. could have used it the most to have avoided the tragedy of January 6th.

Thank you. Our thanks particularly to the officers at the U.S. Capitol Police and others who joined them in trying to protect us in this Capitol on that sad day.

Chairman PETERS. I know we have several members ready to go, and we want you to go as quickly as possible, but there has been a request from our witnesses, who have been here a long time, if we could give them a five-minute break, and then we will reconvene in five minutes with additional questions. We will recess for five minutes.

[Recess.]

We are going to bring this hearing back to the order. Get our remote folks. It is good to see you on remote. Mr. Sund, welcome back.

Senator Merkley, you are up for questions.

OPENING STATEMENT OF SENATOR MERKLEY

Senator MERKLEY. Thank you very much, Mr. Chairman, and thank you to our witnesses.

Mr. Sund, on January 4th, MPD arrested the leader of the Proud Boys for destruction of property and possessing high-capacity firearm magazines, and on the following day, on January 5th, the FBI issued a report through the Joint Terrorism Task Force, which includes going to the U.S. Capitol Police, and that report noted that on far-right media the threats included things such as, the comments such as, "Be ready to fight. Congress needs to hear glass breaking, doors being kicked in, blood from their Black Lives Matter (BLM) and Antifa slave soldiers being spilled. Get violent, stop calling this a march or a rally or a protest. Go there ready for war. We get our President or we die. Nothing else will achieve this goal."

Did you get that FBI intelligence report?

Mr. SUND. I addressed that right when we started. The United States Capitol Police Department did get that report. I was just advised of that in the last 24 hours. That report made it from the Joint Terrorism Task Force over to our Intelligence Bureau, over to a sergeant there, and ceased moving forward at that point. No leadership, myself included, over at Capitol Police was made aware of that at the time of the event.

Senator MERKLEY. You have referred in your testimony to the individual who is the head, John Donahue, the Director of Intelligence on the U.S. Capitol Police. Did he receive that report, but he did not pass it on to you as head of the USCP?

Mr. SUND. Again, I have no knowledge that he received that report. I have been told it went over to a official with the rank of sergeant and did not move any farther from there.

Senator MERKLEY. OK. That is very concerning. Were there not procedures for the head of intelligence on the U.S. Capitol Police to get the intelligence report, to review it, especially when there were significant other indications of potential violence, and make sure that you as the leader had that knowledge on which to develop additional plans, if additional plans were needed?

Mr. SUND. I am sure that is something that they are looking at in their current after-action. Yes, there is a process for it, but, again, as I mentioned before, that was raw intelligence that was coming in. Again, taken in consideration with everything else, none of the other intelligence was showing that we are looking at this type of a broad insurrectionist type of a event with thousands of armed, coordinated individuals.

Senator MERKLEY. I know you are saying that folks are looking at that now, but my question was, did you have a procedure for important intelligence to be brought directly to your attention? Did that system break down, and that is why you did not see the warnings about blood being spilled, get violent, be ready to come and die?

Mr. SUND. Yes, there is a process in place to make sure that critical, important information is brought up to leadership. Again, that was something that would have gone through the development and the analysis of that information.

Senator MERKLEY. OK. So you are saying the intelligence side of U.S. Capitol Police failed to get that into your hands.

Let me turn to rules of engagement. Officers are out there, and there was an expanded perimeter, which you have referred to, and you have those kinds of perimeter fence that looked like bike racks, and in a normal situation, those tell peaceful protesters this is where you stop.

Was there any sort of discussion or training about what to do if protesters started picking those things up and opening holes in that perimeter? What were the rules of engagement? If I am a police officer that day on the line for the Capitol Police, was I trained? What do I do when those perimeter fences are breached? Do I use spray? Do I use a stun gun? Do I use tear gas? Do I have a clear sense of exactly how I am supposed to respond?

Mr. SUND. Yes, there are rules of engagement. There is a use-of-force policy, and there is also civil disobedience unit training that has to do with when you have a noncompliant group, how you deal with noncompliance and gaining compliance, which would include hand control techniques, the application of chemical spray, and then impact weapons.

Senator MERKLEY. On that day, you issued rules of engagement that included what, specifically? I am an officer. What was I supposed to do if those barricades were breached?

Mr. SUND. There are rules of engagement that exist. They were not issued just that day. They existed.

Senator MERKLEY. They do not vary from event to event based on threat analysis?

Mr. SUND. No, sir.

Senator MERKLEY. That perimeter you said got larger, which meant police officers were spread out over a larger area. Once it was breached, what are the directions to the police on the team to be able to retreat to a defensible point?

Mr. SUND. What we had is we had what is called an "incident command system" established. You have an incident command for both the exterior, the resources on the exterior of the building that would provide those officers, those CDU units, with specific directions on where to go, what is the next step, if you are going to re-

treat up to the upper west terrace, which I believe which is what they were told to do, as well as an incident command system inside the building handling the joint session and activities going on inside.

Senator MERKLEY. I am out on the plaza, and the crowd swarms past me. I have an assigned place to go to retreat to that is defensible?

Mr. SUND. The incident commander would be providing direction to people in the field on where to retreat to make the next stand.

Senator MERKLEY. So no advance information. How do you avoid the situation of those who are guarding a door, closing and locking the door and leaving police officers stranded outside of that locked perimeter?

Mr. SUND. So your question, how do you prevent that? Is that what you are saying?

Senator MERKLEY. How do you prevent that? If you have folks who are guarding a door, and protesters are trying to get through it so they are trying to lock that and prevent it, and there is not a pre-plan for how to deal with officers who are stranded outside of those doors, how is that handled? Do you have drills on that? Do you have set instructions on that?

Mr. SUND. Again, that is something I would look for the onsite official, the onsite incident commander, to provide those officers with directions where to relocate to.

Senator MERKLEY. OK. Let me put it this way: Have you ever held a drill to respond to this situation where a crowd pushes past the exterior barricades?

Mr. SUND. Not this level of a situation, no, sir.

Senator MERKLEY. To what level have you had such drills?

Mr. SUND. We have done various exercises with people, activities on the grounds, during civil disobedience training, how to handle riotous groups—

Senator MERKLEY. OK. Thank you. I am going to turn—I just have seconds left—to our former Sergeant of Arms for the Senate, Mr. Stenger. At the time that we were in the Senate chamber and the protesters, the rioters, reached the perimeter of the Senate, there was a very quick rush to try to lock the doors, and there were people searching for how do you lock these, and there are many entrances on the balcony.

Has there ever been any sort of a drill with the Sergeant of Arms team or in partnership with the Capitol Police on how to secure the doors to the chamber as a last point of defense?

Mr. STENGER. Yes, sir. At least once a year, they hold a chamber action drill, where they would work together with the Capitol Police, with the doorkeepers, to do a lockdown so they know when they should lock down.

Senator MERKLEY. That is done as an actual drill, where people have to run, get the keys, lock the doors. They know what doors they are supposed to guard. Are they supposed to guard them from the inside or from the outside and so forth?

Mr. STENGER. Yes, sir.

Senator MERKLEY. When was the last such drill of that nature conducted?

Mr. STENGER. I would have to go back and check, but we try and do it once a year.

Senator MERKLEY. OK. I think I am out of time, and thank you very much to the Chairman.

Chairman PETERS. Thank you, Senator.

Senator Scott, you are recognized.

OPENING STATEMENT OF SENATOR SCOTT

Senator SCOTT. Thank you, Chairman. First off, I want to thank everybody for your hard work. We have National Guard up here. We have had them, I guess, since around the 6th. Can you tell us how you made the decision to bring the National Guard here, each of you, to the extent you are involved, or if you were not involved, how the decision was made? The National Guard presence we have here, not as a result of the riot, but the National Guard that has put up the fencing and all that.

Mr. SUND. OK. So that began to be developed the evening of the 6th. When we made the request, we got the National Guard in, we started looking to the future, what was going to be next. We started talking about bringing in the first section of global fencing, which basically went right around Capitol Square, which is Constitution, Independence, First to First. We got that in place.

Then we started looking at what necessary National Guard resources working with the National Guard representative, so that was developed with Capitol Police working with, I believe, the Sergeant at Arms at the time, in the evening, going into the 7th that we developed that.

Senator SCOTT. OK. Were you the only one involved or were the Sergeant at Arms involved?

Mr. SUND. I believe so. I would have to go back and pull that information. We were working on a number of different aspects of it at the time, but I had my general counsel as well as our operations people working on the request and the coordination with the National Guard.

Senator SCOTT. What was the purpose of the original—the National Guard that came and put up the fencing, what was the rationale? What was the threat assessment?

Mr. SUND. Just to make sure I understand, you are talking about the National Guard that came on the 6th?

Senator SCOTT. No; the presence that stayed after.

Mr. SUND. Oh, the one that stayed after. So what was the threat assessment?

Senator SCOTT. What was the threat assessment, and why was it set up that they would be here for, it seems like now months on end?

Mr. SUND. Well, beyond the 8th—again, my departure date was the 8th, so the information I have is up until the 8th. It was based—they were putting them in place based on the mass insurrection that we had on the 6th. I was not aware of any additional intelligence at that point. They were just concerned about possible violent extremists regrouping and staging another attack on the Capitol.

Senator SCOTT. You have not seen anything that would give us a threat assessment now that we have a concern that we need to

have the National Guard presence? It does not mean there is not some, but you have not seen anything?

Mr. SUND. No, sir. I have been really not in that environment since the 8th.

Senator SCOTT. OK. Any of the others that are here to testify, do you have any threat assessment you have seen that there is a reason that we have the National Guard here today?

Is that a no from everybody? No one has any idea why we have the National Guard here?

Mr. CONTEE. This is Chief Contee. Yes, my guess is in response to all of the things that have happened, but to your question specifically about specific intelligence, I have not personally seen anything that would suggest that.

Senator SCOTT. Are you involved in the decision at all of why the National Guard is here?

Mr. CONTEE. No, sir. I am not.

Senator SCOTT. They have not shared any threat assessment with you at all with regard to why the National Guard is here?

Mr. CONTEE. That has not been shared with me, no.

Senator SCOTT. Does that surprise you?

Mr. CONTEE. I cannot say that I am really surprised. Quite frankly, we have talked about intelligence in terms of what we expect to see in the city. There are several law enforcement calls that take place between the Metropolitan Police Department and other Federal partners. But, again, the Capitol Police and that structure there, it is something that they are not beholden to the Mayor of the District of Columbia or anything like that.

We exchanged information that we have, but, again, I just have not seen anything specifically from them that suggests the fence still being the way that it is now. I should add also, sir, that, obviously, I think that there needs to be a reimagining of the security posture of it. Something certainly should be there, but I am not exactly sure if the answer to that is razor wire and the deployment that we currently see.

Senator SCOTT. Then, former Sergeant at Arms, you do not have any reason—no one has given you any—you have not seen any information that would suggest that we have a threat, an imminent threat that we need the National Guard here?

Mr. STENGER. I have not.

Mr. IRVING. I have not either. I resigned on the 7th and have been gone since, so I have no information.

Senator SCOTT. OK. So who would be making the decision that the National Guard needs to be here then? Where would the threat assessment come from? Does anybody know?

Mr. SUND. I would maybe look at the current leadership over at maybe the Capitol Police in conjunction with the current Sergeant at Arms.

Senator SCOTT. OK. So it would be the head of Capitol Police and the city and the Acting Sergeant at Arms?

Mr. SUND. That is correct, to give you the current information on that.

Senator SCOTT. Would they coordinate with the Metropolitan Police?

Mr. SUND. If there was intelligence that would indicate the need for such activity, it would usually be shared with our partner. Our local law enforcement would share our perimeter and our borders.

Senator SCOTT. If there was a threat out there, would there be some public information that they would put out normally?

Mr. SUND. Again, that all has to do with the nature of the threat, the threat, the classification level of the threat. But, again, that would be shared with law enforcement within the District of Columbia through the JTTF, as well as the executive board for the JTTF.

Senator SCOTT. I am flabbergasted that—not that you do not know now, but that there is no public information about why we have all these National Guards here. I mean, does that surprise you?

Mr. SUND. It is a significant security deployment. Again, I believe it is based on the facts of what they have seen, hindsight being what it is. It is the facts of what occurred on January 6th, this unprecedented insurrection.

Senator SCOTT. Thank you, Mr. Chairman.

Chairman PETERS. Thank you, Senator.

Senator Hassan, you are recognized for your questions.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you, Mr. Chair, and thanks to all of the witnesses for being here today. I especially want to take a moment to acknowledge the heroism of the officers of the U.S. Capitol Police, law enforcement, and other employees of the Capitol who bravely worked to protect our democracy on January 6th and who have done so much work to restore our Capitol since that day.

I also want to thank all of the families of our law enforcement and Capitol Hill staff for what they went through watching this unfold in real time.

I want to start with a question to Chief Contee, if I could. Chief, Washington, D.C., is obviously no stranger to large assemblies and protests. What is the standard process for protests in Washington, D.C., when it comes to interagency coordination and information sharing? Following the events of January 6th, what recommendations do you have for improving coordination and information sharing?

Mr. CONTEE. Thank you for that question. There are several discussions, meetings that take place between the municipal police department as well as our Federal partners. We oftentimes have coordination calls with the National Park Service (NPS) simply because in a lot of the Federal lands, they authorize the permits for the Federal land. There is coordination that has to happen there between the Metropolitan Police Department, U.S. Park Police (USPP), U.S. Capitol Police, U.S. Secret Service. With respect to the intelligence, again, our partners from the FBI, they are often part of those discussions.

I think that the thing kind of going forward that certainly needs to be looked at with respect to specific intelligence that has been outlined throughout some of the testimony today, when there is specific information that warrants us to perhaps posture differently, our notification system needs to be different.

The JTTF distribution list that we have is not something that is a monitored list, 24 hours a day, seven days a week, that would generate an immediate response to that. When those communications are sent out, there are staff members who at some point will get to that information, but I think that, again, that has been laid out.

When we are talking about something of this magnitude that could potentially happen and ultimately did happen in our city, it should posture us to move differently, perhaps with convening phone calls immediately, and not counting on an email or something making it through the chain to the levels that it needs to make for other decisions to be made.

Senator HASSAN. Thank you for that answer. One of the things I would observe is sometimes ahead of events like these, just scheduling ongoing check-ins with leadership at all of the agencies that need to coordinate can have the effect of sharing information in real time.

I want to move to a question to Mr. Stenger, Mr. Irving, and Mr. Sund. The Secretary of Homeland Security has the authority to designate events with national and international significance as National Special Security Events. But that did not happen for January 6th, even given the threat information readily available ahead of time. Designated events are eligible for expanded Federal support related to the security of the events.

Prior to January 6th, did anyone from the Department of Homeland Security contact you about a potential National Special Security Event designation? We will start with you, Mr. Sund, and then move to the others.

Mr. SUND. Thank you, ma'am. No, I am not aware of anybody from DHS reaching out and requesting, that if we want to follow up, if this wanted to be a National Special Security Event, or if we were going to request that to be, or if they were going to identify and designate what they call a C or a special event rating to the event. No, I am not aware.

Senator HASSAN. Thank you.

Mr. Stenger and Mr. Irving.

Mr. STENGER. No one contacted me.

Senator HASSAN. Thank you.

Mr. IRVING. The same with me, Senator. No contact with me or my office.

Senator HASSAN. Thank you for those answers. I look forward to following up with the Department of Homeland Security about this during the next hearing on this topic.

Mr. Sund, my last question. The officers of the Capitol Police work each and every day to keep the U.S. Capitol safe and secure. We are all grateful for the brave work of the U.S. Capitol Police officers on January 6th. Tragically, the law enforcement community has now lost two officers to suicide since January 6th as a result of the insurrection and the events then. My thoughts and I am sure the thoughts of all of us here today are with the families of MPD Officer Jeffrey Smith and U.S. Capitol Police Officer Howard Liebengood.

Mr. Sund, what mental health resources are currently available to the United States Capitol Police officers, and are these resources sufficient?

Mr. SUND. The department has brought in significant mental health resources, and I certainly do appreciate your recognition of that. I have talked to a number of officers who have definitely gone through the battle and feel that they are feeling a lot of trauma from it. But I know the Chief of Police, the Acting Chief, has brought in significant resources. We had the Employee Assistance Program (EAP), but they have brought in a number of outside contractors that have gotten a very good response. I think there is a lot of mental health resources available, and I know a number of officers are taking advantage of it, which I am happy to see.

Senator HASSAN. So am I, and I would encourage all officers who feel that they could benefit from counseling to reach out for it. I would certainly encourage—and I am sure my colleagues here would, too—that all leadership in law enforcement reach out to us if they feel the resources are strained or need bolstering in some way.

Thank you all for your service. Thank you very much for your testimony and for being here today.

To the Chairs and Ranking Members of our respective Committees, thank you so much for organizing this hearing.

Chairman PETERS. Thank you, Senator Hassan.

The Chair now recognizes Senator Hawley for his questions.

OPENING STATEMENT OF SENATOR HAWLEY

Senator HAWLEY. Thank you, Mr. Chairman. I want to begin by saying a special thank you and a special acknowledgment to Captain Mendoza who shared her testimony earlier today, earlier this morning. Captain Mendoza is a native of Missouri and an alumni of Park University, if memory serves. I just want to say to her, I want to thank her for being here today, but also for her incredible bravery and courage on January 6th. On behalf of the entire State of Missouri, I want to say thank you for what you have done. Thank you for what you represent. I also want to take that opportunity to say again now, as I said on the night of that terrible day, thank you to all of the law enforcement from all of our various branches who responded in this dire emergency to face these criminal rioters, these violent criminals, to repulse them from the Capitol and to secure this space so that the work of Congress could continue. Thank you and a special thanks to Captain Mendoza from the State of Missouri.

Mr. Sund, if I could just return to the question about the National Guard activation, I am a little bit confused about the timeline here, and I want to ask you and Mr. Irving some questions just so I can get this clear in my own head.

I am looking at your written testimony. You testified that you spoke with Mr. Irving at 1:09 p.m.—actually both of the Sergeants at Arms at 1:09 p.m. Now, I understand there is a little bit of dispute about the timeline here, but you do say that Mr. Irving advised you that he needed to run it—namely, the request for the National Guard—he needed to run it up the chain of command. Have I got that right?

Mr. SUND. That is correct, sir.

Senator HAWLEY. OK. Mr. Irving, could I just ask you, when Mr. Sund says that you told him you needed to run it up the chain of command, to whom were you referring there?

Mr. IRVING. Senator, I do not recall a phone call at 1:09 p.m. when I was on the floor of the House during the Electoral College session. My phone records do not reflect a telephone call at that time. Had I received a call at that time, I had everyone with me. I had Mr. Stenger, leadership. We would have approved it immediately. I have no recollection of that call, and neither do I have a record of it.

Senator HAWLEY. You say, I think, that you spoke with Mr. Sund later at approximately 1:30 p.m. Is that right?

Mr. IRVING. That is correct, after I left the floor, and on that call he had indicated to me that conditions were deteriorating and that he might be making a request at a later time.

Senator HAWLEY. OK. Did you then say that you needed to run it up the chain of command or words to that effect?

Mr. IRVING. No, not to my recollection. I notified leadership, and I went to Michael Stenger's office to receive updates from Mr. Sund as to conditions outside and to determine whether he needed to make a request or not. When the request was made shortly after 2 p.m., we approved it.

Senator HAWLEY. When you say "we," who is "we"? "We approved it."

Mr. IRVING. House and Senate leadership staff were in Michael Stenger's office at the time and agreed.

Senator HAWLEY. And so you did not consult congressional leadership. You were not waiting at any point for input from congressional leadership. Is that your testimony, Mr. Irving? Have I got that right?

Mr. IRVING. Yes. I advised them, as we would do with many security protocols.

Senator HAWLEY. But you were not waiting for them at any point. There was no delay, you are saying, in getting National Guard requests because you did not at any point actually wait for the input of the Speaker or the Majority Leader or anybody else?

Mr. IRVING. No, absolutely not.

Senator HAWLEY. Mr. Sund, is that your recollection?

Mr. SUND. My recollection was at 1:09 p.m. while I was sitting in the command center watching things rapidly deteriorate, I made a phone call. The phone call was made in the presence of, I believe, both my Assistant Chiefs and possibly my General Counsel, at which time I made the initial request that we need to activate the National Guard; the situation is bad on the west front. I followed up at 1:22 p.m. to check on the status of the request.

Senator HAWLEY. OK. One of the things I am trying to get clear on here is who would constitute the chain of command. Now, it sounds like Mr. Irving is saying that he actually never made that statement and he did not consult anybody else. I mean, my understanding is from the statute, 2 U.S.C. Chapter 29, Section 1970, that in an emergency situation—and I would think that this would qualify—that the Capitol Police Board does not have to consult with Members of the Senate or House leadership in order to make

a request for deployment of the National Guard or request of other executive departments and executive agencies. It would seem strange to me that there was any talk about a chain of command that would involve anybody other than the Capitol Police Board given the statute. But there seems to be some confusion about the basic facts and who asked for what, when.

Let me just ask you this, Mr. Sund: On Monday, January the 4th, you have testified that you approached the House and Senate Sergeant at Arms to request the assistance of the National Guard, and Mr. Irving stated that he was concerned about the optics of having the Guard deployed. Is that right? Am I remembering that correctly?

Mr. SUND. That is correct, sir. On the 4th, it actually was not a phone call. It was an in-person visit over to his office where I went in and requested the National Guard.

Senator HAWLEY. Mr. Irving, could you just clarify? When you used the term “optics”—and maybe your recollection is you did not, so maybe you could speak to that—did you talk about being concerned about the optics of the National Guard? Then could you just elaborate on what you meant by that? Again, this is Monday, January 4th now.

Mr. IRVING. Yes, Monday, January 4th, Senator, safety was always the deciding factor when making security plans, and the issue on the table was whether the intelligence warranted troops at the Capitol. The conversation with Mr. Sund was not—I did not take it as a request. He was merely informing me that he had received an offer from the National Guard. Then when we included Mr. Stenger, the three of us discussed the specific issue as to whether the intelligence warranted the troops, and the answer was no. It was a collective answer, no. Then Mr. Stenger put forth his recommendation to have them on standby. My recollection was Mr. Sund was very satisfied with that. In fact, he briefed the following day that he was satisfied, and I heard no concern anytime thereafter.

Senator HAWLEY. Were you concerned that this use of the word “optics,” the appearance, what it would look like to have the Guard—this is what Mr. Sund has testified was a concern on January 4th, that there was a reluctance to request assistance because of the appearance. Was there something that you were—what is the appearance that you were concerned about, Mr. Irving, if indeed, you were? Were you concerned that having the Guard present would look like it was too militarized? Were you concerned about the criticism of the Guard being deployed in Washington during rioting earlier this summer, the summer of 2020? Just give us some insight into your thinking there, as you recall it.

Mr. IRVING. Senator, I was not concerned about appearance whatsoever. It was all about safety and security. Any reference to appearance would have been related to appropriate use of force, display of force, and ultimately the question on the table when we looked at any security asset is: Does the intelligence warrant it? Does the security plan match with the intelligence? Again, the collective answer was yes.

Senator HAWLEY. Mr. Chairman, could I just ask one final question?

Chairwoman KLOBUCHAR. Yes.

Senator HAWLEY. Thank you. Madam Chair, thank you.

Speaker Pelosi has asked retired Lieutenant General Russel Honoré to lead an immediate review of Capitol security in light of the attack. The general has said that the leadership of the Capitol Police—that would be you, Mr. Sund—and both of you gentlemen, the House and Senate Sergeants at Arms. He has criticized you for, and I am quoting now, “the appearance of complicity during the attack,” and also said that you “potentially undertook complicit actions”—those are his words—during the attack.

Mr. Sund, where you complicit in this attack on January 6th?

Mr. SUND. Absolutely not, sir. I have heard those comments as well, and I think it is disrespectful to myself and to the members of the Capitol Police Department.

Senator HAWLEY. Mr. Stenger, were you complicit in the attacks on January 6th? Mr. Stenger.

Mr. STENGER. Oh.

Senator HAWLEY. Were you complicit to the attacks on January 6th?

Mr. IRVING. He is asking you.

[No audible response.]

Senator HAWLEY. Mr. Irving, were you complicit in the attacks on January 6th?

Mr. IRVING. Absolutely not, Senator.

Senator HAWLEY. Yes, of course none of you were. There is absolutely no evidence to that effect. Mr. Sund, I think your comments are appropriately taken. To allege that you, any of you, were complicit in this violent mob attack on this building I think is not only extremely disrespectful, it is really quite shocking, and this person has no business leading any security review related to the events of January 6th.

Thank you for your indulgence, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much.

Next, a new member of both Committees, Senator Padilla.

OPENING STATEMENT OF SENATOR PADILLA

Senator PADILLA. Thank you, Madam Chair.

There have been a lot of questions—I have been popping in and out from multiple Committees, but I understand there have been a lot of questions already about intelligence, what was known, what was assessed, what was shared, et cetera, and differing opinions. I will try not to be too repetitive.

First, a quick question for Chief Sund and the two Sergeant at Arms. I imagine, like most people, you saw most, if not all, of the House impeachment managers’ presentations before the U.S. Senate, as they sort of laid out the case, took the impeachment question aside, we know how that was resolved, but in terms of how January 6th did not just happen, but the lead-up to January 6th. Is there anything from that presentation that you would disagree with?

Mr. SUND. To make sure I understand, the video I watched and all the information the video that was portrayed is all accurate video. As far as, any of the other commentary associated with the video, I cannot say I watched every single bit of it, but I can tell

you a lot of that video was video from the United States Capitol Police, and it was all accurate.

Senator PADILLA. OK. Thank you.

Mr. Stenger, Mr. Irving, same question.

Mr. STENGER. Yes, the video I saw certainly reflected what I could see from my window the day of January 6th.

Mr. IRVING. From my perspective, Senator, I have not diagnosed why the attack occurred. At the time we left all information to the intelligence agencies that we had at the time, and I would say now to leave it to the after-action investigations to make determinations.

Senator PADILLA. OK. A question for Chief Sund specifically. Now, there is an Intelligence Division within the department. Correct?

Mr. SUND. Yes, sir.

Senator PADILLA. OK. Now, having read your letter to Speaker Pelosi, you make reference to events on both November 14 as well as December 12 that you had sort of comparable intelligence in terms of risk assessments, threat assessments in the events of November 14 and December 12, not leading into anything near what happened on January 6th. Is that a correct interpretation of your letter?

Mr. SUND. Yes, that is the correct interpretation of the letter. Both the assessments indicated that we were going to have various militia groups and extremists in attendance, in addition to the fact that, as Chief Contee had testified to earlier, weapons were recovered during both those events.

Senator PADILLA. OK. To the best of your recollection, in the lead-up to January 6th, since it was a comparable assessment, comparable intelligence, roughly, you therefore proceeded with comparable preparation and posture.

Mr. SUND. Yes, that is absolutely correct. We proceeded with the posture of seeing it could have instances of violence. We knew it was going to be focused on the Capitol. We knew that there was going to be members of Proud Boys and Antifa participating. Like I had said before, not Capitol Police, not Metropolitan Police, not any of our Federal agencies had any information we were going to be facing armed insurrection of thousands of people.

Senator PADILLA. Now, if we take our experience with terrorism globally and look at case studies, both incidents that have been prevented and those that were successfully executed against the United States, is it plausible—and I know hindsight is 20/20. Is it plausible that the November 14 and December 12 incidents may well have been trial runs, the very extremist organizations you have referenced involved with the organizing and participation of November 14 and December 12, to gain counterintelligence on how you and your partner agencies would be planning and preparing for such incidents?

Mr. SUND. As you rightly point out, when you look at some of the terrorist attacks that have occurred, there has been pre-planning. There has been pre-surveillance, pre-collection of intelligence on the security features. I do not know if November and December were two instances of that, but I would suspect with the fact that

we are finding this was a coordinated attack, I would not doubt there was pre-surveillance.

Senator PADILLA. We do not know they were. We do not know they were not. That is my point.

Mr. SUND. Correct.

Senator PADILLA. I know the intelligence folks will be here at a subsequent hearing, but we are all in this together. In your letter and your testimony earlier today, you bluntly said the intelligence community missed this.

Mr. SUND. That is correct, sir. That is the way I feel.

Senator PADILLA. Now, who was Commander-in-Chief on December 6?

Mr. SUND. When you say Commander-in-Chief?

Senator PADILLA. Who was the President of the United States—

Mr. SUND. Donald Trump, sir.

Senator PADILLA [continuing]. Overseeing the intelligence community that missed this. Repeat your answer.

Mr. SUND. For the entire 18 agencies that represent the intelligence community?

Senator PADILLA. Yes.

Mr. SUND. He would be Commander-in-Chief.

Senator PADILLA. Who was that again?

Mr. SUND. President Donald Trump.

Senator PADILLA. OK. Let me ask a couple of questions on a different topic. I think it is obvious to many across the country. I was one of three Senators who was not in chambers on January 6th. I had, the benefit, if you will, of watching the events occur in real time both inside the Capitol and outside the Capitol on television. One thing that was not lost on me and many people that I have talked to is the difference in both police presence and response on January 6th compared to events from last summer when peaceful protestors were demonstrating in the Nation's capital in the wake of George Floyd's murder. Last summer, they were met with significant force.

A couple of data points. To date, some 250 individuals who were involved in the Capitol insurrection of January 6th have been arrested. More will likely be arrested in the coming weeks and months, but only a small number, about 52, of these individuals were arrested on January 6th.

By contrast, during the largely peaceful protests of last summer, 427 people were arrested. On June 1 alone, 289 people were arrested. Similarly, some 300 protesters were arrested during the Kavanaugh hearings in 2018.

So a question, Mr. Sund. Can you tell us exactly how the Capitol Police preparations for January 6th differed from preparations for the protests from last summer? If you can specifically address if there were the same or different use-of-force guidelines in place on January 6th compared to the protests of last summer or any criteria for making arrests on January 6th versus the protests from last summer.

Chairwoman KLOBUCHAR. OK. If you could do that in about a minute.

Mr. SUND. Yes, ma'am.

Chairwoman KLOBUCHAR. Thank you, sir.

Mr. SUND. I will do that very concisely.

Chairwoman KLOBUCHAR. OK.

Mr. SUND. I want to look at it from planning and preparations. We plan for every demonstration the exact same way. It does not matter the message of the person; it does not matter the demographics of the grievance involved in the demonstration. We do it the exact same way. We develop our information, we develop our intel, and we base a response plan on that.

Let us transition to preparations. I will tell you we handled 15 major demonstrations involving Black Lives Matter groups following the death of George Floyd over the summer. We had a total of six arrests—six arrests—no use of less lethal capabilities, no use of lethal force capabilities. The events, everything that we put into place for January 6th far exceeded any planning that we did for any events in 2020. With the full activation of the department, the size of the perimeter that we expanded, the deployment of additional protective equipment, the deployment of less lethal and the application of less lethal far exceeded anything, any other event that I can recollect on the Nation's capital. I will just leave it at that.

Chairwoman KLOBUCHAR. Thank you.

Mr. SUND. We really prepared much more.

Chairwoman KLOBUCHAR. Thank you, Senator Padilla.

We are going to go to Senator Hagerty and then to Senator King, who has been very patient and been on with us online quite a while. Senator Hagerty.

OPENING STATEMENT OF SENATOR HAGERTY

Senator HAGERTY. Thank you, Chairman Klobuchar. Thank you very much for having us here today and for holding this hearing.

I want to begin by thanking all of the law enforcement officers that are represented here today. You and your families, thank you for your sacrifice, and certainly my heart goes out to those families and loved ones who lost their lives in this.

In the spring and summer of 2020, many people criticized the use of the National Guard to help restore order in Washington following some of the worst rioting in decades. Mayor Bowser said that the Guard presence was, and I quote, “unnecessary and maybe counterproductive.” A D.C. National Guard leader even had to tell his troops, I quote again, “Some of the D.C. public does not agree with our mission and may have nefarious intention toward our servicemembers.”

According to a January 5th Washington Post report, top Pentagon officials emphasized that on January 6th, the Guard would have a “far more muted presence than in June,” saying that, “We have learned our lessons, and will be absolutely nowhere near the Capitol Building.”

Mr. Sund has stated that, despite attempting to attain National Guard support on Capitol Hill on January 6th, he was unable to get approvals for such support. Several people today have referred to concerns over the optics of January 6th.

My first question is directed to Mr. Sund. Do you think that the backlash against the use of National Guard troops to restore order

back in the summertime led to reluctance in advance of January 6th to utilize Guard troops to protect the Capitol?

Mr. SUND. Sir, I cannot really testify to what the inner working was or inner working decisions were at the Pentagon regarding either the decisions from over the summer or the memo that was put out by the Secretary of the Army on the 4th. However, I was very surprised at the amount of time and the pushback I was receiving when I was making an urgent request for their assistance.

Senator HAGERTY. That is regrettable. I would also like to follow up on a line of questioning that Senator Hawley brought up. Speaker Pelosi indicated that she intends to establish a commission to examine the events of January 6th. Of course, that is why we are here today, examining those issues. Speaker Pelosi has also appointed a retired Army Lieutenant General, Russel Honoré, who is going to lead the investigation of what happened. But days after the attack, General Honoré said, "I think once all this gets uncovered"—again, I am quoting him—"it was complicit actions by Capitol Police," before he added, that you, Mr. Sund, were "complicit along with the Sergeant at Arms in the House and Senate."

My question is: Do any of you believe that comments like these by Mr. Honoré suggest that he is someone who is well suited to conduct a serious and unbiased review of the events of January 6th? If so, please explain.

Mr. SUND. I will go ahead and start with that response. As I had mentioned before, I found the comments that he made regarding myself and also the Capitol Police officers highly disrespectful to the hardworking women and men of that police department and also to myself. I welcome and I look forward to an after-action that will move this agency forward, move our partnership with the Federal agencies forward, but it has to be done in an unbiased fashion.

Senator HAGERTY. I could not agree more, Mr. Sund. Any other responses?

Mr. STENGER. I would disagree with the general's—what he said. I do not believe that is true. There was a lot of people that put themselves in very much danger on that day. I think saying something like that is just not in good taste.

Senator HAGERTY. Yes, I cannot imagine that being said myself, implying that you all were complicit in this, but I thank you for your answers and for your service.

I yield back, Madam Chairman.

Chairwoman Klobuchar. Thank you very much, Senator Hagerty. Next, Senator King.

OPENING STATEMENT OF SENATOR KING

Senator KING. Thank you, Madam Chair. I want to thank the witnesses first for their patience this morning and their thoroughgoing answers. This has been a long hearing, and I really appreciate it. I appreciate the fact that, although you all are no longer, other than the Chief in Washington, no longer in your positions, that you have come forward to give us the benefit of your observations.

It seems to me one of the clear—I am not going to plow this ground again, but one of the clear pieces of information we have learned today is an intelligence failure, not necessarily a failure of

intelligence, but a failure to communicate intelligence. I think that is something that we all need to think about, and you can be very helpful to us in suggesting what should be the chain of communication in terms of intelligence. You cannot adequately prepare if you do not have the information, and it clearly seems to me there were some failures.

Chief Sund, I have a specific question for you, and it is more forward-looking, but I would appreciate your insights. The question is: How do we protect the Capitol from either an angry mob or probably more likely one or two or three malignant actors without turning it into a fortress? How do we allow the American people to go in the rotunda, to tour the Capitol, to picnic on the grounds, to play with their kids? It seems to me that going forward that is really one of the challenges. We want security, but we do not—I would hate to see the U.S. Capitol turned into a fortress. Your thoughts, Mr. Sund?

Mr. SUND. I will go back to your original comment with the intelligence and the communications. I think we have the process in place for when we have credible intelligence, especially high-level credible intelligence to quickly get to where it needs to be. I think my big concern is on the collection, on how wide we are casting the net to collect our intelligence that would have revealed that this was coming and we were facing this type of mass insurrection.

I definitely want to say the Capitol Police is well versed, well trained on handling what you are talking about, a Mumbai-style attack, a couple of attackers armed, active shooter events, things like that. Those are the type of events that we are ready for. It is the thousands of people that are storming the Capitol that creates a big issue with us.

When you talk about physical security, and I had mentioned it in my opening statement, in one of the initial questions, I think there are options for maintaining an open environment, an open-campus type of environment while putting some substantial physical security measures in place, both for the building, the skin of the building, as well as farther out. Time and distance is our best friend, and the most important thing is to provide some kind of protection farther out so the officers have more time to deal with it. But that is something that I think should be discussed in a closed or classified session.

Senator KING. I understand but—and I hope that that is a discussion, Madam Chair, that we can have. I think that is very important, because we just—as I say, we do not want the United States Capitol to be so protected that it is inaccessible to the American people.

Amplify on your intelligence answer. It seems to me you are saying it is communicated adequately, but we did not have the collection that we needed. For example, the Norfolk, Virginia, letter, how does it get filtered and where does it get filtered?

Mr. SUND. Again, the Norfolk Field Office letter, that is something to consider because even on the 5th, at noon on the 5th, I held a joint conference call with the members of the board, my executive team, a dozen of the top law enforcement and military officials from Washington, D.C., where we discussed the upcoming events on the 6th, the upcoming events for the Inauguration, any

kind of threats, any kind of issues we may have. Even though we had the director of the field office, the Washington Field Office of the FBI, nothing was mentioned about it.

I think my big point is I think we need to look out. There is significant evidence coming out that the insurrection that occurred on the 6th was planned, coordinated well in advance, coordinated almost to the point where you are looking between number of States where you are having events coordinated. It is that detection that I think would have been key to putting the effective security in place for this event.

Senator KING. Finally, when we are talking about providing this level of security, is there a playbook? Is there a contingency plan that is literally sitting on a shelf somewhere that says demonstrations around the Capitol, here is what you do? I mean, some of the timing things, for example, the deployment of the National Guard might have been faster had there been a predetermined set of phone numbers, actions, steps to be taken. Does that exist? If not, should it exist?

Mr. SUND. To the level where you are including the National Guard, there is a process where we handle special events and demonstrations, but I tend to agree that we need to streamline the process that we request the National Guard in the future.

Senator KING. Yes, because clearly there was a delay there that was an important part of the response at the time.

Madam Chair, again, I want to thank these witnesses. I think they have really made a contribution, and they made a contribution when they were serving in their respective positions. Thank you. I yield back.

Chairwoman KLOBUCHAR. Thank you.

Chairman PETERS. Thank you, Senator.

Senator Sinema is recognized for her questions.

OPENING STATEMENT OF SENATOR SINEMA

Senator SINEMA. Thank you, Mr. Chairman.

My first question is for Chief Contee. What coordinating actions were taken in the weeks leading up to January 6th to share intel across Federal and local law enforcement? What security planning took place and with which agencies?

Mr. CONTEE. Thank you for that question. There were a series of several meetings that took place leading up to the events of January 6th. There are the weekly law enforcement partners calls that take place where our Federal partners are part of that. There is the First Amendment coordinating calls that took place, at least two of those, prior to this event.

There is a National Park Service permit call that also took place prior to this event and, as Chief Sund mentioned, several calls involving several of the law enforcement entities leading up to the events of January 6th.

There are a significant amount of phone calls or virtual meetings that took place leading up to January 6th.

Senator SINEMA. Thank you. Could you talk a little bit about what you see as the mistakes that were made or the holes that did not help connect all those dots in those meetings and coordinating prior to January 6th?

Mr. CONTEE. I think the major issue, at least from my perspective, I think that in terms of the sharing of information, how it is shared, I think that that is where the focus should be. Again, we are talking about a report that came from the Norfolk office on the day before, that night, after 7 p.m., that was sent to email boxes. As the Chief of Police for the Metropolitan Police Department, I assure you that my phone is on 24 hours a day, seven days a week, and I am available for any phone call from any agency that has information with respect to something of this magnitude happening in our city.

Certainly if there was information about one of our police stations being overrun or a Federal building being overrun that was related to the Metropolitan Police Department, I assure you that I would be on the phone directly with the officials that are responsible for the law enforcement response to give them that information firsthand. I am not really relying on technology in the form of an email in hopes that that information makes it to where it needs to be. I think that that is critical.

To Chief Sund's point, there were several phone calls leading up to this and no specific information that talked about the events that we saw and experienced on January 6th. I really do believe that there should be quite a bit of attention given to that.

Senator SINEMA. I appreciate that. My next question is for Mr. Sund. You outlined that the FBI report was sent via email to the Capitol Police the evening of January 5th and that you never received the report. Is there an understanding within the system of how that report did not make it to you or to other individuals in leadership in the Capitol Police the night of January 5th?

Mr. SUND. I appreciate that question, ma'am. Actually, as I had mentioned earlier in the discussion, this is a report that I am just learning about within the last—they informed me yesterday of the report. I am not sure what investigation may be going on. Since January 8th, I have left the department. What investigations? I know the Chief has put additional safeguards in place to make sure something like that does not happen again, but I am not sure of what the outcome was, why that did not get pushed up farther.

Senator SINEMA. Was there an expectation or a process or procedure prior to January 6th that should have gotten that memo up to your attention the night of January 5th?

Mr. SUND. There is a process that ensures that information from the Joint Terrorism Task Force and through our task force officers gets over to their Intelligence Division and would be moved up to our intelligence analyst and the director of that Intelligence Division. Then based on that information, he could push it then up to the Assistant Chief or directly to me. He has my cell phone number. We talk regularly.

Senator SINEMA. As you mentioned, you were just learning about this recently, but would it have been an expectation that the FBI would have called Capitol Police or someone on the Joint Task Force to alert the new intelligence in an expedited fashion? Knowing that this information made it to the Capitol Police intel team on the 5th, what I am trying to understand is how it did not get to the higher levels to make preparations the night of the 5th.

Mr. SUND. Right. I will just go ahead and echo what Chief Contee had mentioned, that I do think that deserves additional focus. I think if we have information that is coming in the day before a major event, that has that level of specificity, that it could get a little more attention than, being handled either through an email or electronic format.

Senator SINEMA. Was there any intelligence that you did receive in the several days leading up to January 6th that caused you to change any of the security plans amongst the United States Capitol Police?

Mr. SUND. So just to reiterate, all the intelligence and all the information that we had been receiving during the development of the event for the 6th outlined very similar to what the intelligence report that was published on the 3rd outlined.

We were expecting a large number of protesters coming in. We expected a potentially violent group. We knew they were being focused on the Capitol, and we knew that some of them may be armed. That is what was really driving up until even—regardless of what was put out the 3rd, this was information that we knew. We were developing our security plan around that. That is when we looked at, based on our review of the November and December MAGA events, determined we were going to adjust our fence line and push our fence line out. When we want to do that, that is when I would request the National Guard, knowing we are going to need support for the fence line.

Senator SINEMA. Thank you.

Chief Contee, you stated that the intelligence that you had received on January 6th did not differ from the previous MAGA marches, the two previous.

Was there any conversation or consideration about the fact that the January 6th was scheduled on a very important day, that Congress would be in session certifying the results of the election? Was that different in a consideration around security than the other two marches, which had been on weekends without Congress being in session?

Mr. CONTEE. Absolutely, and that is reflected in the response posture for the Metropolitan Police Department. For the two prior demonstrations that happened, the MAGA 1 and 2 marches, the Metropolitan Police Department, we did not call up officers from surrounding jurisdictions to be stationed physically within the footprint of the District of Columbia. We did not do that before.

The Mayor, in addition to calling up those additional resources, again, called up the National Guard specifically for the reasons that we outlined to them, which would allow the Metropolitan Police Department to be a lot nimble in our response. That, in essence, enabled us to be able to respond quickly to assist the Capitol Police officers. Those responses were different. We were disrupting individuals or intercepting individuals who were armed with firearms in our city, in violation of the Mayor's order, many of whom were on Federal grounds. The Metropolitan Police Department's posture certainly was escalated beyond what we did at the prior two marches.

Senator SINEMA. Thank you.

Mr. Chairman, I appreciate your indulgence. I see I have gone over my time. I have a few extra questions that I will submit.

Thank you.

Chairwoman KLOBUCHAR. OK. Very good. Thank you, Senator Sinema, and thank you for your emphasis on the FBI report and the issues that everyone here seems to acknowledge with getting that, that it did not go at the right place, and just putting "Send" is not enough for a report like that.

OK. Next we have Senator Cruz, and then after that will be Senator Ossoff. If there are any other Senators who wish to ask questions who have not asked questions, you should tell us, because those are the last two we have.

Senator Cruz.

OPENING STATEMENT OF SENATOR CRUZ

Senator CRUZ. Thank you, Madam Chair. Let me say to each of the witnesses here today, thank you for being here. Thank you for your testimony. Thank you also for your service. I want to thank each of you and also each of the heroic law enforcement officers who demonstrated extraordinary courage in fighting to repel the terrorist attack that unfolded on the Capitol on January 6th. We are grateful for the bravery and the courage in the face of a truly horrific attack.

In the aftermath of that attack, there is naturally a process to assess what could have been done to better prevent that attack, to better secure the Capitol. I think everyone recognizes that hindsight is different from a decision made in the moment, facing the threat immediately. But this hearing is nonetheless productive for analyzing the security decisions and law enforcement decisions that were made realtime and for learning from them what can be done differently to ensure that an attack like that never again occurs.

Chief Sund, I want to focus on, with some detail, your written testimony and just walk through what occurred in the days preceding January 6th and then on January 6th. In your written testimony, you say, "On Monday, January 4th, I approached the two Sergeants at Arms to request the assistance of the National Guard, as I had no authority to do so . . ." You go on to say, "I first spoke with the House Sergeant at Arms to request the National Guard. Mr. Irving stated that he was concerned about the 'optics' of having National Guard present and didn't feel that the intelligence supported it. He referred me to the Senate Sergeant at Arms . . . to get his thoughts on the request. I then spoke to Mr. Stenger and again requested the National Guard. Instead of approving the use of the National Guard, however, Mr. Stenger suggested I ask them how quickly we could get support if needed and to 'lean forward' in case we had to request assistance on January 6th."

Can you describe at a little more length those conversations with the two Sergeant at Arms on January 4th?

Mr. SUND. Absolutely, sir. The first conversation occurred Monday morning. I went over, I would have to refer to my notes, but sometime maybe around 11 a.m. I met with Mr. Irving in his office. That is where I made the first request for the National Guard. He had indicated, "I do not know if I really like the optics. I do not think the intelligence really supports it."

He had, like we had said, recommended I talk to the Senate Sergeant at Arms. I went over and met with, later on the day, either—I am trying to recall if it was in person or over the phone. I would have to go back to my timeline where I reached out to him. They may have already talked, because he had referred me. He said, “You know somebody over at the D.C. National Guard?” I said, “Yes, I do. I have a good friend over there, General William Walker.” He said, “Can you give him a call and see if we needed assistance, how quickly could we get assistance and what type of assistance could he give us?”

So that evening, as I was driving home at about 6:35 p.m., I went ahead and called General Walker and spoke to him and said, “Hey, General Walker, I do not have authority to request National Guard, but I want to find out, if we needed them on Wednesday, how quickly could you get them for us, and is there a way you can kind of, be prepared just in case we put in the request?”

At that point, he had advised to me that he has 125 National Guardsmen who are supporting the COVID response in the District of Columbia, and if we needed a quick response, he could what he called “repurpose them” and get them to the Armory, at which point we could get somebody over to swear them in and try and get them to us as quick as possible. We ended our call.

The next day I met with both—I met with Mr. Stenger. He came over to the office for the 12 p.m. video call that I had hosted with the dozen of the law enforcement officials from D.C.. We spoke about it briefly there and told him what Wayne Walker had told me, as well as I passed it on to Mr. Irving, I think later on that afternoon, and they both seem satisfied with that response.

Senator CRUZ. Mr. Irving and Mr. Stenger—Mr. Irving, as I understand it, you have some disagreement with the characterization about the concern about the optics, so I would invite both Mr. Irving and Mr. Stenger to relay your best recollection of that conversation on January 4th.

Mr. IRVING. Senator, my best recollection of the conversation on January 4th was a phone call from Chief Sund indicating that he had received an offer for 125 unarmed Guard that could be positioned around traffic perimeter checkpoints at the Capitol.

My recollection again is, as we followed up with Mr. Stenger, that three of us engaged in a conversation whereby we looked at the offer in light of the existing intelligence. The decision, the collective decision amongst the three of us, was that the intelligence did not warrant the National Guard. My recollection, that ended the discussion relative to the offer. The only question on the table is: Should we perform any follow-up? Mr. Stenger recommended that we ask that they be placed on standby. House and Senate leadership staff were in Mr. Stenger’s office when I received Chief Sund’s request on January 6th, and agreed with my response.

Senator CRUZ. To the best of your recollection, did you make the comment about optics? If so, what did you mean by that?

Mr. IRVING. I cannot remember my exact verbiage. Had I used any language to the effect, it was all in reference to whether the intelligence was matched to the security plan.

Senator CRUZ. Let me ask both Mr. Irving and Mr. Stenger, did you all have conversations with congressional leadership, either

Democratic or Republican leadership, on this question of supplementing law enforcement presence, bringing in National Guard either on January 4th or realtime on January 6th?

Mr. IRVING. On January 4th, no, I had no follow-up conversations. It was not until the 6th that I alerted leadership that we might be making a request. That was the end of the discussion.

Senator CRUZ. Mr. Stenger.

Mr. SUND. For myself, it was January 6th that I mentioned it to Leader McConnell's staff.

Senator CRUZ. There has been some disagreement about what time phone calls occurred. I know Senator Portman asked earlier. Presumably everyone has phone records. I think it would be helpful if each of you could forward the relevant phone records to this committee.¹

Chief Sund, you also referenced in your testimony that you sent an email to congressional leadership. If you could forward that to the Committee as well, I think that would be helpful.

Thank you.

Chairwoman KLOBUCHAR. Thank you.

Senator Ossoff.

OPENING STATEMENT OF SENATOR OSSOFF

Senator OSSOFF. Thank you, Madam Chair. Thank you to our panel. I just want to take a moment and echo the sentiments of so many of my colleagues expressing appreciation for the men and women of the United States Capitol Police who endured a great deal on January 6th and showed great heroism. Also, Madam Chair, if I might express an interest in working with you to ensure that they are well taken care of and their needs are met.

This discussion of the conversation that the three of you had regarding supplementary security support on January 6th raises the question of who is in charge. Is consensus between the two Sergeants at Arms and the Chief of the U.S. Capitol Police required to make such a request? Mr. Sund.

Mr. SUND. The request for the National Guard needs to go to the Capitol Police Board for approval, yes.

Senator OSSOFF. Who has ultimate responsibility for the security of the U.S. Capitol Complex? Which individual?

Mr. SUND. I believe that falls under the Capitol Police Board.

Senator OSSOFF. The Capitol Police Board. There is no individual who has personal responsibility for the security of the U.S. Capitol Complex?

Mr. SUND. That is the way I interpret it, yes.

Senator OSSOFF. Had the U.S. Capitol Police conducted exercises simulating comparable events, such as a violent riot on or within the U.S. Capitol Complex?

Mr. SUND. Part of our training for civil disobedience units involves dealing with riotous groups. We do do that training. We do training on people attempting to gain entry into the building. Officers are trained on how to handle if someone tries to come through your door unauthorized. But training for thousands of armed insurrectionists that were coordinated and well-equipped?

¹The information requested by Senator Cruz appears in the Appendix on page 134.

No, we have not had that training before January 6th, but I am sure they will find a way to do it now.

Senator OSSOFF. If I understand correctly, Mr. Sund, you are saying that personnel had engaged in tactical training regarding techniques to repel attempts to breach the complex, regarding rules of engagement. But have you had any comprehensive exercises that included command, that included procedures for coordination with supporting agencies, that included requests for support, that included communications with the Department of Defense or White House officials or Guard units been conducted?

Mr. SUND. Yes, we have. We do exercises that are very similar to what you are talking about before some of our National Special Security Events. Those are the NSSEs such as the inauguration. We will do tabletop exercises that go through the process of what you are talking about, yes.

Senator OSSOFF. Thank you. Had the Capitol Police held any such exercises not pertaining to specific National Special Security Events? In order to deal with emergent contingencies, like a riot, not associated with one of those moments specifically identified as requiring a whole-of-government security response?

Mr. SUND. Yes, one of the most important aspects of that that you are talking about, that we train our individuals to, is what we call the "incident command system." That is one of the systems that we feel really under the unprecedented pressure that they exhibited on January 6th began to break down.

The incident command system is established specifically so you have people that have the clearest understanding of what is happening, either in the field or inside the building, in control of the resources, to utilize, to defend against whatever issue you are having, or respond to whatever incident you have.

It is really an all-hazards approach, but that is something that is trained. We have it as part of our general orders. That is something that we will need to look back on to see how it broke under this pressure.

Senator OSSOFF. I ask this question in part because of the account that has been shared regarding the coordination with the guard unit, which was here for a COVID-related mission. If I recall correctly, you have related that you had a conversation with the commanding officer and discussed mobilizing that unit if necessary, first via an intermediary stop at a Marine Corps facility, to then come to the Capitol if necessary on January 6th.

Where there not preexisting channels of communication and procedures in the event you—not at a moment such as Inauguration or the State of the Union, but on any given day, needed a quick reaction force to provide security support?

Mr. SUND. I think when you refer to it, I think it is the established process where if you are going to request them in advance, or request them for an incident. I think what we need to look at is those emergency requests.

But there is a process for going through the Secretary of the Army, placing an official request. Ultimately, we did that. We had to do a letterhead after the fact. We did the oral request first and set it up that way. But I think what I did by reaching out to General Walker was to get an idea, much like, as I was requested to

do, if we requested them on the 6th, what kind of resources could they give us, and what type of timeframe would we be looking at? But I agree. There is already existing process and channels for making the request for National Guard.

Senator OSSOFF. Right, because you, in fact, anticipated there might be some need based upon intelligence that your department was seeing. But on any given day, if a foreign terrorist organization decided to mount an attack on this complex, do the procedures exist and are the channels in place such that a quick reaction force can be mustered swiftly, such that someone in your position knows exactly who to call and they can do so without consulting with the Sergeants at Arms?

Mr. SUND. I think what you are saying is what we need to look at, because I would still be required to consult with the Sergeant at Arms to make the request for National Guard.

Senator OSSOFF. OK. My time is running short, so I want to ask you this: What is the intelligence budget for the U.S. Capitol Police? How many personnel do you have in the Intelligence Division or did you have when you served as the Chief?

Mr. SUND. I would have to go back and pull that specific information. We have a number of intel analysts. We have a number of people that work there, both sworn and civilian. But I want to give you clear and accurate—

Senator OSSOFF. Approximately how many personnel are in the Intelligence Division?

Mr. SUND. I would say approximately right around 30 or 35 people.

Senator OSSOFF. 30 or 35. Does the U.S. Capitol Police have the capacity to do any intelligence collection other than by making requests to executive branch agencies for raw intelligence or analysis?

Mr. SUND. Again, when you talk about intelligence collection, we are a consumer of intelligence from the intelligence community. We do have the ability to go and look at open source, see what people are talking about on open source, but going and collecting in-depth specific intelligence is something that we are a consumer of from the intelligence community.

Senator OSSOFF. Thank you. I appreciate your time. I yield back.

Mr. SUND. Thank you, sir.

Chairwoman KLOBUCHAR. Thank you very much. That was our last set of questions, and we are going to conclude this hearing. I wanted to say a few words at the end.

First of all, I want to thank Chairman Peters and Ranking Members Blunt and Portman for conducting this hearing in such a professional way. We had a bipartisan agreement on how this hearing would be conducted, who our witnesses would be, and also the plan to have additional hearings, including one next week that we will be announcing tomorrow with the Department of Defense, Department of Homeland Security, and the FBI, because clearly we have and our members have additional questions.

I want to thank the witnesses, as I said, for voluntarily appearing before us. I want to thank Captain Mendoza for her moving words and bravery. In many ways, she represents all of the officers that were there that day.

A few things that are very clear to me. The first is the statements at the beginning from all the witnesses. They may have disagreed on some details. But there is clear agreement that this was a planned insurrection, and I think most members here very firmly agree with that. I think it is important for the public to know that this was planned. We now know this was a planned insurrection. It involved white supremacists, it involved extremist groups, and it certainly could have been so much worse except for the bravery of the officers.

Second, we learned about the intelligence breakdown. Many of the Members of both Committees asked about that, particularly the January 5th FBI report that had some very significant warnings from social media about people who were coming to Washington who wanted to wage war. The fact that did not get to key leaders and the Sergeant of Arms or the Capitol Police Chief is, of course, very disturbing, really on both ends. I mean, you cannot just push "Send"—as we all know, we get tons of emails—and hope that it gets to the right person, especially when we are dealing with something so serious.

The January 3rd intelligence report that came right out of the Capitol Police also contained, according to Washington Post reports and other information, some pretty foreboding details that I would have thought would have resulted in planning and more preparations.

The delays in approving a request for National Guard assistance, both from the Capitol Police Board and the Department of Defense, the fact that the Sergeant at Arms were focused on keeping the members safe in both chambers, while the Chief was trying to get some emergency approval. To me, you can point fingers, but you could also look at this as a process that is not prepared for a crisis.

I think out of that, there is some general agreement, just based on talking to a number of members, that there should be changes to the Capitol Police Board, the approval process and the like. It is clear that that action must be taken not only to protect our Capitol, but also to protect the brave officers charged with protecting this citadel of democracy.

Better intelligence sharing. Always an outcome when there is failures of intelligence. We know that. But I think we will get more details in the coming week. Some security changes at the Capitol. Requests that have been made for a while on those changes that I think we have to seriously consider. No, it does not have to be barbed wire. Of course, this is a public building, and you want the school groups and you want the veterans and you want people to be able to visit here. But that does not mean that we do not make some smart security changes to this building.

The use of the National Guard. We know after September 11, the National Guard helped for quite a while. We also know that we have to have a plan going forward, as well as consider what happens when we need a greater number of National Guard in a crisis, and how those approvals are made.

Those are just some of my takeaways. I am sure many others will have more, but I do want to make it clear that there are some items of agreement between most of us on this Committee. I do not

think we should let the words of a few become the story here, because I think this has been a very constructive hearing.

I want to thank our witnesses for coming forward as they did, and I want to thank Senator Peters. We look forward to more hearings. Thank you.

Chairman PETERS. Thank you, Chair Klobuchar. I have enjoyed this hearing. Thank you for your leadership. It has been good working with you and your entire team with the Rules and Administration Committee.

I certainly want to thank Ranking Members Blunt and Portman and all of the members who came here together today to work in a bipartisan way, to ask tough questions and to get answers.

I want to thank Captain Mendoza for sharing her experiences. Certainly a very powerful way to start this hearing.

But I truly appreciate each of the witnesses that were here today, who came here today willingly and knew you would be asked tough questions, and you were willing to do that. Certainly, we appreciate you for that effort. While this hearing certainly shed some new light and offered some new information on what happened to the lead-up, as well as to the response to the January 6th attack on our Capitol, it also raised a number of additional questions that need to be asked.

For the past two years, I have been working to draw attention to the rise of domestic terrorism, and specifically violence driven by white supremacists. We have only seen the threat of this violence grow, not just from white supremacists, but also from antigovernment groups and people who have been swept up by conspiracy theories and just simple outright lies.

The events of January 6th and the answers that we heard today only further highlight a grave national security threat that our current homeland security apparatus is clearly not fully equipped to address.

Our national security agencies were overhauled, and they were forged in the aftermath of the September 11th attacks, and they are basically built around responding to foreign terrorist attacks, and they have been slow to adapt to this evolving threat of domestic terrorism that we have seen in the last few years.

The Homeland Security Committee was created to oversee reforms, to fix the intelligence failures that led to September 11, and now I intend to assure that this Committee oversees efforts to fix the failures that led to the January 6th attack. There is no question our Federal counterterrorism resources are not focused on effectively addressing the growing and deadly domestic terror threat. The January 6th attack marked a once-in-a-lifetime failure, and now we have the duty to ensure that the Federal Government is doing everything in its power to make sure another attack like this never happens again.

We must align our counterterrorism resources and our intelligence-gathering efforts to ensure we are focused on this dire threat. The FBI, the Department of Homeland Security, and the National Counterterrorism Center right now are eight months late on a report to assess the threat posed by domestic terrorism. We are going to continue to push them to complete this report as soon as possible so that we can take meaningful action.

There is no question in my mind that there was a failure to take this threat more seriously, despite widespread social media content and public reporting that indicated violence was extremely likely.

The Federal Government must start taking these online threats seriously to ensure they do not cross into real-world violence. I also plan to keep the pressure up on social media companies to work harder to ensure that their platforms are not used as a tool to organize violence.

This investigation does not end here today, and I look forward to our next hearing where we will continue to seek answers to important questions that were raised today and others that need to be answered.

Before we adjourn, however, I have to do a bit of quick house-keeping. It is my privilege to announce the Members of the Subcommittees of the Homeland Security and Governmental Affairs Committee for the 117th Congress.

The following Senators will serve on the Permanent Subcommittee on Investigations: Jon Ossoff will be Chair, Ron Johnson the Ranking Member, Tom Carper, Maggie Hassan, Alex Padilla, Rand Paul, James Lankford, and Rick Scott.

The following Senators will serve on the Emerging Threats and Spending Oversight Subcommittee: Maggie Hassan will be Chair, Rand Paul will be Ranking Member; Kyrsten Sinema, Jacky Rosen, Jon Ossoff, Mitt Romney, Rick Scott, Josh Hawley.

And the following Senators will serve on the Government Operations and Border Management Subcommittee: It will be chaired by Kyrsten Sinema; James Lankford will be Ranking Member; Tom Carper, Alex Padilla, Jon Ossoff, Ron Johnson, Mitt Romney, and Josh Hawley.

Congratulations to our new Chairs, our Ranking Members, and to all Members of our Committee. I look forward to working with all of you in the months and years ahead.

Officially, the record for this hearing will remain open until 5 p.m. on March 9, 2021, for the submission of statements and questions for the record.

With that, this hearing is officially adjourned.

[Whereupon, at 1:57 p.m., the Committees were adjourned.]

A P P E N D I X

Senate Homeland Security and Governmental Affairs Committee

Examining the January 6 Attack on the U.S. Capitol Opening Statement of Chairman Gary C. Peters February 23, 2021

Welcome Remarks As Prepared For Delivery

Thank you Ranking Member Portman, Chairwoman Klobuchar, Ranking Member Blunt and our colleagues from the Rules Committee for helping to convene today's hearing.

I would also like to thank our witnesses for joining us voluntarily today, and for your service to our country.

For many Americans, this will be the first opportunity to hear about what happened in the Capitol on January 6th, directly from the officials who were on the ground. We appreciate your willingness to work with our committees to examine the breakdowns that allowed this terrible attack to occur, and to ensure an attack like this can never happen again.

This hearing is unique because it is personal for everyone involved. I'm grateful to our witnesses, colleagues, staff, Capitol Police, the DC Metropolitan Police, and the National Guard units who continue to assist in protecting the Capitol, for all of your hard work that allows us to have this important discussion today.

Opening Remarks As Prepared For Delivery

It has been just over six weeks since our nation watched with horror as our Capitol building was breached by domestic terrorists who sought to use violence and intimidation to overturn the results of a free and fair election.

This was a shocking assault on our democracy, and marked one of our nation's darkest days. The United States has stood as a beacon for the world, showing how democracy can thrive. On January 6th, we saw just how fragile many of our most valued democratic principles are, including the peaceful transfer of power.

It's hard to express how deeply grateful we are for the actions our Capitol Police, Sergeants at Arms, and other law enforcement agencies do to keep us safe every day, and especially on that day. Too many of our officers were gravely injured, or tragically killed, as they bravely fought back the attackers.

Chief Contee, we are also indebted to the DC Metropolitan Police Department for their valiant efforts to thwart the attack. DC Police often provide support to help secure the Capitol, but the officers under your command did not hesitate to come to our aid. We are thankful for the heroic actions of so many who ensured this direct attack on our democracy failed.

But there is no question that there were colossal breakdowns in the intelligence gathering and security preparations leading up to the events of January 6th, as well as during the coordination and response efforts once the attack was underway.

Our goal today is to begin to understand where those breakdowns and failures occurred, and to determine if there are policy and structural changes Congress must make to prevent a future attack of this nature.

In my role on the Homeland Security Committee, I've worked to draw attention to the rising threat of domestic terrorism, including the rise of insidious ideologies of white supremacy, anti-government militias, and now even QAnon conspiracies.

These ideologies are intertwined in numerous ways, and on January 6th we saw just how quickly they can shift from online communities to committing organized, violent attacks in the real world.

But the warning signs were there. Just a few months earlier, in my home state of Michigan, law enforcement successfully stopped a plot by anti-government militias to kidnap our state's governor.

We've seen an increase in violent crimes over the last decade that are driven by hateful ideologies.

And we saw the deadly and tragic consequences on January 6th when this domestic terrorist threat was not taken as seriously as it should have been.

That is a systemic and leadership failure on the part of our security officials, from the FBI and Department of Homeland Security, to the security leadership on the ground at the Capitol, and it must be addressed.

Domestic terrorism is not a new threat, but it is an urgent threat. It will require a serious focus to ensure we are doing everything we can to protect the safety and security of all Americans.

I'd like to take a moment to remind my colleagues that every Senator here today took an oath to protect and defend the constitution against all enemies, foreign and domestic.

As the committees charged with oversight, strengthening homeland security and maintaining Capitol operations, we have a solemn duty to thoroughly examine the security breakdowns and make needed reforms. I am hopeful we will be able to work together and carry out this responsibility in a serious and nonpartisan way.

Finally, while today's hearing is our first on the January 6th attack, it will not be our last. We will continue to seek testimony and information from a range of agencies and officials who were involved in preparing for and responding to the events of the day for the U.S. Capitol and the entire region.

The attack on January 6th was an extraordinary event that requires exhaustive consideration. The American people deserve answers on why their Capitol was breached. I look forward to having a productive discussion with our witnesses in order to provide the American people with those answers.

**Opening Statement of Amy Klobuchar
Chairwoman**

U.S. Senate Committee on Rules and Administration

Joint HSGAC-Rules Hearing:

“Examining the January 6th Attack on the U.S. Capitol”

Tuesday, February 23

Good morning, and thank you to the witnesses for being here today for this first joint hearing of the Rules Committee and the Homeland Security and Governmental Affairs Committee, as we work to conduct oversight into what happened in the lead-up to and during the horrific events on January 6th.

I would like to thank Chairman Peters and Ranking Member Portman of the Homeland Security Committee, as well as of course Ranking Member Blunt, who I look forward to continuing working with on the Rules Committee this Congress.

My colleagues and I planned this hearing on a bipartisan basis. The stakes are so high -- we want this to be as constructive as possible because in order to figure out the correct solutions, we must first have the facts.

Today’s Hearing

When an angry violent mob staged an insurrection on January 6th and desecrated our Capitol -- the temple of our democracy -- it was not just an attack on the building, it was an attack on our Republic itself.

We are here today to better understand what was known in advance, what steps were taken to secure the Capitol complex, and what occurred that day. We want to ensure that nothing like what happened can ever occur again.

Each of our witnesses held a leadership role at the time of the attack: Acting Chief Robert Contee [*CON-tee*] of the Metropolitan Police Department of the District of Columbia; Mr. Steven Sund, former chief of the U.S. Capitol Police; Mr. Michael Stenger [*STEHN-ger*], former Senate Sergeant at Arms; and Mr. Paul Irving, former House Sergeant at Arms. To our witnesses: your testimony is vital to our understanding of what happened, and I thank you for coming voluntarily before our committees today.

At the same time, this is certainly not the last hearing that we will have regarding the attack on the Capitol. Next week, we will hear from witnesses from federal agencies - including the FBI, Department of Homeland Security, and Department of Defense - that are crucial to understanding both the events of January 6th and the broader threat of domestic terrorism now facing our country.

January 6th

The insurrection at the Capitol was more than an assault on democracy, it was an actual life or death situation for the many brave law enforcement officers who show up here to work each and every day.

We will never forget the haunting shrieks of the police officer pinned in between the doors at the hands of the rioters, pleading for help.

We will never forget Officer Harry Dunn, who fought against the violent mob for hours, and after it was over, broke down in tears telling fellow officers he'd been called the N-Word fifteen times that day. He asked: "Is this America?"

Or Officer Eugene Goodman, who after saving Senator Romney from walking directly into the mob, ran - by himself - to take on a growing group of the rioters, and then diverted that mob away from the Senate chamber, allowing us to safely depart.

Tragically, the attack on the Capitol also cost the life of three brave officers, including Officer Brian Sicknick [*sick-nick*] who died from injuries sustained while engaging with protestors.

Two other officers died by suicide following the events of January 6th: D.C. Metropolitan Police Officer Jeffrey Smith and U.S. Capitol Police Officer Howard Liebengood [*LEE-ben-good*].

Officer Liebengood [*LEE-ben-good*], or "Howie" to those who knew him, worked the Delaware Avenue door of the Russell Senate office building, someone who I have seen at that doorway and who always greeted me with a warm smile.

It has been reported that 140 U.S. Capitol Police officers sustained injuries from defending the Capitol - from defending our Democracy - on January 6th.

The courage of those officers will forever be remembered. But there are still many voices that we haven't heard in the stories of January 6th--including the many staff who make sure we have food in our cafeteria and water and heat in our buildings.

One janitorial worker hid during the attack in a closet. Another custodial staff member reflected on how terrible he felt when he had to clean up feces that had been smeared on the wall, saying "I felt bad. I felt degraded."

These dedicated workers were here too when the Capitol was attacked, as were many committed journalists who report on our work to the American people.

Need for Answers

To make this place safe going forward, we must answer some key questions.

First and foremost on many of our minds is what took so long to deploy the National Guard that day, both because of decisions made here on the Capitol complex but also by others in the federal government.

We must find out what was known about the potential for violence before the attack, and how that intelligence was shared with law enforcement partners--including the officials responsible for protecting the Capitol. There are also important questions to be asked about how information concerning those threats was communicated to rank and file officers.

And it's vital that we explore necessary reforms to the structure of the Capitol Police Board, which I know we will hear more about today.

Conclusion

We owe it to the 140 Capitol Police officers injured and to all those at the Capitol who continue to suffer the repercussions.

We owe it to the officer beaten by the violent rioters because he literally placed his body in a doorway to protect us.

We owe it to Officers Sicknick, Liebengood [*LEE-ben-good*], and Smith, who lost their lives after defending our Republic.

We owe it to the American people -- to figure out how the United States Capitol, the preeminent symbol of democracy around the world, could be overtaken by an angry, violent mob.

And we owe it to ourselves, to believe enough in our Democracy and the U.S. Senate -- that despite our political differences -- we will be constructive in this hearing today to figure out what went wrong and what changes we can make to ensure the Capitol is safe for us and the public going forward.

Chairman Peters, Ranking Member Blunt, Ranking Member Portman, and colleagues, for me the bottom line is that we must get the answers and those answers will give us our solutions. Thank you.

**OPENING STATEMENT OF SENATOR ROB PORTMAN
RANKING MEMBER
U.S. SENATE COMMITTEE ON HOMELAND SECURITY
& GOVERNMENTAL AFFAIRS**

*“Examining the January 6 Attack on the U.S. Capitol”
JOINT HEARING WITH THE COMMITTEE ON RULES & ADMINISTRATION
FEBRUARY 23, 2021*

(as prepared for delivery)

Thank you, Chairman Peters, Chairwoman Klobuchar, and Ranking Member Blunt for your remarks this morning and your leadership on this critical review.

I want to start by expressing my gratitude to the men and women of the U.S. Capitol Police, Secret Service, National Guard, Metropolitan Police Department, the FBI, and all other law enforcement agencies who put themselves on the line to safeguard democracy on January 6. As I said on the Senate floor that night, it was thanks to them that Vice President Pence, Members of Congress, and the Capitol complex staff were protected, and we were able to complete our Constitutional duty of certifying the election. It was important that a clear message was sent that night to our constituents and to the world that we would not be intimidated; that mob rule would not prevail. But that message could not have been delivered without law enforcement securing us and our respective chambers.

Seven individuals lost their lives as a result of the Capitol attack, including two Capitol Police officers and a D.C. Metropolitan Police Department officer. We will never forget the service and sacrifice of Officers Brian Sicknick, Jeffery Smith, and Howard Liebengood. I knew Officer Liebengood. I saw Howie most days at his post at the Russell Building entrance. As his colleagues will tell you, no officer was more dedicated to his duty to serve and protect, and I am proud to have called him a friend.

To honor that kind of sacrifice and avoid future attacks, we must take a hard look at what went wrong on January 6, and the decision-making leading up to that day, that allowed the Capitol to be breached and overrun. As the bipartisan media advisory announcing this joint hearing stated, the purpose today is to examine the security failures that led to a breach of the Capitol on January 6, specifically the preparations and response efforts.

There are key questions to be answered:

- First, some witnesses have suggested that there was an intelligence failure. We need to know: was there credible intelligence about potential violence; when was it known; and who knew it.
- Second, our witnesses have differing accounts about requests for National Guard assistance. We need to know: did the U.S. Capitol Police request approval to seek National Guard assistance prior to January 6, and if so, why that request was denied. We need to know: was the request for National Guard assistance on January 6 delayed, and if so, why. And we need to know why it took so long for the National Guard to arrive after their support was requested.
- Third, the Capitol was overtaken in a matter of hours. We need to know whether Capitol Police officers were properly trained and equipped to respond to an attack on the Capitol, and if not, why not? And we need to know why the Capitol complex was so vulnerable and insecure that it could be so easily overrun.

My hope is that today we get clear answers to these questions from our witnesses. We need to know what happened and how to ensure that this never happens again.

I will be listening carefully to the testimony of the witnesses before us. The events of January 6 showed that while our democracy is resilient, at times it will be challenged. We must be up to that challenge. That

certainly includes securing this Capitol, the citadel of democracy. And that is something that we can all agree on.

Thank you and I yield back.

OPENING STATEMENT OF SENATOR Roy Blunt
RANKING MEMBER
U.S. SENATE COMMITTEE ON RULES AND ADMINISTRATION

“Examining the January 6 Attack on the U.S. Capitol”
JOINT HEARING WITH THE COMMITTEE ON RULES & ADMINISTRATION
FEBRUARY 23, 2021

Today marks the beginning of the Senate’s efforts to ensure that there will never be another attack like the one that occurred on January 6th, that anyone wishing to stop our nation’s democratic institutions and processes by physical violence will not succeed. I’m glad to join Chairman Peters, Chairwoman Klobuchar, and Senator Portman in today’s hearing into the events that occurred at the Capitol on January 6, 2021.

The outrageous, deadly, and destructive attack marks a sad day in the history of our country. The officers who defended the Capitol that day deserve to be recognized and praised for their valiant efforts.

I offer my deepest thanks to the officers of the United States Capitol Police and the Metropolitan Police Department, and their families who may have been watching this attack on the Capitol in real time. Unfortunately, the failures of that day were of the most serious kind: the death of USCP Officer Brian Sicknick. The subsequent suicides of USCP Officer Howard Liebengood and MPD Officer Jeffrey Smith were just the first and most tragic results from the psychological trauma that untold numbers of people experienced.

Three of today’s witnesses, former House Sergeant at Arms Irving; former Senate Sergeant at Arms Stenger; and former Chief of the United States Capitol Police Sund were all charged with the protection of the Capitol on January 6th. We need to hear from them about the failure to imagine what could happen, the failure of intelligence gathering and dissemination, and the failure of preparation that led ultimately to the failure of leadership the Capitol experienced nearly seven weeks ago.

I also look forward to hearing from Chief Contee of the Metropolitan Police Department to learn more about his department's role on the 6th. I do know that MPD officers arrived within minutes of being requested and fought bravely alongside USCP officers.

I believe it is important for everyone to note that the attacks of January 6th did not prevent Congress from fulfilling its responsibilities: both chambers reconvened that evening and finished the certification of the results of the electoral college.

And on the 20th, we held the 59th Presidential Inauguration on the same platform that had been stormed three weeks earlier and we carried out one of the most defining features of our democracy: the peaceful transfer of power. Our institutions are durable, but I hope they will never again be tested in this way.

Again, I thank my colleagues from both the Homeland Security and Rules Committees for today's hearing.

First, thank you for the opportunity to speak before the committee today and thank you all for your service to our country.

My name is Captain Carneysha C. Mendoza and I have served with the United States Capitol Police for almost 19 years. I take a lot of pride in my job. Prior to serving with the Capitol Police I served as an active duty soldier in the United States Army. My last duty station was split between the Pentagon and the Washington Area Criminal Investigation's Division. I've received various awards from the Army and the Capitol Police, including an award for recovery "efforts" during the Pentagon attack. Unfortunately, I didn't save any lives or anything, but there are certain lessons that always stuck with me after 9/11. One of those lessons is knowing the unthinkable is always possible; so be ready. So, I always take my job very seriously, as 9/11 is always in the back of my mind.

With the Capitol Police, I have served in various operational, administrative, and collateral assignments. I'm currently serving as a captain in the Special Operations Division where I have various responsibilities to include serving as a field commander as well as a field force commander when the Civil Disturbance Unit (CDU) is activated.

Throughout my career, I have responded to and managed various critical incidents and events from Congressional and member security related issues to shootings to armed carjackings. I have served as the CDU field force commander for multiple events, including the November 14th Million MAGA March.

In my career, I have been activated to work demonstrations with various controversial groups. I've been called some of the worst names, so many times that, I'm pretty numb to it now.

As an agency, we have trained for and handled numerous demonstrations. It's something we do on a regular basis and it's something I have always felt we've excelled at.

During the Million MAGA March, multiple white supremacist groups (to include the Proud Boys and others) converged at the Supreme Court along with counter groups. The Civil Disturbance Unit fought hard that day; physically breaking up fights and separating the various groups. I literally woke up the next day unable to move without being in pain.

On January 6th, we anticipated an event similar to the Million MAGA March that took place on November 14th, where we would likely face groups fighting among one another. Additional Civil Disturbance Units were activated. I was working the evening shift and had planned to report in at 3PM. I was prepared to work a 16-hour shift and assume Field Force Commander should the event continue into the evening and overnight shifts.

It was approximately 1:30 in the afternoon. I was at home eating with my 10 year old, spending time with him before what I knew would likely be a long day, when a fellow captain contacted me and told me things were bad, and that I needed to respond in. I literally dropped everything to respond in to work a bit early.

I arrived within 15 minutes and I contacted dispatch to ask what active scenes we had. I was advised that things were “pretty bad.” I asked where assistance was needed and was advised of six active scenes.

There was an explosive device at the Democratic National Committee Building (DNC), a second explosive device at the Republican National Committee Building (RNC), and large hostile groups at different locations outside the Capitol Building. I advised the dispatcher I would respond to the explosive device at the DNC, since that building was closest to where I was at the time.

En route, I heard officers at the Capitol Building calling for immediate assistance. So, I proceeded past the DNC to the Capitol.

As I arrived to the East Front Plaza of the Capitol, I heard an officer yell there was a breach at the Rotunda Door and I heard various other officers calling for assistance in multiple locations throughout the building.

Many of the doors to the building were not accessible due to the size of the crowd. I was able to enter a lower level door with the assistance of a Capitol Division officer.

Once inside the Memorial Door, I immediately noticed a large crowd of possibly 200 rioters yelling in front of me. Since I was alone, I turned to go back out so I could enter through another door, but within the few seconds it took to walk back to the door I entered, there were already countless rioters outside banging on the door. I had no choice but to proceed through the violent crowd already in the building.

I made my way through the crowd by yelling and pushing people out of my way until I saw Capitol Police Civil Disturbance Units in riot gear holding a line in the hallway, to keep rioters from penetrating deeper into the building. I immediately jumped in line with them to assist them with holding the crowd of rioters.

At some point, my right arm got wedged between the rioters and railing along the wall. A CDU sergeant pulled my arm free and had he not, I’m certain it would have been broken.

Shortly after that, an officer was pushed and fell to the floor. I assisted the officer to a safer location and got back in line. At some point, the crowd breached the line officers worked so hard to maintain. Civil Disturbance Units began to re-deploy to keep rioters from accessing other areas of the building.

I proceeded to the Rotunda where I noticed a heavy smoke-like residue and smelled what I believed to be military grade CS gas – a familiar smell. It was mixed with fire extinguisher spray deployed by the rioters. The rioters continued to deploy CS inside the rotunda.

Officers received a lot of gas exposure, which is a lot worse inside the building versus outside, because there’s nowhere for it to go. I received chemical burns to my face that still have not healed to this day.

I witnessed officers being knocked to the ground and hit with various objects that were thrown by rioters. I was unable to determine exactly what those objects were.

I immediately assumed command in the Rotunda and called for additional assets. Officers began to push the crowd out the door. After a couple of hours, officers were able to clear the Rotunda, but had to physically hold the door closed because it had been broken by the rioters. Officers begged me for relief as they were unsure of how long they could physically hold the door with the crowd continually banging on the door attempting to regain entry. Eventually, officers were able to secure the door with furniture and other objects.

I'm proud of the officers I worked with on January 6. They fought extremely hard. I know some said the battle lasted three hours, but according to my Fitbit, I was in the exercise zone for 4 hours and 9 minutes, and many officers were in the fight before I even arrived.

I am extremely proud of the United States Capitol Police. I'm especially proud of the officers, who are the backbone of this agency and who carry out day-to-day operations. I know with teamwork, we can move forward.

The night of January 7 into the very early morning hours of my birthday, January 8, I spent at the hospital comforting the family of our fallen officer and met with the medical examiner's office, prior to working with fellow officers to facilitate a motorcade to transport Officer Sicknick from the hospital.

Of the multitude of events I've worked in my nearly 19-year career on the Department, this was by far the worst of the worst. We could have had 10 times the amount of people working with us and I still believe this battle would have been just as devastating.

As an American and an Army veteran, it's sad to see us attacked by our fellow citizens. I'm sad to see the unnecessary loss of life sustained, I'm sad to see the impact this has had on Capitol Police officers, and I'm sad to see the impact this event has had on our agency and on our country.

Although things are still raw, and moving forward will be a difficult process, I look forward to healing and moving forward together as an agency and as a country.

In closing, I want to acknowledge Chief Sund's leadership. I served under his command as a watch commander for three years and was able to personally see his hard work and dedication. He was fully dedicated to the United States Capitol Police and he cared about every employee on the Department. I often hear employees on the Department praise his leadership and his ability to inspire others. He has made a significant impact on our agency.

Thank you.

Government of the District of Columbia



Metropolitan Police Department

Testimony of
Robert J. Contee, III
Acting Chief of Police

*Examining the January 6 Attack
on the U.S. Capitol*

United States Senate
Homeland Security & Governmental
Affairs Committee
Rules and Administration Committee

February 23, 2021

Virtual Briefing
Washington, D.C.

Good morning, Chairman Peters and Chairwoman Klobuchar, Ranking Members Portman and Blunt, and members of the Committees. I am Robert J. Contee, III, the Acting Chief of Police of the Metropolitan Police Department of the District of Columbia, the primary police force in the District of Columbia. I appreciate this opportunity to brief you on the events of January 6, 2021, a dark day for our country. It is critically important that we – members of Congress, District leaders and residents, and all Americans – find answers to questions about the 6th. I will relate to you the facts as we know them at this time, based on the point of view of MPD and the government of the District of Columbia. As with any event with multiple agencies, thousands of people, and almost as many cameras as people, there will inevitably be several perspectives and possibly inconsistencies that will need to be aligned as more information is gathered.

I would like to begin by highlighting a few key facts to ensure the Committees and the audience understand the very different roles of Mayor Muriel Bowser and the District of Columbia, including MPD, and those of Congressional and federal authorities. First, MPD is prohibited from entering the Capitol or its Grounds to patrol, make arrests, or serve warrants without the consent or request of the Capitol Police Board. (2 U.S. Code § 1961) Second, unlike any other jurisdiction in the country, the President of the United States, not the Mayor of the District of Columbia, controls the DC National Guard (DCNG). Any request submitted by the Mayor to mobilize the DCNG must be approved by the President and the scope of the request must be limited to supporting the District's local jurisdiction and authority, which excludes federal entities and property. Due to this limited activation scope, when Mayor Bowser requested the DCNG on December 31, 2020, the Guard was anticipated to be primarily utilized for traffic control and other local assistance. As a result of that limited scope of mission, I requested that DCNG members be unarmed. A request for the Guard assistance at the US Capitol or its associated grounds would have to be made by the US Capitol Police with the consent of the US Department of Defense (DOD).

Third, since Mayor Bowser declared a public health emergency in March 2020, the District of Columbia has not issued permits for any large gatherings. Although the District and MPD take pride in facilitating the exercise of First Amendment rights by all groups, regardless of their beliefs, none of the public gatherings on January 5-6 were issued permits by the District of Columbia. Indeed, MPD is a recognized leader in protecting and supporting peaceful assemblies. On the morning of January 6th, MPD was prepared to support our federal partners with a First Amendment assembly that was held primarily on federal land, while continuing to patrol and respond to calls for service throughout city neighborhoods. Based on our experience with prior demonstrations in the District after the election, we recognized that there was a possibility of violence, especially after dark as smaller groups of protestors gathered with malicious intent on city streets. In the aftermath of the December 12th protests, MPD met with our federal partners to escalate planning for January 5th and 6th. To be clear, available intelligence pointed to a large presence of some of the same groups that had contributed to violence in the city after demonstrations in November and December. The District did not have intelligence pointing to a coordinated assault on the Capitol.

In preparation for the anticipated demonstrations and the possibility of violence on city streets, the Department was fully deployed on 12-hour shifts the week of January 4th, with days-off and leave canceled. Our federal partners each had their primary areas of responsibility: the U.S. Secret Service (USSS) was focused on the security of former President Donald Trump and the White House area, U.S. Park Police (USPP) was focused on the Ellipse and the National Mall, and the U.S. Capitol Police (USCP) had responsibility for the Capitol, including both the building and grounds.

At Mayor Bowser's request, and in advance of the scheduled demonstrations, mutual aid was requested from several area police departments to be on standby in the District, and more than 300 members of the D.C. National Guard were deployed on District streets providing traffic control and other services to allow MPD to support the First Amendment assembly and continue to provide services to our neighborhoods. Other law enforcement partners such as the Metropolitan Transit Police and non-law enforcement agencies such as the District's Homeland Security and Emergency Management Agency and the Fire and Emergency Medical Services Department were also supporting our efforts.

However, these resources were barely enough to counter an event that had never happened in the history of the United States: a mob of thousands of American citizens launching a violent assault on the U.S. Capitol – the seat of our government – in an attempt to halt the counting of the electoral ballots, an essential step in the peaceful transfer of power in our nation. The mob's sustained assault on the Capitol precipitated an equally unprecedented response, with then Chief of the Capitol Police Steve Sund issuing an urgent request for MPD to come defend the Capitol. Needless to say, when we received the call for help, MPD responded immediately with several Civil Disturbance Unit Platoons and proceeded to aid Capitol Police in defending the Capitol. What follows is a brief outline of MPD's role in these events.

At about 12:45 p.m., the first of two pipe bombs were found, the first one at the Republican National Committee headquarters. The second pipe bomb was found about 30 minutes later, at the Democratic National Committee headquarters. MPD responded to the scenes for the pipe bombs to assist the Capitol Police. At 12:58 p.m., Chief Sund asked for MPD's assistance to address the growing violent mob at the Capitol. Officers were immediately authorized to deploy to the west front of the Capitol and arrived within minutes. Additional officers were on standby at Third Street SW and Maryland Avenue SW.

Our members arrived at a chaotic scene. The violent mob overran protective measures at the Capitol in an attempted insurrection, prior to the arrival of MPD officers at the west front. By 1:50 p.m., MPD had declared the assembly to be a riot. Upon arrival, the MPD platoons immediately began working to achieve our objectives:

1. Stop rioters from entering the Capitol building and remove those that were already inside,
2. Secure a perimeter, so that the Capitol could be cleared for lawmakers,
3. Enable Congress to resume their sessions to demonstrate to our country and the world that our democracy was still intact, and

4. Lastly, only once the third objective had been accomplished, begin making arrests of anyone violating the law.

At 2:22 p.m., a call was convened with, among others, myself, leadership of the Capitol Police, the D.C. National Guard, and the Department of the Army. I was stunned at the response from Department of the Army, which was reluctant to send the D.C. National Guard to the Capitol. While I certainly understand the importance of both planning and public perception – the factors cited by the staff on the call – these issues become secondary when you are watching your employees, vastly outnumbered by a mob, being physically assaulted. I was able to quickly deploy MPD and issue directives to them while they were in the field, and I was honestly shocked that the National Guard could not – or would not – do the same. On the call, in an effort to seek clarification, I asked the Capitol Police Chief if he were in fact requesting the assistance of the National Guard and then asked the U.S. Army representatives on the call if they were refusing to deploy the Guard to assist. The Army staff responded that they were not refusing to send them, but wanted to know the plan and did not like the optics of boots on the ground at the Capitol.

In the meantime, by 2:30 p.m. the District had requested additional officers from as far away as New Jersey and issued notice of an emergency citywide curfew beginning at 6 p.m. Just before 3 p.m., the District issued a citywide Wireless Emergency Alert declaring a curfew in effect from 6 p.m. until 7 a.m. on January 7th. The alert can be heard going off on the cell phones of insurgents in some of the videos taken on the Capitol grounds. From that point, it took another three and a half hours until all rioters were removed from the Capitol. Ninety minutes later, at 8 p.m., Congress was able to resume its critical work and fulfill its constitutional duty.

Shortly after MPD officers arrived on the scene, I was able to stand on the west front of the Capitol to get a broad view of the riot as many of MPD's brave officers made their way to the front line. Our police officers were under attack, the Capitol – hallowed ground for our country – was under attack, and the constitutional electoral process – the very foundation of our democracy – was under attack. MPD's police officers were engaged in a literal battle for hours. Many were forced into hand-to-hand combat to prevent more rioters from gaining entry into the Capitol. This was not a peaceful protest; this was not a crowd trying to express their first amendment rights – rights which we are proud to protect regardless of belief. At the end of the day, this was an assault on our democracy, and MPD officers held the line.

Those seven hours, between the urgent call for help from the Capitol Police to MPD and the resumption of work by both houses of Congress, will be indelibly etched on the memories of every law enforcement officer who was on the scene, as it is undoubtedly in the minds of the elected officials, congressional staff, and other Capitol employees who were forced to seek safety behind locked doors. The costs for this insurrection – both human and monetary – will be steep. During the height of the incident, approximately 850 MPD members were at the Capitol, and by the day's end, an additional estimate of 250 had been in the area to directly support the response and aftermath

Looking forward, resources from MPD, Capitol Police, the Federal Bureau of Investigation, and the Office of the U.S. Attorney for the District of Columbia will be engaged for years in the investigation and prosecution of the insurgents.

Five people lost their lives on January 6th. We offer condolences to all the grieving families. Sixty-five MPD members sustained injuries documented in injury reports. Many more sustained injuries from the assault – scratches, bruises, eyes burning from bear mace – that they did not even bother to report. Their fellow officers at MPD and elsewhere are proud of the unheralded bravery of MPD officers in the face of this unprovoked and vicious attack.

Other harm from this traumatic day will be widely felt but possibly unacknowledged. Law enforcement training neither anticipates nor prepares for hours of hand-to-hand combat. Even brief physical fights are physically and emotionally draining. MPD is working to support the emotional well-being of our officers who experienced this. The officers who were deployed elsewhere on the 6th share in the trauma of their colleagues, many frustrated that they could not rush in to stand on the line with them. And like everyone in the Capitol that day, we all have families and friends who watched the violence unfolding and worried about the safety of their loved ones.

In closing, I appreciate the opportunity to highlight the heroism of MPD officers who put their lives on the line to protect the Capitol, Congress, and our democracy. But to ensure the continued safety of the District and its residents, the federal enclave, MPD officers, and others, we must be frank in looking at several critical issues. This assault on the Capitol has exposed weaknesses in the security of the most secure city in the country. The federal police forces in DC will be reexamining their security protocols given the risks of both foreign and domestic terrorism. As the Chief of the District's municipal police force, I must think about our preparations not only for possible attacks, but the daily impact of the changing operations of our federal partners. As they harden targets in the federal enclave, other buildings in the city under MPD jurisdiction may become more likely targets.

Thank you again for the opportunity to brief you today. I will be happy to answer questions today and moving forward as we try to come to terms with January 6th.

Written Testimony of USCP Former Chief of Police Steven A. Sund before the Senate Committee on Rules and Administration and the Senate Homeland Security and Government Affairs Committee

Tuesday, February 23, 2021

Chairwoman Klobuchar, Ranking Member Blunt, Chairman Peters, and Ranking Member Portman. Thank you for allowing me to testify regarding the attack on the United States Capitol that occurred on January 6, 2021, during the Joint Session of Congress.

I would first like to say that the time that I spent with the United States Capitol Police was the best, most rewarding four years of my career. The United States Capitol Police has an outstanding reputation among law enforcement across the country, and for good reason. The officers and employees of the USCP work tirelessly and selflessly every day to protect the Members, staff, and visitors at the United States Capitol. I could not be prouder to have been a part of this team, especially on January 6, 2021.

I have been in law enforcement for almost 30 years, and in that time I have been involved in a number of critical incidents, and responded to a number of horrific scenes. The events on January 6, 2021, constituted the worst attack on law enforcement that I have seen in my entire career. This was an attack that we are learning was pre-planned, and involved participants from a number of states who came well equipped, coordinated, and prepared to carry out a violent insurrection at the United States Capitol. I witnessed insurgents beating police officers with fists, pipes, sticks, bats, metal barricades, and flag poles. These criminals came prepared for war. They came with weapons, chemical munitions and explosives. They came with shields, ballistic protection, and tactical gear. They came with their own radio system to coordinate the attack, as well as climbing gear and other equipment to defeat the Capitol's security features.

The breach of the United States Capitol was not the result of poor planning or failure to contain a demonstration gone wrong. No single civilian law enforcement agency – and certainly not the USCP – is trained and equipped to repel, without significant military or other law enforcement assistance, an insurrection of thousands of armed, violent, and coordinated individuals focused on breaching a building at all costs. Without the intelligence to properly prepare, the USCP was significantly outnumbered and left to defend the Capitol against an extremely violent mob. The officers from the USCP and our partner agencies fought valiantly that day against tremendous odds. I am extremely proud of these officers for their heroic response and also for their restraint in the application of lethal force. While, tragically, there were casualties on this day, the loss of life could have been far worse if it had not been for the professionalism and restraint shown by the officers that day.

There has been much conflicting information presented by various officials and the media regarding the preparations for and actions taken at the Capitol that day, and I would like to set the record straight from my perspective. Contrary to some of the reporting, the USCP had an

effective plan in place to handle the First Amendment demonstrations and possible pockets of violence that were anticipated for January 6, based upon the available intelligence. The United States Capitol Police, just like most law enforcement agencies, is a consumer of the information provided by the intelligence community. The USCP uses this information, as well as our own information and research to develop plans for events and demonstrations. Thus, the plans that we developed for the Joint Session of Congress and the associated demonstrations expected that day were based upon all of the available information and intelligence that we had prior to the event, as well as the experience we had handling other similar events.

After the election on November 3, 2020, there were other large protests planned by pro-Trump supporters: one on November 14 (MAGA I) and one on December 12 (MAGA II), both of which were located at the Supreme Court building and adjacent Capitol grounds, and involved thousands of people. We handled both of those events successfully, utilizing an action plan that was based on intelligence assessments developed by us and our partner agencies. The USCP Intelligence and Inter-Agency Coordination Division (IICD) prepared intelligence assessments for both of the MAGA I and MAGA II events that indicated that various extremist groups were expected to attend the events and that there was a likelihood of violence. Based on the intelligence, the action plan included: coordination with our law enforcement partners, development of a staffing and Civil Disturbance Unit (CDU) plan, coordination with the Congressional community, enhanced protective actions for Members of Congress, and the deployment of physical crowd management devices that consisted of steel crowd control barriers. During those two protests, there was a limited amount of violence and/or injuries to officers, and a limited number of arrests.

As we prepared for the third protest, we understood that the focus of the protests would be the Capitol itself, and not the Supreme Court as in the previous two demonstrations, and that we could expect the crowd to be somewhat different in size and risk. As is standard practice, our IICD hosted a number of internal briefings and published intelligence assessments of the event, the most recent being published on January 3, 2021, three days before the event. The IICD reports include input from internal U.S. Capitol Police intelligence officials, such as our Director of Intelligence John Donahue, who is an expert in right-wing extremism, as well as information provided by our partner agencies such as the FBI, U.S. Secret Service, Department of Homeland Security, and the D.C. Metropolitan Police.

As previously mentioned, the IICD intelligence assessment indicated that the January 6th protests/rallies were “expected to be similar to the previous Million MAGA March rallies in November and December 2020, which drew tens of thousands of participants.” The assessment indicated that members of the Proud Boys, white supremacist groups, Antifa, and other extremist groups were expected to participate in the January 6th event and that they may be inclined to become violent. This was very similar to the intelligence assessment of the December 12, 2020, MAGA II event. In addition, on Monday, January 4, 2021, the USCP IICD published the Daily Intelligence Report which provided an assessment of all of the groups expected to demonstrate on January 6, 2021. The IICD Daily Intelligence Report assessed “the level of probability of acts

of civil disobedience/arrests occurring based on current intelligence information,” as “Remote” to “Improbable” for all of the groups expected to demonstrate on Wednesday, January 6, 2021. In addition, the Daily Intelligence report indicated that “The Secretary of Homeland Security has not issued an elevated or imminent alert at this time....”

At no time during the previous MAGA I or MAGA II events did the crowd attempt to storm or attack the Supreme Court building, or the adjacent Capitol building, and based upon all available intelligence, nothing of that sort was expected to happen on January 6. The USCP has successfully managed numerous large-scale protests where demonstrators have conducted illegal (based on location) and contentious demonstrations on the Capitol grounds and even on its steps. Based upon our experience with the prior post-election demonstrations, our ongoing intelligence assessment and briefings, and the input from our law enforcement partners over the course of many weeks, we developed and implemented a security plan for the January 6 Joint Session of Congress. The USCP implemented a number of enhancements to our planning for January 6, 2021, based on the intelligence that we had.

In preparation for the Joint Session of Congress, I directed that the Department be placed into an “all hands on deck” status, meaning every available sworn employee with police powers would be working. We activated the largest number of CDU platoons possible while still supporting the Joint Session of Congress. This allowed for the activation of approximately seven CDU platoons (approximately 250 officers), with approximately four platoons being available in “hard” gear -- helmets, protective clothing, and shields. While limited by budgetary and training restraints imposed on USCP, the planned number of CDU officers had always sufficed for large demonstrations on Capitol Hill prior to January 6th. In addition, we activated civilian support for January 6 to include enhanced access to the property management division, in the event officers needed replacement uniforms or equipment, and vehicle services.

During my time as the Chief, I had directed enhancements to the protective equipment being issued to our sworn employees. In 2020, I directed the procurement of riot helmets for all of the sworn members of the Department. Prior to this time, riot helmets were only issued to members assigned to the Department’s Civil Disturbance Units (CD). The delivery of the helmets from the manufacturer had been delayed over the past several months due to the effects of COVID-19, but we had been pushing for delivery by the Inauguration. As helmets became available, we pushed for their expedited delivery due to the upcoming demonstration and approximately 104 of the helmets were delivered on Monday, January 4. We also developed contingency plans in the event that we had armed individuals in the crowd. In addition, we coordinated coverage for the event with the District of Columbia Fire and Emergency Medical Service. I directed that additional Tactical Combat Casualty Care (TCCC) kits be available in the field if needed. TCCC is specialized training and equipment that prepares officers in the field to implement emergency life-saving care to stop victims from bleeding to death as the result of a gunshot wound or injury. During my time with the USCP, I have authorized officers to carry the TCCC kits and for all new recruits to be trained in TCCC emergency medical care.

On January 2, 2021, I contacted MPD Chief Robert Contee to discuss support if necessary for January 6th. On the morning of January 6th, MPD Assistant Chief Jeffery Carroll and I exchanged information regarding our designated CDU Incident Command (IC). This was done in an effort to facilitate immediate command and control of assets if requested. As a result of this advanced coordination, MPD had pre-staged significant CDU resources on the north side of the Capitol.

Well before the planned demonstration, I worked with USCP Assistant Chief Thomas, Assistant Chief Pittman, and her Security Services Bureau to develop an expanded perimeter barrier plan. The expanded perimeter was based on the concern for First Amendment activity focused on the Capitol and the large number of people expected. Both the House and Senate Sergeants at Arms approved the expanded perimeter plan. It was the heightened tension related to the certification of the vote, and the expanded perimeter that made me believe that National Guard assistance might be necessary.

In support of Member security, we also worked with the local airport authorities to enhance coverage at the airports utilizing both local law enforcement and the USCP. We also worked with the Department of Transportation to enhance awareness of Members utilizing commercial air carriers. In addition, we developed contingency plans, in coordination with the Sergeants at Arms, to assist Members off-campus, who either experience emergency situations or difficulty reaching the Capitol complex.

On Monday, January 4, I approached the two Sergeants at Arms to request the assistance of the National Guard, as I had no authority to do so without an Emergency Declaration by the Capitol Police Board (CPB). My regular interactions with the CPB, outside of our monthly meetings regarding law enforcement matters, were conducted with the House and Senate Sergeant at Arms, the two members of the CPB who have law enforcement experience. I first spoke with the House Sergeant at Arms to request the National Guard. Mr. Irving stated that he was concerned about the "optics" of having National Guard present and didn't feel that the intelligence supported it. He referred me to the Senate Sergeant at Arms (who is currently the Chair of the CPB) to get his thoughts on the request. I then spoke to Mr. Stenger and again requested the National Guard. Instead of approving the use of the National Guard, however, Mr. Stenger suggested I ask them how quickly we could get support if needed and to "lean forward" in case we had to request assistance on January 6.

At Mr. Stenger's direction, I called General William Walker, commanding officer of the D.C. National Guard. I advised that I had not received CPB approval, but wanted to know how many National Guard he could provide and how fast could he provide them if they were needed on Capitol Hill on January 6. He advised that he could repurpose nearby National Guard and have them to me fairly quickly, once approved. I asked General Walker to be prepared in the event that we requested them.

On Tuesday, January 5, I hosted a virtual meeting with my Executive Team, all three principals of the Capitol Police Board, and a dozen of the top law enforcement and military officials from D.C., including the FBI, the U.S. Secret Service, and the National Guard. This meeting focused on both the January 6 event, and the upcoming Presidential Inauguration on January 20. During the meeting, no entity, including the FBI, provided any intelligence indicating that there would be a coordinated violent attack on the United States Capitol by thousands of well- equipped armed insurrectionists. At no time did the Department of Homeland Security issue a threat advisory bulletin in reference to violent extremists planning a coordinated, violent attack on the U.S. Capitol. It should also be noted that the U.S. Secret Service planned to and did escort the Vice President of the United States to the Capitol on January 6, which it obviously would not have done if it believed there to be a threat of a violent insurrection at the Capitol building and on its grounds.

In the days leading up to January 6, we briefed a number of Members of Congress who had requested an advance briefing on our security plan and the permitted demonstration activity scheduled for January 6, 2021. The members that were briefed in advance include: Chairman Blunt, Chairperson Lofgren, Chairman Ryan, and Representative Waters. We informed these members of the expectation of protests, current permitted First Amendment activity on Capitol grounds, our response planning efforts and established perimeter, as well as enhanced Member security initiatives such as increased checks on residences and the ability of the USCP to respond off Capitol grounds to assist Members safely getting to the Capitol if needed. Contrary to some allegations made to the media, I did not at any time misrepresent facts to Members. I provided an accurate reporting of our intelligence and threat assessment at the time. In addition, on January 5, 2021, at 11:48 a.m., I sent an email to the four committees with oversight of the USCP providing them with an overview of the expected events for January 5 and 6, and our coordination with the House and Senate Sergeant at Arms.

Lastly, in preparation for the event I sent an email to the USCP Assistant Chiefs and Deputy Chiefs on the evening of Tuesday, January 5, directing them to ensure that all roll calls and officers were fully briefed on what to expect during their shifts -- a long day, large groups, and clashes that could possibly include violence.

On Wednesday, January 6, at approximately 7:15 a.m., as I was driving into work, I called MPD Inspector Robert Glover to inquire about the crowds he was seeing for the event, which was beginning at the Ellipse. Inspector Glover stated that there were already lines to get into the event, but that the crowd was compliant and he did not observe any concerning issues. I then checked in at the USCP Command Center where I would be for the event. I arrived at the Command Center, where I remained to monitor the activity on the National Mall and the Ellipse. I sat at the center console with Assistant Chiefs Pittman and Thomas nearby.

We were monitoring the actions and demeanor of the crowd, which at the time did not raise any concerns, when we received word at 12:52 p.m. that a pipe bomb had been located at the Republican National Committee Headquarters, immediately adjacent to Capitol Grounds. We responded immediately to coordinate and send resources to the scene, including a number of

officers, officials, and a bomb squad. We also dispatched resources to look for other explosive devices, suspects, and vehicles. At almost the exactly same time, we observed a large group of individuals approaching the West Front of the Capitol.

When the group arrived at the perimeter, they did not act like any group of protestors I had ever seen. Unlike other heated protests, these protesters did not simply congregate to angrily voice their grievances. As soon as this group arrived at our perimeter, they immediately began to fight violently with the officers and to tear apart the steel crowd control barriers, using them to assault the officers. It was immediately clear that their primary goal was to defeat our perimeter as quickly as possible and to get past the police line. This mob was like nothing I have seen in my law enforcement career. The group consisted of thousands of well-coordinated, well-equipped violent criminals. They had weapons, chemical munitions, protective equipment, explosives, and climbing gear. A number of them were wearing radio ear pieces indicating a high level of coordination.

Given these factors, it was clear to me at 12:50 p.m. that the situation was deteriorating rapidly. I called MPD and requested assistance and they responded immediately. I also requested assistance from the U.S. Secret Service Uniformed Division and other law enforcement agencies. I notified the two Sergeant at Arms by 1:09 p.m. that I urgently needed support and asked them to declare a State of Emergency and authorize the National Guard. I was advised by Mr. Irving that he needed to run it up the chain of command. I continued to follow up with Mr. Irving, who was with Mr. Stenger at the time, and he advised that he was waiting to hear back from congressional leadership, but expected authorization at any moment.

At approximately 1:50 p.m., not yet having authorization from CPB, and noting the extreme urgency of the situation, I notified General William Walker that I should have approval shortly and that we had an urgent request for the National Guard. At 2:10 p.m., I received notification from Mr. Irving that the CPB authorized me to request the National Guard. However, as explained below, I soon learned that our request would also need to be approved by the Department of Defense.

Meanwhile, at approximately 1:50 p.m., USCP resources dispatched to look for other possible explosives located another pipe bomb at the Democratic National Committee headquarters, as well as a vehicle with explosives and a weapon, all within close proximity of the Capitol Grounds. As a result of these explosive devices, extensive USCP resources were dispatched to the scenes, and two congressional office buildings had to be evacuated. I believe all of this was part of a coordinated plan related to the attack on the Capitol.

At 1:51 p.m., I activated the Metropolitan Washington Council of Governments Mutual Aid Agreement, requesting assistance from law enforcement agencies from the National Capital Region (NCR). As a result of this request for law enforcement assistance, we had over 1,700 officers from 18 law enforcement agencies respond to assist the USCP. I worked closely with Assistant Chief Thomas and Deputy Chief Pickett to establish resource management to account

for and deploy the officers from the responding agencies in the most effective and efficient manner.

We also established priorities for the responding officers, which included: (1) securing the perimeter and foundation of the Capitol; and (2) assisting the USCP in removing unauthorized persons from the Capitol and conducting a top to bottom sweep of the building to ensure no unauthorized persons, or hazardous devices remained in the building. These goals were implemented as quickly as was possible in order to facilitate the safe and expeditious return of the Members of Congress to complete their certification of the electoral votes.

In the Command Center, I could see that the USCP and MPD officers were fighting with all they had to protect the Capitol building. I saw officers hit with pipes, wooden sticks, flag poles, and sprayed with mace and bear spray, all while trying to defend themselves against projectiles being directed at them. The mob was violently and ruthlessly attacking law enforcement officers in an effort to breach their lines. The officers fought courageously against the violent attackers for over an hour before any individuals in the mob were able to breach the Capitol Building. This is an important point to emphasize because some media reporting has indicated that the insurgents were able to breach the building within minutes of breaking through our perimeter. This was not the case at all. The USCP and MPD battled with the violent mob for over an hour before anyone in the group was able to breach the building. In fact, at some entrances to the Capitol, such as the lower west terrace entrance, law enforcement fought with the mob for hours to prevent them from accessing the building.

As the crowd was attempting to breach the building, our Dignitary Protection Division teams prepared to evacuate congressional leadership. USCP assigned to the House and Senate Chambers, secured the two locations. As the crowds breached the building, USCP attempted to secure the hallways and prevent the mob from advancing further into the building. The USCP initiated evacuations of the two Chambers and USCP officers began to move Members of Congress to safe locations.

At approximately 2:28 p.m., I learned that in order to get authorization for National Guard support, the Pentagon needed to approve the request. I was therefore asked to participate in a conference call with Dr. Chris Rodriguez, D.C. Homeland Security and Emergency Management Agency; Chief Robert Contee, Metropolitan Police; General William Walker, D.C. National Guard; and Lt. General Walter Piatt, the Director of Army Staff. During the call I again made an urgent request for immediate National Guard support. I explained that the National Guard was needed to shore up our perimeter to help secure the Capitol. Lt. General Walter Piatt stated, "I don't like the visual of the National Guard standing a line with the Capitol in the background. I would much rather relieve USCP officers from other posts so they can handle the protestors." I urgently advised that this was not an option and that I did not have officers to swap with National Guard and that I needed assistance immediately. Lt. General Piatt stated that he was preparing to brief the Secretary of the Army and that his recommendation would be not to support the request. Chief Contee then stated, "So you are denying the request from the Capitol Police." Chief Contee then asked me, "Steve, are you requesting National Guard assistance?" to which I stated,

"Yes, I need immediate assistance with National Guard at the Capitol, I do not have the option to swap out officers on check points." Lt. General Piatt then indicated that he was going to run the request up the chain of command at the Pentagon.

Almost two hours later, we had still not received authorization from the Pentagon to activate the National Guard. Mr. Stenger offered to have Senator McConnell call the Secretary of the Army to expedite the request. I agreed that this would be a good idea. I followed up approximately 20 minutes later to check on the call and express the need for leadership to call to assist in expediting the request. The first 150 members of the National Guard were not sworn in on Capitol grounds until 5:40 p.m., four and a half hours after I first requested them and three and a half hours after my request was approved by the Capitol Police Board.

By late afternoon we were able to re-establish our perimeter with the assistance of MPD and the responding law enforcement agencies. We then methodically cleared the building, establishing the security of both the building and the House and Senate chambers. At 5:36 p.m., I briefed Vice President Pence on the current security posture, after which he initiated a call with Speaker Pelosi, and I advised both that the Chambers could be safely re-occupied by 7:30 p.m. I also participated in a conference call at approximately 6:25 p.m. with Congressional leadership that included Speaker Pelosi, Senator Schumer, Senator McConnell, and Representative Clyburn. During that call I briefed the group on the current security posture of the Capitol and the ability of the House and the Senate to reconvene in their respective chambers and complete the certification of the Electoral College votes with the Vice President. Senate leadership decided to reconvene at 8:00 p.m. and House leadership at 9:00 p.m.

While the violent attack that took place was unspeakable, and those responsible for this violent insurrection should be held accountable, I am proud of the men and women of the U.S. Capitol Police, the vast majority of whom fought valiantly and risked their lives to protect Members of Congress, their staff, and the Capitol building. Because of their bravery and professionalism in the face of this attack, USCP officers prevented the mob's actions from resulting in more bloodshed, and carried out their mission to protect the Members of Congress and the legislative process. Contrary to what others have said, the USCP did not fail. There are many heroic stories of USCP officers that day that helped to ensure the safety of the Members of Congress, including two officers who lost their lives. Democracy prevailed on January 6, 2021, in large part because of the courageous actions of the United States Capitol Police.

Although we were successful in accomplishing our mission on January 6, 2021, and no Members were injured and the legislative process was able to continue just a few hours later, Congress and the USCP must nevertheless look at this event and identify areas for improvement and systems that broke down or failed. Some of the areas that need to be reviewed, which I would have reviewed had I remained in my position as Chief, include:

Intelligence: Since the incident on January 6, 2021, the Federal Bureau of Investigation (FBI) has indicated that the attack that occurred was pre-planned, involved participants from a number of states, who came well equipped, coordinated, and prepared to carry out a violent insurrection

of the United States Capitol. Although it appears that there were numerous participants from multiple states planning this attack, the entire intelligence community (IC) seems to have missed it. It is essential to understand that most law enforcement agencies in the United States, to include the USCP, are consumers of the intelligence provided by the IC. We rely on the information to be accurate and complete. The IC needs to reevaluate the intelligence collection requirements concerning domestic extremism and how this pertains to the law enforcement community they serve. In addition, the IC once again needs to evaluate how raw intelligence is being analyzed and translated into a finished product, or actionable intelligence for the numerous law enforcement agencies across the county.

Event planning, Directives, Policies and Procedures: The review being conducted by the Office of the Inspector General (OIG) for the USCP, as well as the internal after-action review (AAR) being developed by the USCP, should provide an in-depth review of the adherence to past event planning practices and procedures to ensure the same level of planning was applied to the January 6, 2021, Joint Session of Congress. This should include the development and briefing of a Plan of Action approved by the Assistant Chief for Uniformed Operation. The plan established by the Capitol Division for Joint Session of Congress needs to be reviewed, as does the evacuation plan that should have been developed by DPD. The adherence to staffing mandates issued by the Chief of Police for the January 6th event needs to be evaluated. The implementation of the CDU plan developed by the Operational Support Bureau should be evaluated to determine if there were any factors that impacted their ability to use various less lethal options, affected their deployment strategy, or impacted the preparedness of the “Hard” CDU Platoons. In addition, any officials or officers who violated policies or directives, or even their oath, need to be held accountable. The USCP needs more unilateral authority to implement its security planning and the ability to call in National Guard support when needed.

Incident Command: It has been reported that during this incident, officers were not getting directions over the radio. For Command and Control of assets, the USCP works from the National Incident Management System (NIMS). NIMS includes the designation of an Incident Commander (IC) for each geographically located event or incident. This is utilized to ensure that the officials in command of designated areas have knowledge, authority, and control of the resources assigned to their areas of responsibility. Without this system, which limits the amount of people on the radio at a given time, it would be confusing to officers who was providing direction. On January 6, 2021, there was a designated IC for the demonstrations and First Amendment activity expected on the exterior of the Capitol, and a designated IC for the Capitol Building, to include the Joint Session. Each IC had a designated radio channel to coordinate their resources. These two ICs would have been the officials responsible for ensuring that proper directions were being provided to the officers in the field. The review being conducted by the OIG and the internal AAR being conducted by the USCP, should evaluate the IC system to determine how effectively it was implemented by the Commander of the Capitol Division and if this impacted other activities, such as communications with the officers and the evacuation of the Members, staff and VIPs.

Physical Security for the Congressional Buildings and Campus: A number of USCP officers have expressed concern over what will happen to the security of the United States Capitol Grounds (USCG) when the fence comes down and the National Guard leaves. While I believe that the intelligence community has increased the intelligence aperture regarding the perpetrators of this incident, more needs to be done to address the physical security failures faced on January 6, 2021. Congress and the USCP must review current physical security standards in place for federal buildings, such as those provided by the Interagency Security Committee and their application to the Legislative Branch, as well as reviewing past GAO reports, to update the current standards being applied to congressional buildings and offices. I believe a number of steps can be taken and physical security enhancements can be implemented to significantly enhance the security of the building while maintaining the feel of an “open campus.” I would be willing to discuss this topic more in a closed session.

Training and Equipment for USCP Officers: Unlike many other law enforcement agencies, when the USCP sends officers to training, we must backfill that position with overtime, due to the fact that most officers are filling required posts. We are not able to pull officers from other locations or “stack” calls for service to make up for officers who are attending training. Currently, the USCP is allotted 24,000 hours of overtime backfill for training purposes. With a workforce of approximately 2,300 employees, this doesn’t equate to a large number of training hours per employee. The USCP is continually looking at ways to more effectively and efficiently provide training to its members. The initial Civil Disturbance Unit (CDU) training requires 40 hours of initial training, and bi-annual training of 8 hours. And that is for just the basic level of CDU. Congress needs to support greater training funds that will allow a basic CDU training for all of the employees, and a specialized CDU training for the USCP employees assigned to CDU duties. The events of January 6, 2021, have demonstrated the critical need for specialized training to deal with these types of incidents.

Communications with the Congressional Community: We have heard from a number of the staff that systems established to communicate with the congressional community, such as the Joint Emergency Message Notifications System (JEMNS), the Annunciator Emergency Alerting System (AEAS), and the Public Address System may not have been as effective as expected or as necessary under these circumstances. The internal USCP review should evaluate the effectiveness of the systems on January 6, 2021, and the extent that the systems were utilized. The review should also evaluate the effectiveness of the implementation of mass messaging from the Command Center.

National Guard Support for the USCP: The Defense Support of Civil Authorities (DSCA) policies and procedures need to be reviewed and updated following this incident. When a civilian law enforcement agency fulfilling a national security mission protecting the continuity of government and the legislative process is faced with an armed insurrection of thousands of violent individuals, there must be an immediate and seamless process for the military to provide assistance. In addition, the USCP needs more authority to call in the National Guard. This

incident has also revealed the need for our National Guard forces to receive specialized training in civil disobedience.

Since the events of January 6, 2021, the Speaker of the House, the Honorable Nancy Pelosi has co-sponsored legislation to issue the Congressional Gold Medal to the United States Capitol police. In her press release regarding this legislation, dated February 11, 2021, the Speaker stated, "The outstanding heroism and patriotism of our heroes deserve and demand our deepest appreciation, which is why I am honored to introduce legislation to pay tribute to the Capitol Police and other law enforcement personnel who protected the U.S. Capitol on January 6 with the Congressional Gold Medal: the highest honor that the Congress can bestow. The service of the Capitol Police force that day brings honor to our Democracy, and their accepting this Gold Medal will bring luster to this award." In bestowing this award, Congress rightly recognized the extraordinary events and overwhelming odds that the United States Capitol Police faced that day.

I wished I had the opportunity to continue my work with the USCP. I truly appreciate every member of the Department, sworn and civilian, and I worked hard to ensure that every one of them felt that they were a valued member of the team and essential to our mission. The USCP is not like any other police agency in the country and, until January 6, 2021, many people did not truly understand the breadth of its responsibility or the role it plays in protecting our democracy. The USCP is an outstanding agency and I will always be proud of my time there. It is essential that Congress take the steps necessary to ensure that something like this never happens again. I will assist you in any way that I can.

*Before the United States Senate
Committee on Homeland Security and Governmental Affairs and the
Committee on Rules and Administration*

Statement of the Honorable Michael C. Stenger
Former Sergeant at Arms and Doorkeeper, United States Senate

Joint Hearing: **Examining the January 6 Attack on the U.S. Capitol**

Date: **February 23, 2021 at 10:00am (SD-G50) via videoconference**

Chairwoman Klobuchar, Chairman Peters, Senator Blunt, and Senator Portman:

I respectfully submit the following opening remarks for consideration at the joint hearing, “Examining the January 6 Attack on the U.S. Capitol”:

The National Capital Region is a unique environment for law enforcement. The U.S. Capitol Police, in conjunction with the Sergeants at Arms, work to provide security of the Capitol complex and its population, but there is a shared responsibility with other law enforcement groups within the National Capital Region. The sharing of information and resources is paramount for success. Since assuming the position of the Senate Sergeant at Arms, enhancement of the working relationship between my office and the US Capitol Police has been a priority.

I am a proponent of the concept of Intelligence Led Policing. This methodology can be used in assessing threats to individual members as well as threats to the campus. As in all intelligence operations, it is only as good as the analyst assessing it and the assessment is then placed in the hands of appropriate leadership to take proper steps in order to mitigate any threat.

We have to be careful of returning to a time when *possibility* rather than *probability* drives security planning. Though the events of January 6th certainly reveal that a review of Intelligence Led Policing should be done, returning to the concept of *possibility* driving security operations may result in the poor use of resources. This is the constant give and take of security planning.

The Capitol Police Board, made up of the House and Senate Sergeants at Arms, the Architect of the Capitol, and the Capitol Police, provides general goals and objectives to the U.S. Capitol Police, which should be done on a fair, equitable, and bipartisan basis.

There is an opportunity to learn lessons from the events of January 6th. Investigations should be considered as to funding and travel of what appears to be professional agitators. First Amendment rights should always be considered in conjunction with professional investigations.

The law enforcement coordination in the National Capitol Region should be reviewed to determine what can be done in a more efficient and productive manner. Intelligence collection and dissemination, training, and concepts on the use of force must be consistent. This integration should be accomplished without regard to self-serving interest and cost.

In conclusion, whenever you prepare for a major event, you must always consider the possibility of some form of civil disobedience at these demonstrations and plan accordingly. The events of January 6th went beyond disobedience. This was a violent, coordinated attack where the loss of life could have been much worse.

This concludes my prepared remarks.

**Hearing Before the U.S. Senate Committee on Homeland Security and
Governmental Affairs
and the Committee on Rules and Administration**

**Testimony of Paul D. Irving
Former Sergeant at Arms for the U.S. House of Representatives**

February 23, 2021

Chairman Peters, Chairwoman Klobuchar, Ranking Member Portman, Ranking Member Blunt, and distinguished Members of the Committees: Thank you for the opportunity to appear before you today.

My name is Paul Irving and I served as the House Sergeant at Arms for nearly nine years. I resigned from my position on January 7, 2021. Serving as the House Sergeant at Arms was one of the great honors of my life. As the thirty-sixth Sergeant at Arms, I worked with Speakers of the House of Representatives from both the Democratic and Republican parties.

I am a law enforcement officer by training. I began my career as an intern at the Department of Justice more than 40 years ago, and later became a clerk at the Federal Bureau of Investigation (FBI). I eventually became a Special Agent at the U.S. Secret Service and served for twenty-five years, working on two different presidential protection details and ultimately rising to the rank of Assistant Director. Immediately after that, I was the Managing Partner of an international security and intelligence consulting firm.

I appreciate the Committees' role in investigating the horrific events of January 6, 2021, and I welcome the opportunity to answer your questions. The events of January 6 shook me to my core, and I am deeply saddened and dismayed by what happened on that tragic day. The entire world witnessed horrific acts of violence and destruction carried out by our own citizens against a global symbol of democracy. I am particularly saddened by the loss of life, which included three police officers. My heart goes out to all the families that lost a loved one.

During my tenure as Sergeant at Arms, we implemented many security enhancements to make the U.S. Capitol safer for Members, staff, and the public. More has to be done. There are important lessons to learn from January 6, and I commend the Committees for conducting this review of the events leading up to and on January 6. I want to help the staff and Members make changes and improvements to the security of the U.S. Capitol, and to ensure the tragedies of January 6 never happen again.

Intelligence and Security Planning in Advance of January 6, 2021

The U.S. Capitol Police Department (USCP) began planning in December 2020 for the January 6 Joint Session and the associated demonstrations and marches. The large rallies in support of former President Donald J. Trump in November and December 2020 informed the USCP's judgments about the intelligence for the January 6 events.

On January 3, 2021, the USCP issued its special event assessment for January 6—it specifically concluded that the protests were expected to be similar to the two prior First

Amendment marches in November and December. Both prior events saw multiple arrests during and after the demonstrations, with clashes between protesters and counter-protesters resulting in a number of injuries to law enforcement officers. January 6 was also expected to be a First Amendment march and demonstration. Intelligence reported that some groups encouraged protesters to come armed, that violence was a possibility as it had been in November and December, and that Congress would be the focus. The intelligence was not that there would be a coordinated assault on the Capitol, nor was that contemplated in any of the inter-agency discussions that I attended in the days before the attack.

The USCP's intelligence component relied on intelligence reporting from various state and federal agencies to draft its special event assessment. Those sources included the FBI and the Department of Homeland Security, neither of which assessed or forecast a coordinated assault on the Capitol like the one that took place. And for each of the days leading up to January 6—and indeed, on January 6 itself—the USCP issued a daily intelligence report in which it assessed the potential for civil disobedience and arrests as “remote” to “improbable.”

On January 4, I spoke with USCP Chief Sund and Senate Sergeant at Arms Stenger about a National Guard offer to incorporate 125 unarmed troops into the security plan to work traffic duty near the Capitol, with the expectation that those troops would free up Capitol Police officers to be at the Capitol. Certain media reports have stated that “optics” determined my judgement about using those National Guard troops. That is categorically false. “Optics” as portrayed in the media did not determine our security posture; safety was always paramount when evaluating security for January 6. We did discuss whether the intelligence warranted having troops at the Capitol, and our collective judgment at that time was no—the intelligence did not warrant that. The intelligence did warrant the plan that had been prepared by Chief Sund.

Chief Sund's plan was for “all hands on deck,” whereby every available sworn USCP employee with police powers was assigned to work on January 6. The Chief's plan included approximately 1,200 Capitol Police officers on site, including numerous Civil Disturbance Units and other Capitol Police tactical units. The D.C. Metropolitan Police Department (MPD) was also on 12-hour shifts, with no officers on days-off or leave,¹ and they staged officers just north of the Capitol to provide immediate assistance, if required. The plan also closed the entire Capitol square with a western perimeter beginning at 1st Street NW and SW. And in the course of the January 4 call, we agreed that Chief Sund would ask that the National Guard have the 125 troops standing by as an asset in reserve.

Had I thought for an instant that the intelligence called for the presence of 125 unarmed National Guard troops to work traffic duty (as was contemplated in the January 4 discussion), I would not have hesitated to do everything necessary to ensure their presence. Moreover, had Chief Sund, Senate Sergeant at Arms Stenger, or any of the law enforcement leaders involved in the planning concluded that the intelligence called for the National Guard or any other resource on January 6 (or that the security plan fell short in any respect whatsoever), I would not have hesitated to ensure the National Guard's presence or to make any other changes necessary to

¹ Testimony of Robert J. Contee, III, Acting Chief of Police, Metropolitan Police Department, before Committee on Appropriations (January 26, 2021) (Contee), 1.

ensure the security and safety of the Capitol. Our ultimate need for the National Guard was starkly different than unarmed troops for traffic duty.

On January 5, Chief Sund and I participated in a web-based interagency conference call with multiple law enforcement partners: the FBI, the MPD, the U.S. Secret Service, the U.S. Park Police, and the Military District of Washington, among other law enforcement agencies from the National Capitol Region. Based on the intelligence and threat assessment, everyone on the call believed that we were prepared and the plan met the threat.

Also on January 5, Chief Sund briefed the security plan to the Chairs of the two committees of jurisdiction; I attended the briefings. He stressed there would be “all hands on deck” and described the law enforcement and contingent National Guard assets that would be on call. Like Chief Sund, based on the intelligence and the extensive deployment of law enforcement resources, I erroneously believed that we were prepared.

As we now know, the security plan was not sufficient for the unprecedented attack that unfolded on January 6. As Sergeant at Arms and as a senior official responsible for the security of the Capitol, I accept responsibility for my approval of that plan. And as you know, I resigned from my position on January 7.

The Tragic Events of January 6, 2021

I started the day believing that my official duties on the House floor for the Joint Session would predominate my day. At around 1:00 p.m., I announced to the Speaker in the House Chamber the arrival of the Vice-President and the Senate.

It has been reported that Chief Sund contacted me to request National Guard support shortly after that at 1:09 p.m. I was in the House Chamber working protocol for the Electoral College Joint Session at that point. I have no memory of a call at 1:09 p.m. and I have reviewed my phone records: there is no call from Chief Sund (or any other person) at that time; the first call from Chief Sund in the one o'clock hour is at 1:28 p.m. My records also do not show any text messages from Chief Sund at that time.

Shortly after I left the House Chamber, I recall speaking with Chief Sund more than once in the period between 1:28 p.m. and 2:00 p.m. regarding the conditions outside. At one point, Chief Sund informed me that conditions were deteriorating outside and that he might need to make a request for the National Guard. I told Chief Sund that I would soon be with the Senate Sergeant at Arms and that I would also alert House Leadership, which I did. I believe that I arrived in the Senate Sergeant at Arms office around 2:00 p.m. I remember a call after that in which Chief Sund requested National Guard support, and the request was approved on that call.

Since that time, I have seen the timeline published by the Department of Defense (DOD). I have no personal knowledge of the information in DOD's timeline, but I am aware that it reports the Secretary of the Army received a request from Mayor Bowser at 1:34 p.m., and that the National Guard received a request from Chief Sund at 1:49 p.m. Regardless of whether the National Guard was requested at 1:34 p.m. and 1:49 p.m. according to the DOD's own timeline, or shortly after 2:00 p.m., it is clear that the National Guard was not quick to respond—as we

had planned—and it was several hours before they were onsite. I am of course very grateful for their support.

I am also incredibly grateful for the support of the MPD and our other law enforcement partners. In the same period of time, the MPD routed hundreds of officers to the U.S. Capitol. Chief Contee has stated in Congressional testimony that he had as many as 850 officers on-site at one point that afternoon.² We also activated the Mutual Aid Agreement with law enforcement agencies in the surrounding jurisdictions, and I understand that brought more than 1,000 additional officers to the Capitol that afternoon.

Thanks to the heroic efforts of law enforcement, the National Guard, my own staff, and many others, the House recommenced the Electoral College vote at approximately 9:00 p.m.

I am honored to have worked beside the brave men and women of the USCP, including Chief Sund, each and every day of my tenure as the House Sergeant at Arms. I hold them in the highest regard.

I am also grateful to the House Leadership, the Committees of Jurisdiction to whom I reported, and to all the Members and staff that supported me throughout my tenure as the House Sergeant at Arms. It was truly an honor to serve.

Thank you, and I look forward to your questions.

² Contee at 3.

I Saw Provocateurs At The Capitol Riot On Jan. 6

The deadly riot at the U.S. Capitol bore the markings of an organized operation planned well in advance of the Jan. 6 joint session of Congress.

The deadly riot at the U.S. Capitol bore the markings of an organized operation planned well in advance of the Jan. 6 joint session of Congress.

A small number of cadre appeared to use the cover of a huge rally to stage its attack. Before it began, I saw from my vantage point on the West Front of the Capitol what appeared to be four separate cells or units:

1. **Plainclothes militants.** Militant, aggressive men in Donald Trump and MAGA gear at a front police line at the base of the temporary presidential inaugural platform;
2. **Agents-provocateurs.** Scattered groups of men exhorting the marchers to gather closely and tightly toward the center of the outside of the Capitol building and prevent them from leaving;
3. **Fake Trump protesters.** A few young men wearing Trump or MAGA hats backwards and who did not fit in with the rest of the crowd in terms of their actions and demeanor, whom I presumed to be Antifa or other leftist agitators; and
4. **Disciplined, uniformed column of attackers.** A column of organized, disciplined men, wearing similar but not identical camouflage uniforms and black gear, some with helmets and GoPro cameras or wearing subdued Punisher skull patches.

All of these cells or groups stood out from the very large crowd by their behavior and overall demeanor. However, they did not all appear at the same time. Not until the very end did it appear there was a prearranged plan to storm the Capitol building, and to manipulate the unsuspecting crowd as cover and as a follow-on force.

Eyewitness Account, with No Outside Details

This article is a first-person, eyewitness account drafted the night of Jan. 6 and morning of Jan. 7, so it is not affected by other news coverage or information. The only research aids used in this article were photos and videos that I took from my phone.

I have witnessed and participated in scores of protests since the 1970s when as a high school student I was trained by professional agitators from California. Apart from my professional background and experience, nothing in this article is derived from any third-party information or analysis.

In editing this for publication, I fought the temptation to add new information that I had subsequently learned from my own or from other people's accounts. Other reports will vary and may contain contradicting information, and will contain far more facts than appear here. Many well-known actions and developments reported in the news do not appear here, as this is purely what I saw and understood between about 11:30 a.m. and 4:00 p.m. on Jan. 6.

Anti-riot Police Prepared Early, But Presence Was Light

Originally I had planned not to attend any of the several pro-Trump events scheduled for that day. At the last minute, a companion and I decided to see what we could see. Late that morning, at about 11:30, I walked from near Union Station to the Senate side of Capitol Hill on 2nd and D Streets NW and noticed a small number of Capitol Police dressed in full riot gear, with shin guards and shoulder guards. One carried a black baton with side handle.

"That's old school," I called to the officer, giving him a thumbs-up. The police appeared to be readying to board a van or bus, although the Capitol was only 2-1/2 blocks away.

I crossed behind the Russell Senate Office Building to Constitution Avenue near the Capitol, past some out-of-towners who pointed at the Capitol and asked if it was the White House, then walked for about 25 minutes up Pennsylvania Avenue toward an empty Freedom Park.

A rally had just taken place there and moved to the Ellipse, the large lawn between the White House and Constitution Avenue NW. President Trump was speaking to a huge crowd at the Ellipse, although the Freedom Park rally had broken up to assemble at the Capitol before we arrived.

For such a massive event, police presence was light. District of Columbia police and a small group of DC National Guard had a relaxed demeanor, keeping a professional distance from marchers and other pedestrians, as they usually do. A few police and

National Guard gathered around a mobile device to listen to the president make what sounded like rousing comments.

Crowd Energized and Festive, Not Angry or Incited

A while later we saw from a block away that marchers had begun down Constitution Avenue from the Ellipse to Capitol Hill, mostly along Constitution Avenue. We passed down 13th Street to join them.

Although the march was in protest of fraud in the 2020 election and people were recounting the president's energizing speech, the mood of the crowd was positive and festive. Strangers stopped to talk to one another along the way, resisting but ultimately giving in to offers from street vendors hawking Trump and MAGA memorabilia, or to taking pictures of Washington landmarks.

Some along the way talked enthusiastically about President Trump joining them on Capitol Hill, as if he had said something about it in his Ellipse speech. I didn't want to pop their balloon by saying that he undoubtedly would not. There was an expectation in the air that he would be there.

Of the thousands of people I passed or who passed me along Constitution Avenue, some were indignant and contemptuous of Congress, but not one appeared angry or incited to riot. Many of the marchers were families with small children; many were elderly, overweight, or just plain tired or frail—traits not typically attributed to the riot-prone.

Some said they were police officers from around the country. Many wore pro-police shirts or carried pro-police "Back the Blue" flags.

Diverse Cross-Section of America

Among the hundreds and hundreds of flags—perhaps thousands—displayed over the next few hours, I saw only two Confederate battle flags and one white supremacist sign, the latter of which some suspected aloud was a leftist plant. The two flags and one sign, I thought, would feature prominently in news reports to present a false image of the crowd.

A large group of African-American men sported shirts that said "Blacks for Trump." Figuring that journalists would emphasize the solitary racist sign and Confederate flags,

deliberately ignoring the rest, I took note of the fact that many demonstrators were black, Asian, and Latino, with a strong presence of Vietnamese- and Chinese-Americans.

Respect for the City and Streets

The DC government had placed only one portable toilet along the 16-block Constitution Avenue route, and five more near the intersection with Pennsylvania Avenue near the Canadian Embassy. The federal government opened the Ronald Reagan Building so people could use the bathrooms.

The city had provided few trash bins. (DC usually provides a large number of toilets and trash receptacles along march routes.) Yet remarkably little litter could be seen in the streets. People crushed their plastic water bottles and food wrappers and stuffed them in their pockets, and a few marchers picked up the occasional trash along the route.

Observations about the toilets and trash are noteworthy because, in my experience with and among large protest crowds in Washington, the large leftist crowds tend to be angry and leave trash in the streets and urine in the shrubs. None of that anger showed in the Jan. 6 crowd along Constitution Avenue.

The Exceptions: Organized Cadre

Although the crowd represented a broad cross-section of Americans, mostly working-class by their appearance and manner of speech, some people stood out. A very few didn't share the jovial, friendly, earnest demeanor of the great majority. Some obviously didn't fit in.

Among them were younger twentysomethings wearing new Trump or MAGA hats, often with the visor in the back, showing no enthusiasm and either looking at the ground, glowering, or holding out their phones with outstretched arms to make videos of as many faces as possible in the crowd.

Some appeared awkward, the way someone's body language inadvertently shows the world that he feel like he doesn't fit in. A few seemed to be nursing a deep, churning rage.

They generally covered their faces with cloth masks, as opposed to the pro-Trump people, few of whom wore masks at all. They walked, often hands in pockets, in clusters of perhaps four to six with at least one of them frequently looking behind.

These outliers group looked like trouble. I presumed these **fake Trump protesters** were Antifa or something similar. However, that entire afternoon I saw none of them act aggressively or cause any problems. At least, not from my vantage point.

A second outlier group also stood out. While many marchers wore military camouflage shirts, jackets, or pants of various patterns and states of wear and in all shapes and sizes, here and there one would see people of a different type: Wiry young men in good physical condition dressed neatly in what looked like newer camouflage uniforms with black gear, subdued patches including Punisher skulls, and helmets.

They showed tidiness and discipline. They strode instead of walked, moving at a more rapid pace than most of the people, sometimes breaking into a short jog, and generally keeping to the left side of Constitution Avenue in pairs of two or small groups of three. Unlike others in old military clothes who tended to be affable and talkative, these sullen men seemed not to speak to anyone at all. As we would see, they were the **disciplined, uniformed column of attackers**.

Entering the U.S. Capitol Grounds

We walked about three blocks behind the front of the march to the Capitol, with perhaps two or three thousand people ahead of us. The DC Metropolitan police were their usual professionally detached selves, standing on curbs or at street crossings and exchanging an occasional greeting from marchers, but treating the event as routine and at the lowest threat level.

When we crossed First Street NW to enter the Capitol grounds where the Capitol Police had jurisdiction, I noticed no police at all. Several marchers expressed surprise.

Passing by a few days earlier, I had noticed that, with presidential inaugural platform construction underway, the Capitol's West Front lawn had been blocked off with plastic. On this day, there was no barrier blocking the paved footpath with its high granite curbs on either side leading up the Senate side of the hill. The openness seemed like a courtesy gesture from Congress, which controls security.

But that appearance of low threat level made no sense. American flags flew over the Senate and House chambers, indicating that each house of Congress was in session. Vice President Mike Pence was supposed to be there to certify the electoral votes. For better or worse, this was a historic day in Congress. Yet no Capitol Police appeared anywhere

from what we could see, and I commented on to my companion that it was very strange for there to be no police during a joint session of Congress, with or without a gigantic crowd.

At a low point of ground, we crossed on top of what looked like a length of black aluminum fencing that had been placed flat over a wet area of mud or dead leaves in the walkway. It was the only thing out of place in what was becoming a funnel of people marching in from the broad merger of the six-lane Constitution Avenue and four-lane Pennsylvania Avenue and a Senate staff parking lot and park to the footpath. What looked like tens or even hundreds of thousands of people surged down the avenues as far as one could see.

At the West Front of the Capitol: Spirited Disorder

The marchers became denser as greater numbers of people funneled into the paved footpath going up Capitol Hill, but almost everyone seemed talkative and happy. The path was interrupted by a few steps and a handrail in the middle, going on until a second set of steps ended at a plaza at the Capitol's crypt level.

The first thing we saw was the temporary news media tower built for cameras to transmit the upcoming presidential inauguration. As if at a party, some younger Trump supporters had climbed the tower and were waving American and political flags.

The tower stood before the painted wooden inaugural stand itself, with its VIP section above the balcony-like protrusion where Joe Biden will be sworn in as president. Windbreaks or something similar, made of metal scaffolding and covered with a façade of white cloth or plastic sheeting, rose above the north and south ends of the platform.

No police could be seen on the platform for now. No police could be seen anywhere.

People kept surging in from Constitution Avenue, and the plaza quickly filled up and overflowed onto the lawn. Everyone squeezed closer and closer together, with most in high spirits. Some trouble began up in the front, near the base of the inaugural platform itself, but we could not see what was happening.

Many of us looked on our phones for texts or Twitter messages to find out what was happening, but there was no functioning wireless service—too many people with phones in too small an area overloaded the cell phone transmission facilities.

The Capitol Police

The U.S. Capitol Police recruit a special kind of professional. They are sworn to defend one of the most important building complexes in the country, the U.S. Capitol and its sprawling congressional office buildings. More importantly, their mission is to defend one of the three coequal branches of the federal government, upholding the Constitution.

Every day they deal with thousands of tourists and visitors from around the country and the world. They have to be serious with their mission, but constantly show patience with the often frustrating and even annoying throngs of ordinary visitors and those who consider themselves Very Important People.

Normally, the Capitol Police are excellent at communicating with crowds. Not today.

A contingent of perhaps 30 to 50 Capitol Police emerged at the top of the inaugural platform above the VIP section and worked their way down to the spot where Biden will take his oath of office. It was after 1:17 p.m., according to my camera. They were armed with paintball-type long guns that fired capsules of pepper irritant, teargas launchers, and long guns that I could not identify from my position. Something was happening on the plaza level below them, but we couldn't see.

To our left on the Senate side, a scuffle had already broken out, but we were so packed so tightly that we couldn't see or hear. The biggest feature was the imposing edifice of the Capitol itself, the party-like guys up on the camera tower, and the endless crowd of people flowing in with colorful flags—American, MAGA, South Vietnamese, even one from Kazakhstan. Many eyes were on the Capitol police in their black tactical gear, bright yellow-green safety vests, and weapons.

Some out-of-towners wondered why the police were there when they were all pro-police and no Antifa were present. Others said they did see Antifa wearing backward MAGA hats, so the police must have been waiting for them. I quietly wondered why so few police were present for a crowd this or any size.

Confusion as Police Fire Tear Gas at Their Supporters

Then something happened at the front of the crowd, as if a champagne cork popped to release pent-up human energy. It seemed like a scuffle, but from 40 feet back, I couldn't

see. People started chanting “USA, USA,” and other slogans. Some burst with streams of profanity about Biden, Nancy Pelosi, and “the steal.”

For a few seconds I saw what looked like police in a tussle with some of the marchers up front—what appeared to be an organized group in civilian clothes. This organized group are the cell I call the “plainclothes militants.” They fit right in with the MAGA people.

Suddenly energy surged from the front of the crowd as the anti-riot police, above on the inaugural platform, visibly tensed up. Some sighted their pepper ball weapons toward the densely packed people. One fired a teargas canister—not at the plainclothes militants at the front line, but into the crowd itself. Then another. Flash grenades went off in the middle of the crowd.

I had seen anti-riot police in action before. They moved with a decisive sense of purpose. Now, the Capitol Police crew seemed confused, as if without a leader or perhaps inadequate rules of engagement. These professionals seemed directionless.

Some clambered up and down the inaugural platform steps. Others milled back and forth at the swearing-in level. Most of the police ended up leaving the surreal scene. Nobody could tell why.

Pro-Police People Felt Like They Were Being Attacked

No bullhorn or sound system could be heard for the police to communicate with the swelling mass of people.

The tear gas changed the crowd’s demeanor. There was an air of disbelief as people realized that the police whom they supported were firing on them. “What are you doing—we support you,” someone yelled. Tear gas wafted through the crowd, a low-grade irritant, fortunately, as if to send a warning to disperse. But nobody could disperse; some tried to leave the area, but more kept flowing in from Constitution Avenue, making evacuation impossible.

All of a sudden, pro-police people felt the police were attacking them, and they didn’t know why. Instead of running away, the people stood their ground.

Something seemed to break loose a second time toward the front, but we couldn’t tell what it was. Younger members of the crowd climbed the scaffolding inside the north façade of the inaugural platform and waved flags from the top. The crowd cheered.

More tear gas. A canister struck a girl in the face, drawing blood. The pro-police crowd went from disbelief and confusion to anger. A few dozen members of the crowd, mostly young men, raced up a narrow path on the stone steps behind the façade and a limestone wall, facing a few police at the top, who tried to stop them.

The police disappeared and a crowd surged up the stairs to the plaza at the Senate entry level. People inside the façade tore through to wave flags. As another canister of tear gas went off, a few people started pushing against the current of incoming marchers to leave the area.

Provocateurs to Turn Unsuspecting Marchers Into an Invading Mob

Then, a loud, bellowing shout from behind: “Forward! Do not retreat! Forward!”

Retreat? Nobody was retreating. They were trying to escape the tear gas. But the man kept yelling not to “retreat,” as if this were a military operation. In a powerful voice, he exhorted the crowd to remain on the plaza and not to disperse on the lawn or depart down the steps to the footpath. Thousands more people continued pouring in from Constitution Avenue.

Then two other men, standing across from one another on the high granite curbs on either side of the footpath, bellowed variations of “Forward! Don’t you dare retreat!” Some made direct eye contact at people and pointed directly at them, as if trying to psyche them into submitting.

Still more tear gas, this time with green or yellow smoke. I was concerned that my companion, who was recovering from a previously injured foot, might get knocked down if people started to stampede for air. Once someone falls down in a panicked crowd, there’s a dangerous risk of getting trampled to death. I opened the way for others to exit, with other marchers lending a hand. But most of the people stood where they were as more marchers flowed up Capitol Hill.

A third man standing on a chair, also shouting “Forward,” reached down to grab me by the shoulder and barked, “Don’t retreat! Get back up there!” It wasn’t an expression of enthusiasm or solidarity; it sounded like a military order. And it wasn’t from a wild kid; this guy was probably in his 50s. He looked furious with me.

What did he care what I did? What difference would the departure of ten or even a hundred of us make, with so many more surging in. The furious man crouched down and yelled in my face: “We’re going into the Capitol!” I ignored him, broke away, and worked my way down the steps.

“What a stupid idiot,” I thought. “You can’t just walk into the Capitol anymore. Especially not today.” Bystanders helped my companion and me mount the high stone curb to the grass, where we chatted with new people we met and wondered what was happening up front.

What the barking men were doing didn’t hit me until later, when we found out about the attack: They appeared to be part of an organized cell of **agents-provocateurs** to corral people as an unwitting follow-on force behind the **plainclothes militants** tussling with police—but who, we would later learn, were actually breaking into the Capitol beneath the Great Rotunda to storm Congress. It was just before 3 o’clock.

These apparent agents-provocateurs placed hundreds of unsuspecting supporters of the president in physical danger. They attempted to block exits for people seeking to escape tear gas. They endangered vulnerable people, including children, the frail, and the elderly.

They funneled and pushed hundreds if not thousands of innocent people into a crush toward the Capitol. They did so with the goal of forcing those people into a confrontation with federal police defending Congress.

Surreal Pandemonium

Nobody seemed aware that the Capitol was physically under attack. The tear gas caused pandemonium. But there was still no stampede, and people helped create or widen paths to allow others to leave the area.

Some, seeing frail or elderly people who had a hard time standing, broke into a pallet of black folding chairs for the inauguration and distributed them. But the mood had gone from patriotic—although contemptuous of Congress—to furious.

Rumors spread. “They say they’re going into the Congress,” someone said. “Good,” someone else said, perhaps more as an exclamation of anger at being teargassed than

anything else. "That's stupid. Cops will never let 'em in," said others, or in words to that effect.

Some blamed House Speaker Pelosi for ordering the police to gas her political opponents, then wondered aloud whether she really could do that. Somebody was able to get phone reception to ask if anybody knew what was happening, but couldn't hear because of the crowd. Texting and social media posting was almost nonexistent because of overloaded towers.

Having spent decades around the Capitol since my days as a junior Senate and House staffer, and loving the building and its history as one of our greatest national treasures, I was confident that the Capitol would remain safe. But the lack of perimeter police presence, and the confused actions of those firing tear gas, flash grenades, and pepper balls from the presidential swearing-in platform had me thinking that something was wrong at the command level.

What if someone did break into the Capitol? Not possible. From out there on the lawn, a breakdown in police command and control was unthinkable.

By now, where we were on the Senate lawn, the mood was more like an outdoor rock concert gone out of control. Someone with a master key took control of a green cherry-picker, raising two people on the crane, who took pictures and waved.

Others kept people back to prevent injuries. Conscientious people looked out for the unaware or foolish. Several young people scaled the basement wall of the Senate to join people who had taken the steps to the top.

For the first time we saw a group of journalists with their cameras, computers, and transmitting gear. A few Capitol Police milled around, some winded as if they had seen action.

Uniformed, Disciplined Cadre Assembles for Attack

Then, from the north, a column of uniformed, agile younger men walked briskly, single-file, toward the inaugural stand. They came within two feet of me. Their camouflage uniforms were clean, neat, and with a pattern I couldn't identify.

Some had helmets and GoPro cameras. Some uniforms bore subdued insignia, including the Punisher skull. These were the **disciplined, uniformed column of attackers**. I had

seen them in groups of two or three among the marchers on Connecticut Avenue from the Ellipse.

Now there were a good three dozen of them, moving in a single, snakelike formation. They were organized. They were disciplined. They were prepared.

"We're taking the Capitol!" the first or second announced.

"You're gonna get arrested," someone called out.

"They can arrest some of us, but not all of us," another member of the uniformed contingent shouted to no one in particular.

A few curious younger people left their friends to follow them as the group disappeared under the scaffolding beneath the Rotunda entrance.

Some in the crowd expressed frustrated hope the uniformed men could teach Pelosi and Senate Majority Leader Mitch McConnell a lesson, but nobody seemed to believe that they would actually do it.

I tried to text a friend to report what was happening. The jammed cell phone system made it impossible.

Spectacle of the Weird on the East Front

A small group of us exited toward Constitution Avenue, north of the Senate Wing. Someone said he had seen a person inside a second-floor window holding a "Stop the Steal" sign.

"They got into the House and Senate," someone told us. "It's crazy."

A circus awaited us on the East Front of the Senate Wing. At the foot of the Senate steps, a victorious-looking crowd stood there, hanging around. A semi-naked man in what looked like a fur caveman outfit, with a Braveheart-painted face and Viking horns, struck a weirdly heroic pose as people took pictures.

The crowd there was different. People were talking about how the Capitol had been invaded. A rumor spread that "the cops shot and killed a woman inside." The rumors were true.

We wanted to stay but decided against it. As we passed by the fountain that formed the glass roof of the visitors' center below, several dozen Capitol Police, wearing anti-riot body armor and holding transparent shields, accompanied by what looked like DC anti-riot police and about a dozen DC National Guardsmen, walked past us in irregular formation, heading toward the Capitol building.

Some seemed winded, as if they had been in an incident, perhaps where we had been on the other side of the Senate. One officer stayed behind to help a brother policeman, who seemed to have trouble walking; a mask obscured his face but his skin looked swollen and red. He kept on walking.

We didn't know what to say or do. It didn't seem real, but it was. The time was 3:32 p.m. We went home in silence.

Post Script

As said in the introduction, this article is purely my eyewitness account from notes taken the evening of Jan. 6 and morning of Jan. 7. They are not tainted by any news or information from outside sources, so they do not contain many details that are public.

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J. Michael Waller is senior analyst for strategy at the Center for Security Policy. His areas of concentration are propaganda, political warfare, psychological warfare, and subversion. He is a former professor at the Institute of World Politics, a graduate school in Washington, DC. A former instructor with the Naval Postgraduate School, he is an instructor/lecturer at the John F Kennedy Special Warfare Center and School at Fort Bragg.



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February 26, 2021

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The Honorable Roy Blunt
Ranking Member
Senate Rules and Administration Committee

The Honorable Gary Peters
Chairman
Senate Homeland Security and Governmental affairs committee

The Honorable Robert Portman
Ranking Members
Senate Homeland Security and Governmental affairs committee

Dear Committee Members:

Thank you for allowing me the opportunity to testify before the U.S. Senate Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration on January 23, 2021. Following the hearing, and at the request of the committees, I conducted a thorough review of my documents and available information from the United States Capitol Police (USCP) in order to confirm the testimony I gave (written and oral) about the timeline of events. Based upon this review, I have updates to my timeline, detailed below, which validate my timeline of events and interactions. I am attaching supporting documentation.

My initial request for the National Guard actually occurred on the first day of the 117th Congress, which was on Sunday, January 3, 2021. I initially believed that I had made a request for the National Guard on January 4, 2021, but after reviewing video from January 3rd, I am confident that I made the request on that day.

Sunday, January 3, 2021:

9:24 a.m.- Video shows me entering the office of the House Sergeant at Arms (H-124) in the Capitol Building.

It is during this meeting that I made the request for the assistance of the National Guard to HSAA Mr. Paul Irving to assist the USCP on January 6, 2021.

Sunday, January 3, 2021 (Continued):

During this meeting, Mr. Irving expressed concerns with the optics of the use of the National Guard and indicated that he did not think that the intelligence supported the request. He then referred me to the Senate Sergeant at Arms, Mr. Michael Stenger.

I personally came to Mr. Irving's office in lieu of a phone call, because I wanted to request the support from the National Guard which would require a formal process that could only be authorized by the Capitol Police Board. I did not mention any offer of support from the National Guard. At the time of this meeting with Mr. Irving, I had not spoken to General Walker about support and therefore had no knowledge of the National Guard's ability to provide assistance. The discussion with General Walker about the 125 soldiers to be repurposed did not occur until that evening at 6:14 p.m. on January 3, 2021. Therefore, I would not have had this information to disclose at the meeting earlier in the day as suggested by Mr. Irving's testimony.

9:32 a.m.- Video shows that Mr. Irving and I depart the office together. Timeline was developed with the assistance of a review of video camera footage by the USCP (Attachment No. 1).

9:35 a.m.- Video shows me heading to S-150 the Office of the Senate Sergeant at Arms. Mr. Stenger was not at the office. Video shows me leaving. (Attachment No. 2).

11:13 a.m.- Senate Sergeant at Arms Mr. Stenger is observed walking towards his office.

11:53 a.m.- I am observed walking towards the Office of the Senate Sergeant at Arms.

I meet with Mr. Stenger in the office of the Senate Sergeant at Arms (S-150) in the Capitol Building. During the meeting, I made the request for the National Guard to Mr. Stenger. Instead of approving the request, Mr. Stenger asked me if I knew anyone with the National Guard who I could unofficially inquire about assistance in the event National Guard might be needed at the Capitol on January 6, 2021. Mr Stenger also asked that I inquire about the number of National Guard soldiers that could be provided and how quickly. I advised Mr. Stenger that I knew General William Walker of the D.C. National Guard. Mr. Stenger then requested that I call General Walker to obtain the information.

11:55 a.m.- Video shows me departing S-150, the Office of the Sergeant at Arms . Timeline was developed with the assistance of a review of video camera footage by the USCP (Attachment No. 3)

6:14 p.m.- That evening, as requested by the Senate Sergeant at Arms, I called General William Walker of the D.C. National Guard to inquire about possible support on January 6. I advised General Walker that I did not have an approved Declaration of Emergency from the Capitol Police Board (CPB). General Walker advised that, if requested, he could repurpose 125 National Guard from a COVID-19 support mission and once approved, get them over to the D.C. Armory to be sworn in by Capitol Police fairly quickly.

Sunday, January 3, 2021 (Continued):

I again reiterated that I did not have an Emergency Declaration from the CPB but wanted to inquire and ask him to lean forward (be prepared) in the event the request came on January 6, 2021. We then concluded the call (Attachment No. 4).

Tuesday, January 5, 2021:

During the day, I advised both Mr. Irving and Mr. Stenger on the information provided by General Walker and they both appeared satisfied with that level of support.

Wednesday, January 6, 2021:

The below timeline is an excerpt from Attachment Number 5; Chief Sund's cell phone call log from 7:15 a.m. on January 6, 2021, until 11:07 a.m., on January 7, 2021. The timeline provides information regarding cell phone calls between the time that the fence line was breached on the West Front at 12:52 p.m., and the time that the National Guard request was approved at 2:10 p.m. The other 200 calls on the call log are not included in this timeline.

12:53 p.m.- Mob of insurrectionists breach the metal crowd control barriers on the West Front of the Capitol and begin to fight with the officers.

12:55-12:56 p.m.- I immediately called Assistant Chief Jeffrey Carroll of the Metropolitan Police Department (MPD) to provide assistance. MPD had staged significant resources in the area as a result of pre-coordination with the Capitol Police.

12:58 p.m.- I called HSAA Paul Irving to advise of the serious situation on the West Front and request the immediate Declaration of an Emergency by the CPB to authorize the support of the National Guard. Mr. Irving stated he will, "run it up the chain," and get back to me. This call was made in the presence of USCP General Counsel, Mr. Thomas DiBiase, who is willing to validate the timeline if requested by the Committees.

12:59-1:03 p.m.- Calls coordinating support with MPD.

1:05 p.m.- I then spoke to SSAA Stenger and advised him of the serious situation on the West Front and requested the immediate Declaration of an Emergency by the CPB and to authorize the support of the National Guard.

1:08 p.m.- Call with USSS.

1:18 p.m.- Support coordination call with MPD

1:19 p.m.- Call received from Jennifer Hemingway, Deputy Senate Sergeant at Arms.

Wednesday, January 6, 2021 (Continued):

1:21 p.m.- I called and provided SSAA Stenger with a situational update.

1:28 p.m.- I called HSAA Irving to provide situational awareness and inquire on status of the request for the National Guard. National Guard has not been approved.

1:34 p.m.- I called HSAA Irving. National Guard authorization still not approved.

1:36 p.m.- Called USSS to coordinate support.

1:39 p.m.- I receive call from SSAA Stenger to discuss the ongoing situation.

1:42 p.m.- Call from USSS to coordinate support.

1:44 p.m.- Call from MPD coordinating support.

1:45 p.m.- I again called HSAA Irving. Authorization for National Guard has still not been approved.

1:49 p.m.- I then called General Walker of the D.C. National Guard and advises him that USCP will need urgent assistance, and that the Declaration of Emergency by the CPB has not been granted but is expected to be approved at any moment.

1:51 p.m.- I called and activated the Metropolitan Washington Council of Government's Mutual Aid agreement, requesting assistance from all of the law enforcement agencies in the National Capitol Region. This request resulted in 18 agencies providing almost 1,700 law enforcement officers to support the USCP.

1:56 p.m.- Call from the Metropolitan Washington Council of Government to coordinate mutual aid.

1:59 p.m.- Called ATF to further coordinate support.

2:01p.m. I called HSAA Irving. Authorization for National Guard still not approved.

2:07 p.m.- I again called HSAA Irving, who advised that the Declaration of Emergency has been approved and that the use of the National Guard has been authorized. This call was made in the presence of USCP General Counsel, Mr. Thomas DiBiase, who is willing to validate the information if requested by the Committees.

2:08 p.m.- I then called SSAA Stenger and inform him that HSAA Irving has given his approval. During the call I advised that we were preparing the formal declaration for the CPB.

Wednesday, January 6, 2021 (Continued):

2:10 p.m.- I called General Walker of the DC National Guard and advised him that the Declaration of Emergency has been approved by the CPB and that the immediate response of the National Guard is being requested by the USCP. I also advised General Walker that we were preparing the formal request to follow this oral request. I then yelled over to the Watch Commander at the USCP Command Center to mark the official time of the authorization approval by the CPB to be 14:10 hours.

All calls referenced on January 6, 2021, are substantiated in Attachment Number 5, Chief Sund 's cell phone records for January 6-7, 2021. In addition, the calls were made in the presence of a number of USCP officials and USCP General Counsel Mr. Thomas DiBiase.

Please contact me if you have any additional questions regarding my timeline or testimony

Sincerely,



Steven A. Sund
Former Chief of Police
United States Capitol Police

Attachments:

- Attachment No. 1 USCP Video transcript for January 3, 2021
- Attachment No. 2 USCP Video transcript for January 3, 2021
- Attachment No. 3 USCP Video transcript for January 3, 2021
- Attachment No. 4 Chief Sund's phone record for January 3, 2021
- Attachment No. 5 Chief Sund's phone record for January 6-7, 2021

From: "Spochart, Michael A." <Michael.Spochart@uscp.gov>
Date: February 24, 2021 at 9:25:51 PM EST
To: "DiBiase, Thomas A." <Thomas.DiBiase@uscp.gov>
Subject: Chief Sund Visit with HSAA

Good evening Mr. DiBiase –

Please find this email as follow up to former Chief Sund's recent request to identify video images of himself visiting with former HSAA Irving at his office prior to the Insurrection.

After an exhaustive search of archived video between Sunday, January 3 and Tuesday, January 5, below is what we (Command Center) found on our USCP Genetec system:

- Sunday, January 3, 2021
 - o Camera 150 (9:24:27 a.m.) = Former Chief Sund entered H-124 HSAA Office
 - o Camera 150 (9:32:23 a.m.) = Former Chief Sund exited H-124 with former HSAA Irving
 - o Camera 177 (9:32:41 through 9:35:11) = Former Chief Sund and former HSAA Irving walked northbound through the Hallway of Columns then held a few minutes of conversation in the south entry of the Crypt
 - o Camera 153 (9:32:57 a.m. through 9:33:09 a.m.) = Former Chief Sund and former HSAA Irving walked northbound along the House wing doors (between Hall of Columns and Crypt)
 - o Camera 178 (9:35:11) = Former Chief Sund walked alone northbound through the Crypt

These videos are labeled in Genetec as "HSAA Visit."

From: Operations <Operations@uscg.gov>
Sent: Thursday, February 25, 2021 1:42 PM
To: Wisham, John J. <John.Wisham@uscg.gov>
Subject: Chief Sund 01/03/2021: Sergeant @ Arms

Good afternoon Lieutenant Wisham,
Below you will see a breakdown on the movement of Chief Sund on Sunday, January 03, 2021 through the Capitol Building. This will highlight the Chief Speaking with House Sergeant at Arms and making his way towards the Senate Sergeant at Arms Office located in S-151.

Camera 0177 @ 09:32 Chief is observed walking and talking with House Sergeant Paul Erving

0178 @ 09:35 Chief is observed traversing the Crypt from the House Side heading towards the Senate.

0402 @ 09:35 Chief is observed traversing the Crypt from the House Side heading towards the Senate.

0103 @ 09:35 Chief is observed in the stairway near the Senate Sergeant at Arms Office.

0103 @ 09:36 Chief is observed turning down the hallway heading towards the Senate Sergeant at Arms Office.

0103 @ 09:37 Chief is observed on his phone having come back down the hallway.

0103 @ 09:37 Chief is observed heading back west down the corridor towards the Senate Sergeant at Arms Office.

0103 @ 09:38 Chief is observed on his phone heading towards the Crypt area.

0102 @ 09:39 Chief is observed heading north towards the Senate Door.

0123 @ 09:40 Chief is observed turning heading towards the Senate Door.

0113 @ 09:41 Chief is observed heading towards the Senate Door.

0114 @ 09:42 Chief is observed exiting the Senate Door.

0117 @ 09:42 Chief is observed exiting the Senate Door.

7205 @ 09:43 Chief is observed on the Senate Plaza.

0613 @ 09:43 Chief is observed on the Senate Plaza.

7213 @ 09:43 Chief is observed on the Senate Plaza.

7205 @ 09:48 Chief is observed on the Senate Plaza walking towards the House Plaza.

Please let me know if you need any other camera footage.

Officer Lagamba
United States Capitol Police
Command and Coordination Bureau
Command Division

From: Shutters, Mark S. <Mark.Shutters@uscp.gov>
Sent: Thursday, February 25, 2021 5:21 PM
To: DiBiase, Thomas A. <Thomas.DiBiase@uscp.gov>
Subject: RE: Chief Sund 01/03/2021: Sergeant @ Arms

Tad, here's the time line Operations Specialist Tiffani Bretz developed regarding Mr. Stenger and Chief Sund. Should anyone have questions, Specialist Bretz will be w/the CC-3 through Friday, 2/26/2021, but, effective 2/28/2021, will be assigned (transferred) to OSS.

Camera 812 @ 11:07:19 hours shows SSAA Mr. Stenger entering through North Barricade.

Camera 7205 @ 11:07:58 hours shows Mr. Stenger parking in front of the Senate Steps, exiting his vehicle, and walking into the Senate Carriage Door.

Camera 0117 and 0114 @ 11:10:23 hours shows Mr. Stenger entering the Senate Carriage Door, and speaking with a USCP inspector .

The only other cameras in Mr. Stenger's likely path of travel are 102 and 103.

Camera 102 @ 11:12:04 hours shows Mr. Stenger walking the hallway near S-139, by himself, towards his office.

Camera 103 @ 11:13:34 hours shows Mr. Stenger in the hallway outside of S-148, taking the right down the hallway towards his office.

Camera 103 @ 11:53:02 hours shows Chief Sund walking by S-148, taking the right down the hallway towards Mr. Stenger's office.

Camera 103 @ 11:54:18 hours shows Chief Sund leaving the way he came, down the hallway by S-148.

Camera 102 @ 11:55:32 hours shows Chief Sund walking down the hallway by S-139.

That is the last of the movements for Mr. Stenger and Chief Sund from 11:00 - 12:00 hours.

CDR-Historical_4g_VoLTE_2024392592_2021-01-03_to_2021-01-05.373

Search MTN	Search Start Date	Search End Date	Record Open Date/Time	Record Open DU/Tm(GMT)	Dir	MSISDN	Called #	CPN	SOU	RAT	ENDPOINT	VZWN/EV4B
2024392592	2021-01-03	2021-01-05	2021/01/03 18:14:57(GMT -5)	2021/01/03 23:14:57	MT	2024392592	12024392592	17037254755	878	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 15:04:39(GMT +0)	2021/01/05 15:04:39	MT	2024392592	12024392592	12178209810	33	N/A	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 18:58:19(GMT -5)	2021/01/03 23:58:19	MT	2024392592	12024392592	12024988746	110	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 19:03:32(GMT -5)	2021/01/04 00:03:32	MT	2024392592	12024392592	12026972726	269	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 12:10:31(GMT -5)	2021/01/03 17:10:31	MT	2024392592	12024392592	12026314574	242	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 14:41:57(GMT -5)	2021/01/03 19:41:57	MT	2024392592	12024392592	17033036810	46	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 10:04:35(GMT -5)	2021/01/03 15:04:35	MT	2024392592	12024392592	12023691102	271	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 12:00:45(GMT -5)	2021/01/03 17:00:45	MT	2024392592	12024392592	12026314574	74	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 15:48:11(GMT +0)	2021/01/03 15:48:11	MT	2024392592	12024392592	12026314263	3	N/A	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 08:44:52(GMT -5)	2021/01/03 13:44:52	MT	2024392592	12024392592	12023698885	86	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 13:42:14(GMT -5)	2021/01/03 18:42:14	MT	2024392592	12024392592	12026972726	723	LTE	N/A	N/A
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2024392592	2021-01-03	2021-01-05	2021/01/04 12:38:36(GMT -5)	2021/01/04 17:38:36	MT	2024392592	12024392592	12026314574	126	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 10:57:19(GMT -5)	2021/01/04 15:57:19	MT	2024392592	12024392592	12026314574	81	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 10:06:08(GMT -5)	2021/01/04 15:06:08	MT	2024392592	12024392592	12023691102	185	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 14:29:27(GMT -5)	2021/01/04 19:29:27	MT	2024392592	12024392592	12026314407	87	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 14:52:14(GMT -5)	2021/01/04 19:52:14	MT	2024392592	12024392592	15712253127	35	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 19:32:39(GMT +0)	2021/01/04 19:32:39	MT	2024392592	12024392592	12024378198	3	N/A	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 11:36:31(GMT -5)	2021/01/04 16:36:31	MT	2024392592	12024392592	12023699244	64	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 16:29:06(GMT -5)	2021/01/04 21:29:06	MT	2024392592	12024392592	12023691102	652	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 19:41:30(GMT -5)	2021/01/06 00:41:30	MT	2024392592	12024392592	12026972726	584	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 19:05:52(GMT -5)	2021/01/06 00:05:52	MT	2024392592	12024392592	12023699244	352	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 11:26:46(GMT -5)	2021/01/05 16:26:46	MT	2024392592	12024392592	12022259707	55	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 19:26:01(GMT -5)	2021/01/06 00:26:01	MT	2024392592	12024392592	12022259707	56	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 22:54:19(GMT +0)	2021/01/05 22:54:19	MT	2024392592	12024392592	12026972726	3	N/A	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 17:00:58(GMT -5)	2021/01/05 22:00:58	MT	2024392592	12024392592	12024988746	189	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 17:02:11(GMT -5)	2021/01/05 22:02:11	MT	2024392592	12024392592	12027258241	115	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 19:40:15(GMT -5)	2021/01/06 00:40:15	MT	2024392592	12024392592	12026314263	75	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 20:43:47(GMT -5)	2021/01/06 01:43:47	MT	2024392592	12024392592	12026972726	220	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 11:14:44(GMT -5)	2021/01/05 16:14:44	MT	2024392592	12024392592	12026972726	292	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 08:07:10(GMT -5)	2021/01/05 13:07:10	MT	2024392592	12024392592	12026314120	223	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 19:33:43(GMT -5)	2021/01/06 00:33:43	MT	2024392592	12024392592	12023691102	166	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 08:37:08(GMT -5)	2021/01/05 13:37:08	MT	2024392592	12024392592	17038192243	101	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 08:19:38(GMT -5)	2021/01/05 13:19:38	MT	2024392592	12024392592	12023691102	805	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 17:51:22(GMT -5)	2021/01/06 00:51:22	MT	2024392592	12024392592	12026972726	95	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 09:58:57(GMT -5)	2021/01/05 14:58:57	MT	2024392592	12024392592	12153582776	68	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 11:33:42(GMT -5)	2021/01/05 16:33:42	MT	2024392592	12024392592	12026972726	12	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 18:21:40(GMT -5)	2021/01/05 23:21:40	MT	2024392592	12024392592	12022259707	167	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 18:10:17(GMT -5)	2021/01/03 23:10:17	MO	2024392592	2026314263	12024392592	114	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 19:03:18(GMT -5)	2021/01/04 00:03:18	MO	2024392592	2026972726	12024392592	2	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 09:58:49(GMT -5)	2021/01/03 14:58:49	MO	2024392592	2023598802	12024392592	72	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 18:14:40(GMT -5)	2021/01/03 23:14:40	MO	2024392592	7037254755	12024392592	17	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 10:52:09(GMT -5)	2021/01/03 15:52:09	MO	2024392592	12026314263	12024392592	336	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 11:05:03(GMT -5)	2021/01/03 16:05:03	MO	2024392592	2026314500	12024392592	43	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 13:25:41(GMT -5)	2021/01/03 18:25:41	MO	2024392592	2026314532	12024392592	24	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 12:26:07(GMT -5)	2021/01/03 17:26:07	MO	2024392592	12023698885	12024392592	37	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 12:35:32(GMT -5)	2021/01/03 17:35:32	MO	2024392592	2026314532	12024392592	115	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 12:28:38(GMT -5)	2021/01/03 17:28:38	MO	2024392592	2026314532	12024392592	369	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 11:47:30(GMT -5)	2021/01/03 16:47:30	MO	2024392592	12023698885	12024392592	61	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 09:29:47(GMT -5)	2021/01/03 14:29:47	MO	2024392592	2022349968	12024392592	151	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 16:51:13(GMT -5)	2021/01/03 21:51:13	MO	2024392592	2026314263	12024392592	17	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 10:14:34(GMT -5)	2021/01/03 15:14:34	MO	2024392592	12023698885	12024392592	54	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 16:57:30(GMT -5)	2021/01/03 21:57:30	MO	2024392592	2022249968	12024392592	59	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 17:14:37(GMT -5)	2021/01/03 22:14:37	MO	2024392592	2026972726	12024392592	1148	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 16:59:42(GMT -5)	2021/01/03 21:59:42	MO	2024392592	2023598802	12024392592	34	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 18:33:54(GMT -5)	2021/01/03 23:33:54	MO	2024392592	2026314263	12024392592	106	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 12:00:10(GMT -5)	2021/01/03 17:00:10	MO	2024392592	12024988746	12024392592	27	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 14:26:59(GMT -5)	2021/01/04 19:26:59	MO	2024392592	12024988746	12024392592	23	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 18:25:39(GMT -5)	2021/01/04 23:25:39	MO	2024392592	12027793464	12024392592	358	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 09:13:59(GMT -5)	2021/01/04 14:13:59	MO	2024392592	17037254755	12024392592	110	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 14:40:41(GMT -5)	2021/01/04 19:40:41	MO	2024392592	2024988746	12024392592	291	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 14:43:22(GMT -5)	2021/01/04 19:43:22	MO	2024392592	2024068001	12024392592	69	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 14:40:41(GMT -5)	2021/01/04 19:40:41	MO	2024392592	2024988746	12024392592	94	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 14:53:17(GMT -5)	2021/01/04 19:53:17	MO	2024392592	15712253127	12024392592	217	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 11:05:46(GMT -5)	2021/01/04 16:05:46	MO	2024392592	12024378198	12024392592	4	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 10:26:24(GMT -5)	2021/01/04 15:26:24	MO	2024392592	2027793464	12024392592	800	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 18:58:19(GMT -5)	2021/01/04 23:58:19	MO	2024392592	2026314478	12024392592	126	LTE	N/A	N/A
2024392592</												

2024392592	2021-01-03	2021-01-05	2021/01/04 10:22:24(GMT -5)	2021/01/04 15:22:24	MO	2024392592	2022259707	12024392592	146	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 18:54:47(GMT -5)	2021/01/04 23:54:47	MO	2024392592	2027798357	12024392592	164	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 16:26:09(GMT -5)	2021/01/04 21:26:09	MO	2024392592	2026314120	12024392592	177	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 14:10:35(GMT -5)	2021/01/04 19:10:35	MO	2024392592	2022252383	12024392592	23	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 10:14:29(GMT -5)	2021/01/04 15:14:29	MO	2024392592	2023691102	12024392592	84	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 10:10:49(GMT -5)	2021/01/04 15:10:49	MO	2024392592	2022259707	12024392592	203	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 18:44:29(GMT -5)	2021/01/04 23:44:29	MO	2024392592	7033471225	12024392592	113	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 14:20:40(GMT -5)	2021/01/04 19:20:40	MO	2024392592	2026314407	12024392592	245	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 11:06:50(GMT -5)	2021/01/04 16:06:50	MO	2024392592	2022259707	12024392592	44	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 09:59:54(GMT -5)	2021/01/04 14:59:54	MO	2024392592	2022240908	12024392592	73	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 11:19:40(GMT -5)	2021/01/04 16:19:40	MO	2024392592	2026314574	12024392592	95	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 08:18:10(GMT -5)	2021/01/04 13:18:10	MO	2024392592	2023259705	12024392592	705	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 14:32:47(GMT -5)	2021/01/04 19:32:47	MO	2024392592	12023691102	12024392592	42	LTE	N/A	N/A
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2024392592	2021-01-03	2021-01-05	2021/01/05 09:04:10(GMT -5)	2021/01/05 14:04:10	MO	2024392592	2024378198	12024392592	11	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 17:19:57(GMT -5)	2021/01/05 22:19:57	MO	2024392592	12024988746	12024392592	36	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 15:34:42(GMT -5)	2021/01/05 20:34:42	MO	2024392592	2026314263	12024392592	21	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 20:47:40(GMT -5)	2021/01/06 01:47:40	MO	2024392592	12026314574	12024392592	159	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 17:37:20(GMT -5)	2021/01/05 22:37:20	MO	2024392592	2023699244	12024392592	69	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 21:00:23(GMT -5)	2021/01/06 02:00:23	MO	2024392592	12026972726	12024392592	580	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 20:09:08(GMT -5)	2021/01/06 01:09:08	MO	2024392592	2023848789	12024392592	372	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 16:55:26(GMT -5)	2021/01/05 21:55:26	MO	2024392592	7033096810	12024392592	164	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 17:30:51(GMT -5)	2021/01/05 22:30:51	MO	2024392592	2023699244	12024392592	285	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 13:51:13(GMT -5)	2021/01/05 18:51:13	MO	2024392592	2026314532	12024392592	13	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 20:57:22(GMT -5)	2021/01/06 01:57:22	MO	2024392592	12024988746	12024392592	160	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 11:22:32(GMT -5)	2021/01/05 16:22:32	MO	2024392592	2026314120	12024392592	123	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 20:40:19(GMT -5)	2021/01/06 01:40:19	MO	2024392592	12023848789	12024392592	35	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 08:15:15(GMT -5)	2021/01/05 13:15:15	MO	2024392592	2026314120	12024392592	64	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 21:14:09(GMT -5)	2021/01/06 02:14:09	MO	2024392592	12026972726	12024392592	79	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 17:04:33(GMT -5)	2021/01/05 22:04:33	MO	2024392592	12024988746	12024392592	118	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 17:06:49(GMT -5)	2021/01/05 22:06:49	MO	2024392592	12024378198	12024392592	135	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 11:26:26(GMT -5)	2021/01/05 16:26:26	MO	2024392592	2026314120	12024392592	130	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 15:35:08(GMT -5)	2021/01/05 20:35:08	MO	2024392592	2026314263	12024392592	201	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 08:55:59(GMT -5)	2021/01/05 13:55:59	MO	2024392592	2024378198	12024392592	338	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 19:51:54(GMT -5)	2021/01/06 00:51:54	MO	2024392592	2026342954	12024392592	433	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 09:23:59(GMT -5)	2021/01/05 14:23:59	MO	2024392592	2024988746	12024392592	188	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 17:59:26(GMT -5)	2021/01/05 22:59:26	MO	2024392592	12026972726	12024392592	434	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 20:51:20(GMT -5)	2021/01/06 01:51:20	MO	2024392592	12023848789	12024392592	201	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 20:06:56(GMT -5)	2021/01/06 01:06:56	MO	2024392592	8479976660	12024392592	87	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 11:34:04(GMT -5)	2021/01/05 16:34:04	MO	2024392592	12026972726	12024392592	328	LTE	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/03 15:48:11(GMT +0)	2021/01/03 15:48:11	MF	2024392592	12024392592	12026314263	3	N/A	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 15:04:39(GMT +0)	2021/01/05 15:04:39	MF	2024392592	12024392592	12178209810	33	N/A	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/05 22:04:19(GMT +0)	2021/01/05 22:04:19	MF	2024392592	12024392592	12026972726	3	N/A	N/A	N/A
2024392592	2021-01-03	2021-01-05	2021/01/04 19:32:39(GMT +0)	2021/01/04 19:32:39	MF	2024392592	12024392592	12024378198	3	N/A	N/A	N/A

CellSites-CDR_Current_4g_VoLTE_2024392592_2021-01-06_to_2021-01-07.282

Record Open Date/Time	Record Open DU/Tm(GMT)	SID	NID	Cell ID	Cell Face	Market ID	eNB ID	Dir	MSISDN	Called #	CPN	SOU	RAT	ENDPOINT	VZVNE/V4B	To or FROM
2021/01/07 11:07:07(GMT-5)	1/7/2021 16:07	null	null	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	14437897341	12	N/A	N/A	N/A	
2021/01/07 11:07:07(GMT-5)	1/7/2021 16:07	null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	14437897341	12	N/A	N/A	N/A	
2021/01/07 11:47:09(GMT-5)	1/7/2021 16:47	null	null	N/A	24	107	107023	MT	2024392592	12024392592	12023699206	254	LTE	N/A	N/A	FRM SCHAFFER
2021/01/07 11:47:56(GMT-5)	1/7/2021 16:17	null	null	N/A	24	107	107023	MT	2024392592	12024392592	12026314263	467	LTE	N/A	N/A	FRM THOMAS
2021/01/07 10:54:43(GMT-5)	1/7/2021 15:54	null	null	N/A	12	107	107241	MT	2024392592	12024392592	12023594973	11	LTE	N/A	N/A	
2021/01/07 10:37:30(GMT-5)	1/7/2021 15:37	null	null	N/A	24	107	107023	MT	2024392592	12024392592	12034178550	103	LTE	N/A	N/A	
2021/01/07 10:26:54(GMT-5)	1/7/2021 15:26	null	null	N/A	24	107	107023	MO	2024392592	2023699231	12024392592	57	LTE	N/A	N/A	
2021/01/07 10:14:02(GMT-5)	1/7/2021 15:14	null	null	N/A	22	107	107023	MO	2024392592	12026579585	12024392592	204	LTE	N/A	N/A	
2021/01/07 10:02:08(GMT-5)	1/7/2021 15:02	null	null	N/A	12	107	107241	MO	2024392592	2023699236	12024392592	30	LTE	N/A	N/A	
2021/01/07 04:06:58(GMT-5)	1/7/2021 9:09	null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12022259707	2	N/A	N/A	N/A	FRM IRVING
2021/01/07 04:06:58(GMT-5)	1/7/2021 9:09	null	null	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	12022259707	2	N/A	N/A	N/A	FRM IRVING
2021/01/07 09:03:29(GMT-5)	1/7/2021 14:03	null	null	N/A	12	107	107241	MO	2024392592	8774029757	12024392592	1774	LTE	N/A	N/A	
2021/01/07 08:57:18(GMT-5)	1/7/2021 13:57	null	null	N/A	12	107	107241	MT	2024392592	12024392592	12026579585	6	LTE	N/A	N/A	
2021/01/07 08:53:59(GMT-5)	1/7/2021 13:53	null	null	N/A	27	107	107023	MT	2024392592	12024392592	12026972726	160	LTE	N/A	N/A	FRM STENGER
2021/01/07 08:30:30(GMT-5)	1/7/2021 13:30	null	null	N/A	22	107	107023	MO	2024392592	2026314055	12024392592	225	LTE	N/A	N/A	
2021/01/07 07:40:35(GMT-5)	1/7/2021 12:40	null	null	N/A	12	107	107241	MT	2024392592	12024392592	12023691102	50	LTE	N/A	N/A	FRM PITTMAN
2021/01/07 05:24:05(GMT-5)	1/7/2021 10:24	null	null	N/A	12	107	107241	MO	2024392592	204378198	12024392592	23	LTE	N/A	N/A	TO CARROLL MPD
2021/01/07 05:15:54(GMT-5)	1/7/2021 10:15	null	null	N/A	28	107	107023	MO	2024392592	2027793464	12024392592	27	LTE	N/A	N/A	TO WOOD
2021/01/07 04:16:38(GMT-5)	1/7/2021 9:16	null	null	N/A	22	107	107023	MT	2024392592	12024392592	12022259707	479	LTE	N/A	N/A	FRM IRVING
2021/01/07 04:11:03(GMT-5)	1/7/2021 9:11	null	null	N/A	24	107	107023	MO	2024392592	2022259707	12024392592	69	LTE	N/A	N/A	TO IRVING
2021/01/07 04:08:58(GMT-5)	1/7/2021 9:08	null	null	N/A	14	107	107081	MO	2024392592	2026972726	12024392592	120	LTE	N/A	N/A	TO STENGER
2021/01/07 04:01:39(GMT-5)	1/7/2021 9:01	null	null	N/A	12	107	107241	MO	2024392592	2022259707	12024392592	2	LTE	N/A	N/A	TO IRVING
2021/01/07 04:01:21(GMT-5)	1/7/2021 9:01	null	null	N/A	12	107	107241	MO	2024392592	12026972726	12024392592	2	LTE	N/A	N/A	TO STENGER
2021/01/07 04:00:31(GMT-5)	1/7/2021 9:00	null	null	N/A	12	107	107081	MO	2024392592	12026972726	12024392592	2	LTE	N/A	N/A	TO STENGER
2021/01/07 03:43:01(GMT-5)	1/7/2021 8:43	null	null	N/A	12	107	107241	MO	2024392592	2026314263	12024392592	28	LTE	N/A	N/A	TO THOMAS
2021/01/07 03:20:50(GMT-5)	1/7/2021 8:20	null	null	N/A	22	107	107023	MO	2024392592	2027793464	12024392592	24	LTE	N/A	N/A	TO WOOD
2021/01/07 02:35:06(GMT-5)	1/7/2021 7:35	null	null	N/A	12	107	107241	MO	2024392592	2029638735	12024392592	58	LTE	N/A	N/A	
2021/01/07 02:24:51(GMT-5)	1/7/2021 7:24	null	null	N/A	12	107	107241	MO	2024392592	7039306810	12024392592	492	LTE	N/A	N/A	
2021/01/07 01:19:08(GMT-5)	1/7/2021 6:19	null	null	N/A	27	107	107023	MO	2024392592	12024378198	12024392592	264	LTE	N/A	N/A	TO CARROLL MPD
2021/01/06 19:32:22(GMT-5)	1/7/2021 0:32	null	null	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	12026314263	4	N/A	N/A	N/A	FRM THOMAS
2021/01/06 19:32:22(GMT-5)	1/7/2021 0:32	null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12026314263	4	N/A	N/A	N/A	FRM THOMAS
2021/01/06 19:32:11(GMT-5)	1/7/2021 0:32	null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12023691102	2	N/A	N/A	N/A	FRM PITTMAN
2021/01/06 19:32:11(GMT-5)	1/7/2021 0:32	null	null	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	12023691102	2	N/A	N/A	N/A	FRM PITTMAN
2021/01/06 19:32:07(GMT-5)	1/7/2021 0:32	null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12023691102	2	N/A	N/A	N/A	FRM PITTMAN
2021/01/06 19:32:07(GMT-5)	1/7/2021 0:32	null	null	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	12023691102	2	N/A	N/A	N/A	FRM PITTMAN
2021/01/06 19:17:00(GMT-5)	1/7/2021 0:17	null	null	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	12026314263	5	N/A	N/A	N/A	FRM THOMAS
2021/01/06 19:17:00(GMT-5)	1/7/2021 0:17	null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12026314263	5	N/A	N/A	N/A	FRM THOMAS
2021/01/06 19:08:00(GMT-5)	1/7/2021 0:08	null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12022252383	0	N/A	N/A	N/A	FRM BOB FORD
2021/01/06 19:08:00(GMT-5)	1/7/2021 0:08	null	null	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	12022252383	0	N/A	N/A	N/A	FRM BOB FORD
2021/01/06 19:07:57(GMT-5)	1/7/2021 0:07	null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12022252383	0	N/A	N/A	N/A	FRM BOB FORD
2021/01/06 19:07:57(GMT-5)	1/7/2021 0:07	null	null	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	12022252383	0	N/A	N/A	N/A	FRM BOB FORD
2021/01/06 23:59:37(GMT-5)	1/7/2021 4:59	null	null	N/A	12	107	107081	MT	2024392592	12024392592	12026972726	178	LTE	N/A	N/A	FRM STENGER
2021/01/06 23:52:00(GMT-5)	1/7/2021 4:52	null	null	N/A	12	107	107241	MT	2024392592	12024392592	12023848789	98	LTE	N/A	N/A	
2021/01/06 18:15:40(GMT-5)	1/6/2021 23:15	null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12026314263	2	N/A	N/A	N/A	FRM THOMAS
2021/01/06 18:15:40(GMT-5)	1/6/2021 23:15	null	null	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	12026314263	2	N/A	N/A	N/A	FRM THOMAS
2021/01/06 22:50:55(GMT-5)	1/7/2021 3:50	null	null	N/A	14	107	107241	MO	2024392592	2029638735	12024392592	37	LTE	N/A	N/A	
2021/01/06 22:44:46(GMT-5)	1/7/2021 3:44	null	null	N/A	24	107	107023	MT	2024392592	12024392592	12026033887	46	LTE	N/A	N/A	FRM SULLIVAN
2021/01/06 22:31:22(GMT-5)	1/7/2021 3:31	null	null	N/A	12	107	107241	MO	2024392592	2026314263	12024392592	8	LTE	N/A	N/A	TO THOMAS
2021/01/06 21:20:37(GMT-5)	1/7/2021 2:20	null	null	N/A	12	107	107241	MO	2024392592	1703306810	12024392592	134	LTE	N/A	N/A	
2021/01/06 20:39:29(GMT-5)	1/7/2021 1:39	null	null	N/A	24	107	107023	MT	2024392592	12024392592	12026972726	100	LTE	N/A	N/A	FRM STENGER
2021/01/06 20:37:38(GMT-5)	1/7/2021 1:37	null	null	N/A	24	107	107023	MO	2024392592	2026314574	12024392592	91	LTE	N/A	N/A	
2021/01/06 15:37:32(GMT-5)	1/6/2021 20:37	null	null	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	19185150236	2	N/A	N/A	N/A	
2021/01/06 15:37:32(GMT-5)	1/6/2021 20:37	null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	19185150236	2	N/A	N/A	N/A	
2021/01/06 20:32:22(GMT-5)	1/7/2021 1:32	null	null	N/A	2	107	107023	MT	2024392592	12024392592	12026972726	215	LTE	N/A	N/A	FRM STENGER
2021/01/06 20:27:40(GMT-5)	1/7/2021 1:27	null	null	N/A	12	107	107241	MT	2024392592	12024392592	12026579585	99	LTE	N/A	N/A	
2021/01/06 15:24:41(GMT-5)	1/6/2021 20:24	null	null	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	12026972726	1	N/A	N/A	N/A	FRM STENGER
2021/01/06 15:24:41(GMT-5)	1/6/2021 20:24	null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12026972726	1	N/A	N/A	N/A	FRM STENGER
2021/01/06 15:23:59(GMT-5)	1/6/2021 20:23	null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12026972726	3	N/A	N/A	N/A	FRM STENGER
2021/01/06 15:23:59(GMT-5)	1/6/2021 20:23	null	null	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	12026972726	3	N/A	N/A	N/A	FRM STENGER
2021/01/06 20:22:29(GMT-5)	1/7/2021 1:22	null	null	N/A	12	107	107241	MT	2024392592	12024392592	12022259707	162	LTE	N/A	N/A	FRM IRVING
2021/01/06 20:07:59(GMT-5)	1/7/2021 1:07	null	null	N/A	14	107	107241	MO	2024392592	2022259707	12024392592	162	LTE	N/A	N/A	
2021/01/06 15:07:23(GMT-5)	1/6/2021 20:07	null	null	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	15404717945	15	N/A	N/A	N/A	
2021/01/06 15:07:23(GMT-5)	1/6/2021 20:07	null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	15404717945	15	N/A	N/A	N/A	
2021/01/06 20:03:23(GMT-5)	1/7/2021 1:03	null	null	N/A	28	107	107023	MO	2024392592	2026972726	12024392592	161	LTE	N/A	N/A	TO STENGER
2021/01/06 20:01:10(GMT-5)	1/7/2021 1:01	null	null	N/A	14	107	107241	MO	2024392592	12023691102	12024392592	64	LTE	N/A	N/A	TO PITTMAN
2021/01/06 19:57:46(GMT-5)	1/7/2021 0:57	null	null	N/A	12	107	107241	MT	2024392592	12024392592	12022259707	69	LTE	N/A	N/A	FRM IRVING
2021/01/06 19:54:48(GMT-5)	1/7/2021 0:54	null	null	N/A	12	107	107241	MT	2024392592	12024392592	14044038335	59	LTE	N/A	N/A	
2021/01/06 19:41:43(GMT-5)	1/7/2021 0:41	null	null	N/A	12	107	107007	MT	2024392592	12024392592	12023691102	110	LTE	N/A	N/A	FRM PITTMAN
2021/01/06 19:41:32(GMT-5)	1/7/2021 0:41	null	null	N/A	12	107	107007	MO	202439							

2021/01/06 14:38:39(GMT-5)	1/6/2021 19:38		null	null	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12023848789	1	N/A	N/A	N/A		
2021/01/06 19:34:15(GMT-5)	1/7/2021 0:34		null	null	N/A	N/A	12	107	107900	MO	2024392592	12023691102	12024392592	36	LTE	N/A	N/A	TO PITTMAN
2021/01/06 19:33:27(GMT-5)	1/7/2021 0:33		null	null	N/A	N/A	12	107	107900	MT	2024392592	12024392592	12023691102	43	LTE	N/A	N/A	FRM PITTMAN
2021/01/06 14:28:18(GMT-5)	1/6/2021 19:28		null	null	N/A	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	12040172510	2	N/A	N/A	N/A	
2021/01/06 14:28:18(GMT-5)	1/6/2021 19:28		null	null	N/A	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12040172510	2	N/A	N/A	N/A	
2021/01/06 19:27:09(GMT-5)	1/7/2021 0:27		null	null	N/A	N/A	1	107	107900	MO	2024392592	2026314263	12024392592	62	LTE	N/A	N/A	TO THOMAS
2021/01/06 19:23:36(GMT-5)	1/7/2021 0:23		null	null	N/A	N/A	14	107	107900	MO	2024392592	2026314263	12024392592	16	LTE	N/A	N/A	TO THOMAS
2021/01/06 19:20:51(GMT-5)	1/7/2021 0:20		null	null	N/A	N/A	1	107	107900	MO	2024392592	20253116890	12024392592	128	LTE	N/A	N/A	
2021/01/06 19:18:59(GMT-5)	1/7/2021 0:18		null	null	N/A	N/A	12	107	107007	MT	2024392592	12024392592	12026314263	92	LTE	N/A	N/A	FRM THOMAS
2021/01/06 19:17:41(GMT-5)	1/7/2021 0:17		null	null	N/A	N/A	22	107	107007	MT	2024392592	12024392592	12024988746	6	LTE	N/A	N/A	
2021/01/06 19:17:31(GMT-5)	1/7/2021 0:17		null	null	N/A	N/A	22	107	107007	MO	2024392592	2024988746	12024392592	0	LTE	N/A	N/A	
2021/01/06 19:17:14(GMT-5)	1/7/2021 0:17		null	null	N/A	N/A	22	107	107007	MT	2024392592	12024392592	12026314263	12	LTE	N/A	N/A	FRM DIBASE
2021/01/06 19:13:33(GMT-5)	1/7/2021 0:13		null	null	N/A	N/A	32	107	107007	MT	2024392592	12024392592	12026314263	73	LTE	N/A	N/A	FRM THOMAS
2021/01/06 14:13:31(GMT-5)	1/6/2021 19:13		null	null	N/A	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	12026972726	106	N/A	N/A	N/A	FRM STENGER
2021/01/06 14:13:31(GMT-5)	1/6/2021 19:13		null	null	N/A	N/A	N/A	N/A	N/A	MT	2024392592	12026972726	106	N/A	N/A	N/A	FRM STENGER	
2021/01/06 19:11:23(GMT-5)	1/7/2021 0:11		null	null	N/A	N/A	32	107	107007	MO	2024392592	12026409992	12024392592	12	LTE	N/A	N/A	
2021/01/06 19:06:38(GMT-5)	1/7/2021 0:06		null	null	N/A	N/A	3	107	107007	MO	2024392592	2026314263	12024392592	23	LTE	N/A	N/A	TO THOMAS
2021/01/06 19:04:32(GMT-5)	1/7/2021 0:04		null	null	N/A	N/A	24	107	107007	MT	2024392592	12026972726	52	LTE	N/A	N/A	FRM STENGER	
2021/01/06 19:01:57(GMT-5)	1/7/2021 0:01		null	null	N/A	N/A	22	107	107007	MT	2024392592	12024392592	12023699206	120	LTE	N/A	N/A	FRM SHAFFER
2021/01/06 19:00:18(GMT-5)	1/7/2021 0:00		null	null	N/A	N/A	22	107	107007	MO	2024392592	2026314263	12024392592	88	LTE	N/A	N/A	TO THOMAS
2021/01/06 18:58:43(GMT-5)	1/6/2021 23:58		null	null	N/A	N/A	22	107	107007	MT	2024392592	12024392592	12023691102	67	LTE	N/A	N/A	FRM PITTMAN
2021/01/06 18:52:48(GMT-5)	1/6/2021 23:52		null	null	7	N/A	N/A	N/A	N/A	MO	2024392592	2026314263	12024392592	83	1x	N/A	N/A	TO THOMAS
2021/01/06 18:44:42(GMT-5)	1/6/2021 23:44		null	null	N/A	N/A	N/A	N/A	N/A	null	2024392592	confserver	12024392592	60	N/A	N/A	N/A	
2021/01/06 18:44:10(GMT-5)	1/6/2021 23:44		null	null	N/A	N/A	32	107	107007	MO	2024392592	2023691102	12024392592	92	LTE	N/A	N/A	TO PITTMAN
2021/01/06 18:43:46(GMT-5)	1/6/2021 23:43		null	null	N/A	N/A	32	107	107007	MO	2024392592	2026314263	12024392592	116	LTE	N/A	N/A	TO THOMAS
2021/01/06 18:40:00(GMT-5)	1/6/2021 23:40		null	null	N/A	N/A	N/A	N/A	N/A	null	2024392592	confserver	12024392592	66	N/A	N/A	N/A	
2021/01/06 18:39:58(GMT-5)	1/6/2021 23:39		null	null	N/A	N/A	2	107	107007	MT	2024392592	12024392592	12026314263	68	LTE	N/A	N/A	FRM THOMAS
2021/01/06 18:38:37(GMT-5)	1/6/2021 23:38		null	null	N/A	N/A	32	107	107007	MO	2024392592	2023691102	12024392592	149	LTE	N/A	N/A	TO PITTMAN
2021/01/06 18:35:43(GMT-5)	1/6/2021 23:35		null	null	N/A	N/A	32	107	107007	MT	2024392592	12024392592	12023399660	158	LTE	N/A	N/A	
2021/01/06 18:30:46(GMT-5)	1/6/2021 18:30		null	null	N/A	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12023450827	2	N/A	N/A	N/A	
2021/01/06 18:30:46(GMT-5)	1/6/2021 18:30		null	null	N/A	N/A	N/A	N/A	N/A	MF	2024392592	12024392592	12023450827	2	N/A	N/A	N/A	
2021/01/06 18:24:37(GMT-5)	1/6/2021 18:24		null	null	N/A	N/A	22	107	107007	MT	2024392592	12024392592	12026314263	92	LTE	N/A	N/A	FRM THOMAS
2021/01/06 18:23:17(GMT-5)	1/6/2021 18:23		null	null	N/A	N/A	N/A	N/A	N/A	MT	2024392592	12024392592	12026955694	1	N/A	N/A	N/A	
2021/01/06 18:23:17(GMT-5)	1/6/2021 18:23		null	null	N/A	N/A	N/A	N/A	N/A	MF	2024392592	12026955694	1	N/A	N/A	N/A		
2021/01/06 18:21:07(GMT-5)	1/6/2021 18:21		null	null	N/A	N/A	22	107	107007	MO	2024392592	2026314263	12024392592	38	LTE	N/A	N/A	TO THOMAS
2021/01/06 18:18:09(GMT-5)	1/6/2021 18:18		null	null	N/A	N/A	22	107	107007	MT	2024392592	12024392592	12022259707	456	LTE	N/A	N/A	FRM IRVING
2021/01/06 18:06:23(GMT-5)	1/6/2021 18:06		null	null	N/A	N/A	2	107	107900	MO	2024392592	2026314263	12024392592	35	LTE	N/A	N/A	TO THOMAS
2021/01/06 18:03:33(GMT-5)	1/6/2021 18:03		null	null	N/A	N/A	2	107	107900	MT	2024392592	12024392592	12025310451	39	LTE	N/A	N/A	
2021/01/06 17:59:19(GMT-5)	1/6/2021 17:59		null	null	N/A	N/A	2	107	107900	MO	2024392592	2022259707	12024392592	67	LTE	N/A	N/A	TO IRVING
2021/01/06 17:54:28(GMT-5)	1/6/2021 17:54		null	null	N/A	N/A	2	107	107900	MO	2024392592	2026314263	12024392592	155	LTE	N/A	N/A	TO THOMAS
2021/01/06 17:51:38(GMT-5)	1/6/2021 17:51		null	null	N/A	N/A	2	107	107900	MO	2024392592	2022259707	12024392592	90	LTE	N/A	N/A	TO IRVING
2021/01/06 17:49:40(GMT-5)	1/6/2021 17:49		null	null	N/A	N/A	2	107	107900	MT	2024392592	12026972726	67	LTE	N/A	N/A	FRM STENGER	
2021/01/06 17:47:43(GMT-5)	1/6/2021 17:47		null	null	N/A	N/A	2	107	107900	MO	2024392592	2026314263	12024392592	117	LTE	N/A	N/A	TO THOMAS
2021/01/06 17:44:47(GMT-5)	1/6/2021 17:44		null	null	N/A	N/A	2	107	107900	MT	2024392592	12022259707	167	LTE	N/A	N/A	FRM IRVING	
2021/01/06 17:42:53(GMT-5)	1/6/2021 17:42		null	null	N/A	N/A	2	107	107900	MO	2024392592	2022259707	12024392592	5	LTE	N/A	N/A	TO IRVING
2021/01/06 17:40:13(GMT-5)	1/6/2021 17:40		null	null	N/A	N/A	2	107	107900	MO	2024392592	2026314263	12024392592	133	LTE	N/A	N/A	TO THOMAS
2021/01/06 17:38:00(GMT-5)	1/6/2021 17:38		null	null	N/A	N/A	2	107	107900	MO	2024392592	2026972726	12024392592	121	LTE	N/A	N/A	TO STENGER
2021/01/06 17:27:47(GMT-5)	1/6/2021 17:27		null	null	N/A	N/A	14	107	107241	MO	2024392592	17033036810	12024392592	68	LTE	N/A	N/A	
2021/01/06 17:24:34(GMT-5)	1/6/2021 17:24		null	null	N/A	N/A	34	107	107201	MO	2024392592	2024988746	12024392592	57	LTE	N/A	N/A	
2021/01/06 17:19:04(GMT-5)	1/6/2021 17:19		null	null	N/A	N/A	14	107	107241	MO	2024392592	2022259707	12024392592	94	LTE	N/A	N/A	TO IRVING
2021/01/06 17:17:21(GMT-5)	1/6/2021 17:17		null	null	N/A	N/A	24	107	107023	MO	2024392592	2026972726	12024392592	80	LTE	N/A	N/A	TO STENGER
2021/01/06 17:10:49(GMT-5)	1/6/2021 17:10		null	null	N/A	N/A	24	107	107023	MO	2024392592	2026314263	12024392592	126	LTE	N/A	N/A	TO THOMAS
2021/01/06 17:09:27(GMT-5)	1/6/2021 17:09		null	null	N/A	N/A	14	107	107241	MT	2024392592	12024392592	12028819401	29	LTE	N/A	N/A	
2021/01/06 16:56:20(GMT-5)	1/6/2021 16:56		null	null	N/A	N/A	27	107	107023	MO	2024392592	2022259707	12024392592	139	LTE	N/A	N/A	TO IRVING
2021/01/06 16:51:30(GMT-5)	1/6/2021 16:51		null	null	N/A	N/A	27	107	107023	MO	2024392592	12026972726	12024392592	278	LTE	N/A	N/A	TO STENGER
2021/01/06 16:43:42(GMT-5)	1/6/2021 16:43		null	null	N/A	N/A	28	107	107023	MT	2024392592	12024392592	2023950002	412	LTE	N/A	N/A	
2021/01/06 16:40:58(GMT-5)	1/6/2021 16:40		null	null	N/A	N/A	24	107	107023	MO	2024392592	2026972726	12024392592	91	LTE	N/A	N/A	TO STENGER
2021/01/06 16:40:39(GMT-5)	1/6/2021 16:40		null	null	N/A	N/A	24	107	107023	MO	2024392592	2026972726	12024392592	0	LTE	N/A	N/A	TO STENGER
2021/01/06 16:40:21(GMT-5)	1/6/2021 16:40		null	null	N/A	N/A	14	107	107241	MO	2024392592	2026972726	12024392592	2	LTE	N/A	N/A	TO STENGER
2021/01/06 16:24:28(GMT-5)	1/6/2021 16:24		null	null	N/A	N/A	14	107	107081	MO	2024392592	12026972726	12024392592	50	LTE	N/A	N/A	TO STENGER
2021/01/06 16:24:16(GMT-5)	1/6/2021 16:24		null	null	N/A	N/A	24	107	107023	MO	2024392592	12026972726	12024392592	1	LTE	N/A	N/A	TO STENGER
2021/01/06 16:22:41(GMT-5)	1/6/2021 16:22		null	null	N/A	N/A	24	107	107023	MO	2024392592	17037254755	12024392592	61	LTE	N/A	N/A	TO WALKER
2021/01/06 16:21:27(GMT-5)	1/6/2021 16:21		null	null	N/A	N/A	24	107	107023	MO	2024392592	17033036810	12024392592	65	LTE	N/A	N/A	
2021/01/06 16:21:16(GMT-5)	1/6/2021 16:21		null	null	N/A	N/A	14	107	107241	MT	2024392592	17033036810	12024392592	3	LTE	N/A	N/A	
2021/01/06 16:20:28(GMT-5)	1/6/2021 16:20		null	null	N/A	N/A	24	107	107023	MT	2024392592	12024392592	12026972726	44	LTE	N/A	N/A	FRM STENGER
2021/01/06 16:20:12(GMT-5)	1/6/2021 16:20		null	null	N/A	N/A	24	107	107023	MO	2024392592	5712253127	12024392592	14	LTE	N/A	N/A	
2021/01/06 16:13:32(GMT-5)	1/6/2021 16:13																	

2021/01/06 15:26:49(GMT-5)	1/6/2021 20:26	null	null	N/A	3	107	107201	MO	2024392592	17037254755	12024392592	65	LTE	N/A	N/A	TO WALKER
2021/01/06 15:12:08(GMT-5)	1/6/2021 20:12	null	null	N/A	14	107	107081	MT	2024392592	12024392592	12022782000	417	LTE	N/A	N/A	
2021/01/06 15:08:55(GMT-5)	1/6/2021 20:08	null	null	N/A	14	107	107081	MO	2024392592	15404717945	12024392592	190	LTE	N/A	N/A	
2021/01/06 15:06:42(GMT-5)	1/6/2021 20:06	null	null	N/A	27	107	107023	MT	2024392592	12024392592	12026670585	71	LTE	N/A	N/A	
2021/01/06 15:01:22(GMT-5)	1/6/2021 20:01	null	null	N/A	14	107	107081	MT	2024392592	12024392592	12026672726	143	LTE	N/A	N/A	FRM STENGER
2021/01/06 14:58:21(GMT-5)	1/6/2021 19:58	null	null	N/A	12	107	107081	MT	2024392592	12024392592	12026691275	13	LTE	N/A	N/A	
2021/01/06 14:56:01(GMT-5)	1/6/2021 19:56	null	null	N/A	18	107	107081	MT	2024392592	12024392592	12026691275	72	LTE	N/A	N/A	
2021/01/06 14:55:41(GMT-5)	1/6/2021 19:55	null	null	N/A	18	107	107081	MO	2024392592	12024378198	12024392592	12	LTE	N/A	N/A	TO CARROLL MPD
2021/01/06 14:55:30(GMT-5)	1/6/2021 19:55	null	null	N/A	18	107	107081	MT	2024392592	12024392592	12024378198	1	LTE	N/A	N/A	FRM CARROLL MPD
2021/01/06 14:34:09(GMT-5)	1/6/2021 19:34	null	null	N/A	12	107	107081	MT	2024392592	12024392592	12025156056	1248	LTE	N/A	N/A	
2021/01/06 14:33:13(GMT-5)	1/6/2021 19:33	null	null	N/A	12	107	107081	MO	2024392592	7037254755	12024392592	51	LTE	N/A	N/A	TO WALKER
2021/01/06 14:32:32(GMT-5)	1/6/2021 19:32	null	null	N/A	12	107	107081	MO	2024392592	6054688035	12024392592	22	LTE	N/A	N/A	
2021/01/06 14:31:53(GMT-5)	1/6/2021 19:31	null	null	N/A	12	107	107081	MO	2024392592	6054688035	12024392592	19	LTE	N/A	N/A	
2021/01/06 14:31:14(GMT-5)	1/6/2021 19:31	null	null	N/A	18	107	107081	MT	2024392592	12024392592	17037254755	19	LTE	N/A	N/A	FRM WALKER
2021/01/06 14:29:56(GMT-5)	1/6/2021 19:29	null	null	N/A	18	107	107081	MO	2024392592	6054688035	12024392592	62	LTE	N/A	N/A	
2021/01/06 14:29:28(GMT-5)	1/6/2021 19:29	null	null	N/A	18	107	107081	MO	2024392592	6054688035	12024392592	16	LTE	N/A	N/A	
2021/01/06 14:28:23(GMT-5)	1/6/2021 19:28	null	null	N/A	18	107	107081	MO	2024392592	12404172510	12024392592	53	LTE	N/A	N/A	
2021/01/06 14:28:08(GMT-5)	1/6/2021 19:28	null	null	N/A	18	107	107081	MO	2024392592	6054688035	12024392592	10	LTE	N/A	N/A	
2021/01/06 14:27:51(GMT-5)	1/6/2021 19:27	null	null	N/A	18	107	107081	MO	2024392592	2025156056	12024392592	11	LTE	N/A	N/A	
2021/01/06 14:26:20(GMT-5)	1/6/2021 19:26	null	null	N/A	14	107	107081	MO	2024392592	12028454820	12024392592	31	LTE	N/A	N/A	
2021/01/06 14:25:34(GMT-5)	1/6/2021 19:25	null	null	N/A	12	107	107081	MT	2024392592	12024392592	12025156056	19	LTE	N/A	N/A	
2021/01/06 14:20:52(GMT-5)	1/6/2021 19:20	null	null	N/A	27	107	107023	MT	2024392592	12024392592	12024378198	53	LTE	N/A	N/A	FRM CARROLL MPD
2021/01/06 14:15:37(GMT-5)	1/6/2021 19:15	null	null	N/A	14	107	107081	MT	2024392592	12024392592	12022299928	95	LTE	N/A	N/A	
2021/01/06 14:14:03(GMT-5)	1/6/2021 19:14	null	null	N/A	12	107	107081	MO	2024392592	2026972726	12024392592	2	LTE	N/A	N/A	TO STENGER
2021/01/06 14:13:30(GMT-5)	1/6/2021 19:13	null	null	N/A	12	107	107081	MO	2024392592	2026972726	12024392592	2	LTE	N/A	N/A	TO STENGER
2021/01/06 14:13:26(GMT-5)	1/6/2021 19:13	null	null	N/A	12	107	107081	MO	2024392592	2026972726	12024392592	2	LTE	N/A	N/A	TO STENGER
2021/01/06 14:13:18(GMT-5)	1/6/2021 19:13	null	null	N/A	12	107	107081	MT	2024392592	12024392592	12026972726	6	LTE	N/A	N/A	FRM STENGER
2021/01/06 14:10:22(GMT-5)	1/6/2021 19:10	null	null	N/A	3	107	107201	MO	2024392592	7037254755	12024392592	29	LTE	N/A	N/A	TO WALKER
2021/01/06 14:10:09(GMT-5)	1/6/2021 19:10	null	null	N/A	3	107	107201	MO	2024392592	7037254755	12024392592	2	LTE	N/A	N/A	TO WALKER
2021/01/06 14:08:33(GMT-5)	1/6/2021 19:08	null	null	N/A	3	107	107201	MO	2024392592	2026972726	12024392592	79	LTE	N/A	N/A	TO STENGER
2021/01/06 14:07:47(GMT-5)	1/6/2021 19:07	null	null	N/A	3	107	107201	MO	2024392592	2022259707	12024392592	10	LTE	N/A	N/A	TO IRVING
2021/01/06 14:06:04(GMT-5)	1/6/2021 19:06	null	null	N/A	18	107	107081	MT	2024392592	12024392592	12024378198	14	LTE	N/A	N/A	FRM CARROLL MPD
2021/01/06 14:01:09(GMT-5)	1/6/2021 19:01	null	null	N/A	14	107	107081	MO	2024392592	2022259707	12024392592	30	LTE	N/A	N/A	TO IRVING
2021/01/06 13:59:37(GMT-5)	1/6/2021 18:59	null	null	N/A	14	107	107081	MO	2024392592	15712388577	12024392592	73	LTE	N/A	N/A	TO ATF
2021/01/06 13:56:36(GMT-5)	1/6/2021 18:56	null	null	N/A	12	107	107081	MT	2024392592	12024392592	15717224305	30	LTE	N/A	N/A	MWCOG
2021/01/06 13:52:16(GMT-5)	1/6/2021 18:52	null	null	N/A	3	107	107201	MT	2024392592	12024392592	12288067196	77	LTE	N/A	N/A	TBD
2021/01/06 13:51:08(GMT-5)	1/6/2021 18:51	null	null	N/A	3	107	107201	MO	2024392592	5717224305	12024392592	45	LTE	N/A	N/A	TO MWCOG
2021/01/06 13:49:01(GMT-5)	1/6/2021 18:49	null	null	N/A	14	107	107081	MO	2024392592	7037254755	12024392592	26	LTE	N/A	N/A	TO WALKER
2021/01/06 13:45:32(GMT-5)	1/6/2021 18:45	null	null	N/A	14	107	107081	MO	2024392592	2022259707	12024392592	187	LTE	N/A	N/A	TO IRVING
2021/01/06 13:44:40(GMT-5)	1/6/2021 18:44	null	null	N/A	3	107	107201	MO	2024392592	2026971102	12024392592	1	LTE	N/A	N/A	TO PITTMAN
2021/01/06 13:44:16(GMT-5)	1/6/2021 18:44	null	null	N/A	2	107	107023	MT	2024392592	12024392592	12024378198	21	LTE	N/A	N/A	FRM CARROLL MPD
2021/01/06 13:42:19(GMT-5)	1/6/2021 18:42	null	null	N/A	18	107	107081	MT	2024392592	12024392592	12026033887	36	LTE	N/A	N/A	FRM SULLIVAN
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2021/01/06 13:34:28(GMT-5)	1/6/2021 18:34	null	null	N/A	18	107	107081	MO	2024392592	2022259707	12024392592	25	LTE	N/A	N/A	TO IRVING
2021/01/06 13:31:13(GMT-5)	1/6/2021 18:31	null	null	N/A	14	107	107081	MO	2024392592	12026033887	12024392592	1	LTE	N/A	N/A	TO SULLIVAN
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2021/01/06 13:21:53(GMT-5)	1/6/2021 18:21	null	null	N/A	27	107	107023	MT	2024392592	12024392592	12026972726	87	LTE	N/A	N/A	FRM STENGER
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2021/01/06 13:03:33(GMT-5)	1/6/2021 18:03	null	null	N/A	14	107	107081	MO	2024392592	12024378198	12024392592	24	LTE	N/A	N/A	TO CARROLL MPD
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2021/01/06 11:34:18(GMT-5)	1/6/2021 16:34	null	null	N/A	18	107	107081	MO	2024392592	2026314263	12024392592	67	LTE	N/A	N/A	TO THOMAS
2021/01/06 11:32:38(GMT-5)	1/6/2021 16:32	null	null	N/A	18	107	107081	MT	2024392592	12024392592	12026033887	84	LTE	N/A	N/A	FRM SULLIVAN
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2021/01/06 07:36:16(GMT-5)	1/6/2021 12:26		null	null	N/A	22	117	117011	MO	2024392592	7037285990	12024392592	3	LTE	N/A	N/A	
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United States Capitol Police Labor Committee

1320 G Street, S.E., Washington, D.C. 20003

Telephone: 202-544-4813

www.uscp-fop.com



Statement for the Record of Chairman Gus Papathanasiou Before a Joint Hearing of the Senate Rules and Homeland Security Committees February 23, 2021

“By January 4th, the Department knew that the January 6th event would not be like any of the previous protests held in 2020. We knew that militia groups and white supremacists organizations would be attending. We also knew that some of these participants were intending to bring firearms and other weapons to the event. We knew that there was a strong potential for violence and that Congress was the target.”

Acting Chief Pittman before the House Appropriations Committee

I would like to thank Senators Klobuchar, Peters, Blunt, and Portman for having this joint hearing on the U.S. Capitol Police’s planning and response to the insurrection of on January 6th. My name is Gus Papathanasiou and I am Chairman of the U.S. Capitol Police Labor Committee. We are the union for the U.S. Capitol Police Officers in the bargaining unit. I would like to focus my comments on two areas. The first is what went wrong leading up to the insurrection. This will include both the planning leading up to that day as well as our response. The second is what steps do we need to make to secure the Capitol complex and ensure that this never happens again.

Leadership

The root cause of the USCP’s failure on January 6th was a failure of leadership. By leadership, I specifically mean both former Sergeants of Arms, former Chief Sund, now Acting Chief Pittman, Assistant Chief Thomas, Acting Assistant Chief Gallagher, and Deputy Chiefs Bowen, Pickett and Waldow.

The USCP officers who responded to the insurrection paid a horrible price for our leadership’s failures. We lost Officer Sicknick in the line of duty and one Capitol Police officer and one Metropolitan Police (MPD) officer have tragically taken their own lives. Approximately 140 officers were injured including officers with crushed spinal discs, broken kneecaps, and

traumatic brain injuries. Some of these officers may never return to duty. Many more are already exhibiting signs of PTSD and are going to require long term support.

As you may know, the union held a vote of no confidence recently on the current leadership and the officers voted overwhelmingly that we need new leaders. In the case of Acting Chief Pittman, 92 percent of the officers voted against her continuing to be Acting Chief or Chief. I want to be completely blunt so that there is no mistake - the current leadership has lost the trust of the front-line officers. We know what these individuals failed to do prior to the insurrection, and we know what they failed to do during the insurrection. The trust that has been lost will not be regained. If we are going to address the systemic failures that lead to the security breach, we need new leaders.

Although Acting Chief Pittman has yet to hold a press conference and answer for her conduct, which she apologized in her recent testimony before Congress, she has authorized the continued release of information as to the number of officers suspended and those currently under investigation. There is widespread belief among officers that the current USCP leadership team is attempting to scapegoat front-line officers for its failures. I believe in accountability and transparency. If there were officers who behaved inappropriately, let's deal with it. However, accountability and transparency starts at the top.

I would like to stress for all of you that there are leaders within this department that have the trust and respect of the front-line officers. The last thing we need is another Chief, like former Chief Sund, from outside the Department. Our next leader needs to be ready on day one. There are leaders within this department up to the task; they just do not exist at the Acting Chief, Assistant Chief, or Deputy Chief level.

Intelligence

It is completely inexcusable for the intelligence preceding this event failed to drive a more robust preparedness by the USCP. The Washington Post reported that three days prior to the attack the USCP intelligence unit issued a 12-page report that stated that "the targets of the pro-Trump supporters are not necessarily the counter protesters as they were previously, but rather Congress itself."

This report was apparently shared with leadership at the USCP. However, the conclusions in the report, or even its existence, were not known to the front-line officers on duty on January 6th. The USCP Intelligence report aside, the event was widely promoted on social media weeks in advance. There were numerous groups with a history of violence known to be planning to attend and these groups were actively discussing their plans on social media. In addition, most of the group that attacked the Capitol walked more than 16 blocks from the White House. Their impending arrival, growing size of the crowd, equipment, and demeanor failed to impact our force posture.

Former Chief Sund has stated to the press that he asked both House and Senate Sergeants of Arms for permission to request National Guard troops but was rebuffed. If accurate, that is a

stunning admission. Congress also needs to get to the bottom of why it took the Pentagon so long to authorize the National Guard deployment.

However, the National Guard troops were not the only option available to USCP that day. The USCP could have called upon multiple local law enforcement agencies for personnel in advance of the insurrection beyond Metropolitan Police who were thankfully pre-deployed. The U.S. Park Police, Uniformed Division Secret Service, Prince Georges, Montgomery, Arlington, and Fairfax Counties as well as the Maryland and Virginia State Police all could have been asked to contribute personnel.

Many of these departments did respond to the insurrection and our officers are eternally grateful for their assistance. In total, there were approximately 1,700 officers from other departments who assisted USCP during the insurrection. However, their help could have been in place prior to the insurrection. Had they been pre-positioned in sufficient numbers ahead of time and the global fence installed, the breach might not have occurred.

Communication

The communication, command, and control by the department quickly broke down on the day of the attack. You all have heard portions of the radio traffic during the impeachment proceedings. You heard the panic in the voice of an MPD officer yelling that the line on the West Front of the Capitol had collapsed and ordering officers to retreat to higher ground.

The breakdown of communication left many USCP officers unsure how to respond. Senior leadership was not on the radio providing direction. In the absence of direction, small groups of officers were left to make unilateral tactical decisions about, for example, whether to hold a position or fall back. These officers made these decisions without knowing whether their actions were consistent with a larger strategic plan to secure the Capitol and ultimately evacuate Members of Congress and staff.

This breakdown of command and control was entirely predictable. Acting Chief Pittman has asserted previously that officers were properly briefed prior to the insurrection. That assertion is false. Front-line officers were not briefed on the range of contingencies and what the plan was if the crowd turned violent. Most shifts didn't have roll calls nor given information regarding the January 6th event. Acting Chief Pittman testified that she ordered the lockdown of the Capitol that day. In fact, it was Inspector Tom Loyd who ordered the Capitol be locked down. Chief Pittman ordered the entire complex be locked down some time after that.

Rules of Engagement and Use of Force

There was not a clear understanding of the rules of engagement and the level of force that officers were expected to use as the insurrection unfolded. This was especially the case once the protesters penetrated the Capitol.

Congress needs to provide the USCP with specific direction on the use of force they want applied in these situations. Congress may also have to provide additional statutory authorities to

officers to deploy the desired level of force and should consider upgrading the seriousness of the charges that future belligerents might face for attempting to breach the Capitol complex.

Personnel

Former Chief Sund in testimony before the House Appropriations Committee in February 2020 stated that, "the Department's current sworn staffing levels do not provide the complete and necessary resources to meet all of our mission requirements." This gap between mission requirements and staffing levels is bridged using excessive amounts of mandatory overtime.

We work our people to death because we do not have enough officers, as the Department's mission has increased drastically over the years while our Officers keep getting squeezed. There has to be a balance of work and family life. The union would like to work with Congress in determining the optimal number of additional officers. However, Congress needs to understand that recruiting, training, and deploying these new officers will not happen overnight. It is going to take years and given the state of the department right now recruitment is going to be a challenge.

I also want to warn you that many USCP officers are on the fence about whether to stay with this department. Those officers that are retirement eligible are seriously looking at turning in their retirement papers. I just lost one of my Executive Board members who had more than 20 years of service, as well as a few other officers who recently retired and resigned following the event on January 6th. I cannot tell you the number of younger officers who have confided in me that they are actively looking at other agencies right now. These agencies offer better working conditions, less forced overtime, and in many cases higher pay and better retirement benefits.

This is not the forum to get into the details on pay and benefits, but I want you to understand that Congress is going to have make major changes if you want to recruit and retain the best officers for this department.

Training, Equipment and Physical Infrastructure Improvements

The union has provided requests in the past in terms of additional training, equipment, and physical infrastructure improvements the officers believe need to be made to secure the Capitol Complex. For security reasons, I have not included these requests in my testimony but will be happy to discuss them in a closed session.

Closing

I want to thank you all for affording me the opportunity to testify. The insurrection of January 6th will forever change the USCP. It was the darkest day in the history of the department. We have lost two officers of our own and another brother in blue from MPD as well as 140 officers who have been seriously injured. Many more are still struggling to cope with what they experienced and are going to need long term support. As I said in the beginning of my statement, we have paid a horrible price.

We are sworn to protect this institution. We are sworn to protect you. You have seen on video the heroism of individual officers. They sacrificed themselves – first to prevent the breach and when they were about to be overwhelmed, they kept fighting to give other officers the time they needed to safely evacuate every Member of Congress and staffer in the Capitol. I want you all to think about that for a second, not one Member or staffer was injured during the evacuation. This despite the fact there were insurrectionists who I am convinced would have physically harmed you if given the chance.

Let me close by saying how much the officers appreciate Members of Congress and their staffs personally thanking them for what they did. Believe me, it means a lot. In law enforcement, you do not always get a pat on the back for doing your job.

However, if you want to honor the sacrifices that the officers made on January 6th defending this institution be prepared to accept some hard truths about both the current leadership in this department and the additional resources we need. Congress needs to be able to safely discharge its duties no matter the threat environment. The threats are going up not down and Congress is going to have to respond with new leadership for this department, more officers, better equipment and training, and physical infrastructure improvements. Thank you for giving me the opportunity to share with you the views of the heroic officers we represent.



GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

May 19, 2021

The Honorable Gary C. Peters
Chairman
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Amy Klobuchar
Chairwoman
Committee on Rules and Administration
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Peters and Klobuchar:

This letter is in response to the post-hearing questions received in regards to the Senate Committee on Homeland Security and Government Affairs and the Committee on Rules and Administration Joint Hearing, which was held on February 23, 2021, titled the “Examining the January 6th Attack on the U.S. Capitol.”

Chairwoman Klobuchar

1. *Is General Walker’s testimony consistent with your understanding of the events of January 6?*

Based on the conversations that I was a part of, I can confirm that it took several hours for Major General Walker to receive the approvals needed to send Guard members to the Capitol. I am unaware of specifically how long it took to get Guard members to the Capitol after Major General Walker received approval.

2. *What do you believe the impact would have been if the National Guard had been allowed to prepare to support the Capitol Police on January 6 in advance of that day?*

Although it is impossible to say with certainty what the impact would have been if the National Guard had been able to fully support the U.S. Capitol Police (USCP) on January 6th, I believe Guard support would have provided Capitol Police with additional resources on to immediately respond to the insurrection.

3. *What do you believe the impact would have been if the National Guard had received immediate approval to deploy to the Capitol on the 1:49 p.m. phone call on January 6 on which Mr. Sund requested immediate assistance?*

Again, I am unable to say what the exact impact would have been, but the approval to immediately respond would have provided additional reinforcements to Capitol Police that may have resulted in a different outcome.

4. *Are there any specific reforms, including with respect to intelligence sharing and security preparations, that you would recommend for law enforcement agencies in the District of Columbia following the events of January 6?*

I believe that a comprehensive after-action review is necessary to fully examine the factors that contributed to the January 6th insurrection and to develop appropriate recommendations.

Senator Blunt

5. *To the extent that you were aware of then Chief Sund's plans for January 6, did you have any concerns about what he was planning, or not planning, in terms of officer deployment?*

MPD had only a general knowledge of Capitol Police's preparations for these demonstrations. While we were aware that USCP was preparing for the event, we did not know the specific, tactical level details of the plan.

6. *Given the intelligence reports you saw in advance of planned protests for November 14 and December 12, 2020 and January 6, had you also drawn the conclusion that the events of January 6 would be on par with those in November and December?*

Although MPD did not have any credible intelligence regarding specific plans to breach the U.S. Capitol on January 6th, based on the available information and intelligence, as well as the violence that was observed during and following the prior two demonstrations that occurred on November 14th and December 12th, MPD believed that there was an increased risk related to the demonstrations scheduled for January 5th and January 6th. In response to these concerns, MPD implemented a full departmental activation with all officers working 12-hour shifts, no days off, and all Civil Disturbance Unit (CDU) trained members deployed. MPD activated its high-volume arrest, transportation, and processing center in the event that large numbers of arrests were made. MPD also requested the assistance of the DC National Guard, Arlington County Police Department, Prince George's County Police Department, and Montgomery County Police Department for both January 5th and January 6th. Additionally, MPD had discussions with the Maryland State Police and the Virginia State Police regarding their ability to provide assistance to MPD on January 5th and January 6th if additional assistance above what was already being staged in the city was needed.

7. *Were you aware of then USCP Chief Sund's requests to Mr. Irving and Mr. Stenger on January 4 seeking approval to request assistance from the National Guard?*

I was not aware of Chief Sund's requests on January 4th.

8. *When were you first made aware of the USCP request for National Guard assistance?*

I became aware of the USCP request for National Guard assistance on January 6th during the conference call when Chief Sund asked for immediate help from the National Guard.

9. *Were you supportive of that request?*

Yes, I agreed that National Guard support was needed immediately.

10. *Did you know what specifically USCP wanted the National Guard to do in terms of supporting the January 6 event?*

No.

11. *What would have been your recommendation for National Guard support?*

My recommendation would have been to send National Guard members to assist the law enforcement officers currently at the Capitol in stopping the breach of the Capitol building, clearing the building, and providing support so that law enforcement officers could arrest individuals committing criminal acts.

12. *Given the complex nature of securing various events in Washington, DC, that cross multiple local and federal law enforcement jurisdictions (marches, rallies, protests, concerts, races, social gatherings, etc.), what do you believe is the best course of action for command and control of those events and coordination among all law enforcement agencies?*

The National Incident Management System (NIMS), Incident Command System (ICS) is the best method for command and control of planned and unplanned events. A unified command structure should be implemented for events that cross jurisdictional boundaries.

Senator Capito

13. *Do you or your agency have any reason to believe that this violence was not started by supporters of former President Trump?*

I believe that a comprehensive after-action review is necessary to fully examine the factors that contributed to the January 6th insurrection.

14. *At what point did your agency communicate with the White House regarding the ongoing situation and the need for reinforcements?*

MPD did not communicate directly with the White House.

15. *How long did it take for the White House to acknowledge and respond to your requests?*

MPD did not communicate directly with the White House.

16. *How is your agency monitoring any increase in support for extremist views, and do you see this as a problem within your force?*

I do not see this generally as a problem in the members of MPD, an agency that is as diverse as the nation's capital. However, this is a core issue for community trust in their police, as well as for trust within the department. Therefore, I have commissioned a national organization to conduct an organizational health assessment to review MPD's policies and practices related to diversity, inclusion, and equity in multiple areas, including race, gender,

and sexual orientation, in functional domains such as recruiting and training, supervision, promotional processes, EEO processes, and internal investigations. External to the agency, the review will focus on the delivery of police services and ensuring unbiased policing efforts. The review will include a specific focus on extremism, hate speech, and white supremacy – assessing processes and practices to eliminate the impacts of each within the Department.

17. *What are next steps for preventing the radicalization of our officers from online propaganda?*

MPD has worked to confront issues such as extremism and racism in policing head on and proactively through strong hiring practices, forward-thinking policy, innovative training, accountability, and transparency. We begin with a mission statement that was updated in 2016 to explicitly recognize the sanctity of all human life. This value statement is carried through our operations in a number of ways. MPD has worked to address concerns about bias and other issues in policing by implementing comprehensive screening for new recruits to ensure that our new hires reflect our values. Our forward-thinking policies prohibit the use of chokeholds and establish an officer's duty to intervene if they observe fellow officers using excessive force, and to report anyone engaging in misconduct. MPD is also one of a few departments nationwide to actively train on the duties to intervene and report.

The Department's training is comprehensive and innovative. One program of which the District is particularly proud is the training launched in 2018 in partnership with the University of the District of Columbia and the National Museum of African American History and Culture (NMAAHC). This training helps MPD members focus on historical reasons for the challenging relationship between police and African American communities, and motivates our officers to work to mend that relationship. The initial training featured a guided tour of the NMAAHC, a lecture on black history and culture, and a discussion on race and policing.

Because of the overwhelmingly positive reception from MPD officers to the initial curriculum, additional training in 2020 provided more guided discussion on procedural justice and how the earlier lessons are relevant to improving police-community relations today, particularly in terms of how we can appropriately engage individuals of all backgrounds who may have a negative perception of the police. Using documentary footage and current popular images, video, and music as a framing device, as well as voices from the community, professors are continuing the discussion regarding an understanding of the history of law enforcement and relationships with Black, immigrant, LGBTQ+, and other underserved communities. This year, the Department will provide training on Hate, Extremism, and Violence. Education on and awareness of these issues not only helps officers to serve our city, but also to inoculate them against radicalization.

Senator Wicker

18. *How did the security protocols in place on January 6th differ from security during the State of the Union?*

The State of the Union is a National Special Security Event (NSSE) and as a result the planning efforts are led by the United States Secret Service. January 6th was not a designated NSSE. MPD preparations for any event, including NSSEs, are developed based on the

information and intelligence available. As a result, MPD had fully activated its internal resources for the January 5th and January 6th demonstrations. MPD also requested the assistance of the National Guard and requested the assistance of three additional law enforcement agencies to support MPD's response. MPD typically does not request National Guard support or stage outside law enforcement agencies in the city to assist MPD during the State of the Union.

19. To what extent was the U.S. Secret Service notified about the potential for violence on Jan. 6 at the Capitol?

I am not aware of what information the US Secret Service had in advance of January 6th.

20. What plans were in place, if any, to protect members of Congress and Staff if violence occurred?

MPD is charged with the preservation of the peace and protection of all persons and property within the District of Columbia; however, the Department does not develop specific plans to protect members of Congress and staff. Those plans are developed by the USCP. Additionally, MPD is prohibited from entering the Capitol or its Grounds to patrol, make arrests, or serve warrants without the consent or request of the Capitol Police Board. (2 U.S. Code § 1961) MPD does coordinate with federal law enforcement agencies and provides support, if requested.

Senator Sinema

21. You have previously said your officers have dealt with constant trauma and tragedy since the beginning of the summer. How is the Metropolitan Police Department supporting the mental health needs of its officers? Are there programs or initiatives that have been particularly helpful to support the mental health needs of your force?

The Metropolitan Police Employee Assistance Program (MPEAP) has played a key role supporting the mental health needs of our officers. Following the insurrection at the Capitol several group critical incident debriefings were conducted by the MPEAP to offer a platform to discuss the trauma experienced by our officers and ensure they were aware of the additional resources available to provide our officers the support they need and deserve. I believe that it is important for leaders to model the behavior we want our employees to display. Because of this I also participated in a critical incident debriefing with Dr. Beverly Anderson of the MPEAP and I invited all MPD officers to virtually participate in the session to reinforce the importance of debriefings and seeking help after these types of incidents.

22. What, if any, efforts are happening to coordinate mental health support across agencies for law enforcement personnel who responded to the attack? If there are no coordinate efforts, would this be beneficial and what is needed to make this happen?

I am not aware of any cross-agency discussions specific to the January 6th insurrection. In general, strategies for officer well-being and support is a frequent topic of discussion and review among police chiefs and agencies. We certainly welcome support on these efforts from federal agencies or resources.

Senator Rosen

23. Mr. Contee, can you answer generally as to how local police forces are combatting extremism within their ranks?

Please see the response to questions 16 and 17 for how MPD is working to combat extremism. I cannot comment generally on the efforts of other police departments on this issue.

I hope this information is helpful. Please do not hesitate to contact me if you have any further questions.

Sincerely,



Robert J. Contee III
Chief of Police

cc: Muriel Bowser, Mayor
Chris Geldart, Acting Deputy Mayor for Public Safety and Justice

Senate Committee on Homeland Security and Governmental Affairs
and the Committee on Rules and Administration
Joint Hearing
Examining the January 6th Attack on the U.S. Capitol
February 23, 2021

Questions for the Record
Mr. Steven A. Sund

Chairwoman Klobuchar

1. In your view, should the structure of the Capitol Police Board be reformed to provide the Capitol Police chief or any other officials' greater flexibility to respond quickly to emergency situations?

Yes, the Capitol Police Board (CPB) needs to be reformed to allow the USCP Chief authority, under exigent circumstances, to request outside support, such as the National Guard without delay. In addition, U.S. Code 2USC1974 would also need to be amended to provide this exigent circumstances exception.

- Are there any specific reforms that you recommend?

The idea of a single oversight board is not a bad idea, but the current current structure is not the best solution. The current structure of the CPB requires the Chief to work security issues between the House and the Senate, two sides that may not often share the same views. You are dealing with two sides of congress and their political positions, as opposed to just looking at USCP operations from a purely security related standpoint. The two Sergeant at Arms are essentially political appointees, and likely to be loyal to the views of their respective leadership. As a result security has become too politicized under this structure, with the different sides working to accommodate sometimes opposing positions and the resulting concern for or the use of the optics of their security to support political positioning.

This was evident during the planning for the January 6th, joint session of congress as we developed our perimeter plans with the House and Senate having opposing views of the look of the East Front being closed to the public, and in regards to my request that I made to the House and Senate Sergeants at Arms on January 3, 2021, seeking approval to request the National Guard for the Joint Session of Congress on January 6.

This continues to be a problem even after January 6, when the acting Chief of Police was unable to get a consensus from both the House and Senate Sergeant at Arms on extending the deployment of the National Guard on Capitol Hill. It took the acting Chief of Police writing a letter to leadership to finally get a decision. In addition, an oversight entity such as the CPB can

also provide a very beneficial buffer between the Members of Congress and the USCP, to further reduce the possibility of political influence in Department operations.

- Do you believe that there is a current statutory provision, rule, regulation, or other legal authority that requires the Capitol Police chief to obtain approval from the Capitol Police Board before seeking assistance from the National Guard?

Yes, 2USC1974 which reads in part:

(a) In general

In the event of an emergency, as determined by the Capitol Police Board or in a concurrent resolution of Congress, the Chief of the Capitol Police may appoint-

- (1) any law enforcement officer from any Federal agency or State or local government agency made available by that agency to serve as a special officer of the Capitol Police within the authorities of the Capitol Police in policing the Capitol buildings and grounds; and
- (2) any member of the uniformed services, including members of the National Guard, made available by the appropriate authority to serve as a special officer of the Capitol Police within the authorities of the Capitol Police in policing the Capitol buildings and grounds.

2. Since you testified before our committees, we have heard testimony from Major General Walker of the D.C. National Guard that he waited three hours and 19 minutes before receiving approval from the Department of Defense to send Guard members to the Capitol on January 6. He also testified that he had Guard members waiting to go to the Capitol on buses, and once he received approval, Guard members arrived within 18 minutes.
 - Is General Walker's testimony consistent with your understanding of the events of January 6?

Yes, I believe General Walker's testimony is consistent with my understanding of the events of January 6. It is clear that he faced his own constraints that greatly impacted his ability to support the USCP during a critical incident that posed a serious risk to life safety and a significant threat to physical property.

- What do you believe the impact would have been if the National Guard had been allowed to prepare to support the Capitol Police on January 6 in advance of that day?

I believe that had the authorization to utilize the support of the National Guard been granted on Sunday, January 3rd, when I first made the request from the House and Senate Sergeant at Arms, that would have had a significant impact on our security posture on January 6, 2021. The advanced authorization would have allowed for the USCP to coordinate with the Department of Defense and the National Guard for two full business days before January 6th, allowing both agencies to coordinate formal requests and develop staffing needs that would have allowed for a much more secure perimeter. I believe that if the use of the National Guard had been authorized in advance, that we would have had several hundred additional personnel to help support our perimeter and this would have helped us hold the line until additional support from our partner agencies arrived.

- What do you believe the impact would have been if the National Guard had received immediate approval to deploy to the Capitol on the 1:49 p.m. phone call on January 6 on which you requested immediate assistance?

I believe the impact would have been significant, but to more fully answer this question you need to look back to my initial call at 12:58 p.m., to Mr. Irving requesting emergency approval. I believe the combination of the delay from the House Sergeant at Arms and the prohibitions that General Walker faced regarding the use of the National Guard on January 5 and 6, created an unnecessary cascading delay that prevented the National Guard from arriving at the Capitol until after it had been breached by the violent mob and lethal force utilized.

If, at 12:58 p.m. the CPB approved my request, I would have immediate notification to General Walker then, as opposed to 1:49 p.m. General Walker had testified that he had significant NG resources, approximately 340 troops, already deployed in the city providing traffic control support. According to General Walker, each of these units had their Civil Disobedience gear with them in their support vehicles. If authorized, he could of had them immediately put on their Civil Disobedience gear and respond to the US Capitol. However, his ability to provide Immediate Response Authority or Emergency Authority had been specifically taken away from General Walker in the January 4, memo from the Acting Secretary of Defense, Christopher Miller.

If the National Guard had the unencumbered authority to enact their Immediate Response Authority or Emergency Authority as prescribed by Department of Defense Directive (DODD) 3025.18, *Defense Support of Civil Authorities (DSCA)*, General Walker could have redeployed these 340 National Guard troops to the U.S. Capitol based upon my urgent request and possibly had them on sight before the first window at the Capitol was smashed at 2:10 p.m.

3. You testified that you did not receive the raw intelligence included in the January 5 threat report issued by the FBI's Norfolk Field Office prior to the January 6 attack on the Capitol.
 - What changes do you believe should be made to intelligence sharing policies and practices to ensure that important intelligence makes it to decision makers tasked with Capitol security in a timely manner?

Complete and accurate intelligence was the greatest single impact to our planning and preparations for the Joint Session of Congress on January 6. As I had testified, and as did FBI Director Christopher Wray and the Assistant Director for the FBI's Counter Terrorism Division; Jill Sanborn, none of us saw the Norfolk memo before the January 6th attack. Policies need to be established to ensure that these documents are analyzed and shared with partner agencies as quickly as possible, especially when there is a major event getting ready to occur within 24 hours. I realize that this was considered to be raw intelligence, but given the concerning rhetoric and the event the following day, the Intelligence Community needs to possess the capability to rapidly evaluate the information, integrating it into the current intelligence picture, to determine if this raises the current level of concern. Consideration should also be given to an established

joint intelligence briefing to be provided by the IC to the participating agencies before any major event. In order to prevent this from happening in the future, the Department has instituted a daily call with the FBI in order to better facilitate the sharing of intelligence and all intelligence gathered by our Task Force officers is shared with our Intel Director and the commander of the Intel Section.

- Who within the Capitol Police Department received the January 5 FBI Norfolk Field Office threat report?

The first person within the Department to see the Norfolk memo was the USCP officer assigned to the FBI Task Force, who saw the memo at approximately 7:40 p.m. This document was forwarded via a distribution list where it was received by three sergeants and a lieutenant. The memo was not pushed any farther up the chain of command within IICD or the Department.

Senator Blunt

1. Please clarify the timeline and content of all your requests, whether in person or via phone call, to Mr. Paul Irving, Mr. Mike Stenger, General William Walker, and/or any other officials with the Department of Defense or the Army regarding National Guard assistance on January 4 and January 6.

My initial request for the National Guard actually occurred on the first day of the 117th Congress, which was on Sunday, January 3, 2021. I initially believed that I had made a request for the National Guard on January 4, 2021, but after reviewing video from January 3rd, I know that I made the request on that day.

Sunday, January 3, 2021:

9:24 a.m.- Video shows me entering the office of the House Sergeant at Arms (H-124) in the Capitol Building.

It is during this meeting that I made the request for the assistance of the National Guard to HSAA Mr. Paul Irving to assist the USCP on January 6, 2021.

During this meeting, Mr. Irving expressed concerns with the optics of the use of the National Guard and indicated that he did not think that the intelligence supported the request. He then referred me to the Senate Sergeant at Arms, Mr. Michael Stenger.

I personally came to Mr. Irving's office in lieu of a phone call, because I wanted to request the support from the National Guard which would require a formal process that could only be authorized by the Capitol Police Board. Contrary to the Mr. Irving's February 23 testimony, I did not mention any offer of support from the National Guard. At the time of this meeting with Mr. Irving on January 3, I had not spoken to General Walker about support and therefore had no knowledge of the National Guard's ability to provide assistance. The discussion with General Walker, where he mentioned the 125 soldiers he could repurposed did not occur until that

evening at 6:14 p.m. on January 3, 2021. Therefore, I would not have had this information to disclose at the meeting earlier in the day as suggested by Mr. Irving's testimony.

9:32 a.m.- Video shows that Mr. Irving and I depart the office together. Timeline was developed with the assistance of a review of video camera footage by the USCP.

9:35 a.m.- Video shows me heading to S-150 the Office of the Senate Sergeant at Arms. Mr. Stenger was not at the office. Video shows me leaving.

11:13 a.m.- Senate Sergeant at Arms Mr. Stenger is observed walking towards his office.

11:53 a.m.- I am observed walking towards the Office of the Senate Sergeant at Arms.

I meet with Mr. Stenger in the office of the Senate Sergeant at Arms (S-150) in the Capitol Building. During the meeting, I made the request for the National Guard to Mr. Stenger. Instead of approving the request, Mr. Stenger asked me if I knew anyone with the National Guard who I could unofficially inquire about assistance in the event National Guard might be needed at the Capitol on January 6, 2021. Mr Stenger also asked that I inquire about the number of National Guard soldiers that could be provided and how quickly. I advised Mr. Stenger that I knew General William Walker of the D.C. National Guard. Mr. Stenger then requested that I call General Walker to obtain the information. This was a very short meeting, and I had the impression that Mr. Irving and Mr. Stenger had spoken about my request in advance of this meeting.

11:55 a.m.- Video shows me departing S-150, the Office of the Sergeant at Arms . Timeline was developed with the assistance of a review of video camera footage by the USCP.

6:14 p.m.- That evening, as requested by the Senate Sergeant at Arms, I called General William Walker of the D.C. National Guard to inquire about possible support on January 6. I advised General Walker that I did not have an approved Declaration of Emergency from the Capitol Police Board (CPB). General Walker advised that, if requested, he could repurpose 125 National Guard from a COVID-19 support mission and once approved, get them over to the D.C. Armory to be sworn in by Capitol Police fairly quickly. This information was obtained from my cell phone records.

I again reiterated that I did not have an Emergency Declaration from the CPB but wanted to inquire and ask him to lean forward (be prepared) in the event the request came on January 6, 2021. We then concluded the call.

Tuesday, January 5, 2021:

During the day, I advised both Mr. Irving and Mr. Stenger on the information provided by General Walker and they both appeared satisfied with that level of support.

Wednesday, January 6, 2021:

The below timeline was developed from my cell phone call log from 7:15 a.m. on January 6, 2021, until 11:07 a.m., on January 7, 2021.

12:53 p.m.- Mob of insurrectionists breach the metal crowd control barriers on the West Front of the Capitol and begin to fight with the officers.

12:55-12:56 p.m.- I immediately called Assistant Chief Jeffrey Carroll of the Metropolitan Police Department (MPD) to provide assistance. MPD had staged significant resources in the area as a result of pre-coordination with the Capitol Police.

12:58 p.m.- I called HSAA Paul Irving to advise of the serious situation on the West Front and request the immediate Declaration of an Emergency by the CPB to authorize the support of the National Guard. Mr. Irving stated he will, "run it up the chain," and get back to me. This call was made in the presence of USCP General Counsel; Mr. Thomas DiBiase, who is willing to validate the timeline if requested by the Committees.

1:05 p.m.- I then spoke to SSAA Stenger and advised him of the serious situation on the West Front and requested the immediate Declaration of an Emergency by the CPB and to authorize the support of the National Guard.

1:19 p.m.- Call received from Jennifer Hemingway, Deputy Senate Sergeant at Arms. I briefed her on my discussion with Mr. Stenger.

1:21 p.m.- I called and provided SSAA Stenger with a situational update.

1:28 p.m.- I called HSAA Irving to provide situational awareness and inquire on status of the request for the National Guard. National Guard has not been approved.

1:34 p.m.- I called HSAA Irving. National Guard authorization still not approved.

1:39 p.m.- I receive call from SSAA Stenger to discuss the ongoing situation.

1:45 p.m. I again called HSAA Irving. Authorization for National Guard has still not been approved.

1:49 p.m.- I then called General Walker of the D.C. National Guard and advises him that USCP will need urgent assistance, and that the Declaration of Emergency by the CPB has not been granted but is expected to be approved at any moment.

1:51 p.m.- I called and activated the Metropolitan Washington Council of Government's Mutual Aid agreement, requesting assistance from all of the law enforcement agencies in the National Capitol Region. This request resulted in 18 agencies providing almost 1,700 law enforcement officers to support the USCP.

2:01p.m. I called HSAA Irving. Authorization for National Guard still not approved.

2:07 p.m.- I again called HSAA Irving, who advised that the Declaration of Emergency has been approved and that the use of the National Guard has been authorized. This call was made in the presence of USCP General Counsel, Mr. Thomas DiBiase, who is willing to validate the information if requested by the Committees.

2:08 p.m.- I then called SSAA Stenger and inform him that HSAA Irving has given his approval. During the call I advised that we were preparing the formal declaration for the CPB.

2:10 p.m.- I called General Walker of the DC National Guard and advised him that the Declaration of Emergency has been approved by the CPB and that the immediate response of the National Guard is being requested by the USCP. I also advised General Walker that we were preparing the formal request to follow this oral request. I then yelled over to the Watch Commander at the USCP Command Center to mark the official time of the authorization approval by the CPB to be 14:10 hours.

2:27 p.m.- I had a series of Text messages and a call from Dr. Christopher Rodriguez with the District of Columbia's Homeland Security and Emergency Management Agency to try get me onto a conference call with the Department of Defense regarding my request for the National Guard.

2:28-2:32 p.m.- I made five attempts to call into the DoD Conference call without success and notified Dr. Christopher Rodriguez.

2:32 p.m.- I received a text from General Walker with the DoD conference call information.

2:34 p.m.- I received a call from Dr. Christopher Rodriguez and he connected me to the DoD Conference call.

I learned that in order to get authorization for National Guard support, the Pentagon needed to approve the request. I was therefore asked to participate in a conference call with Dr. Chris Rodriguez, D.C. Homeland Security and Emergency Management Agency; Chief Robert Contee, Metropolitan Police; a representative from Mayor Muriel Bowser's office, General William Walker, D.C. National Guard; and Lt. General Walter Piatt, the Director of Army Staff. During the call I again made an urgent request for immediate National Guard support. I explained that the National Guard was needed to shore up our perimeter to help secure the Capitol. Lt. General Walter Piatt stated, "I don't like the optics of the National Guard standing a line with the Capitol in the background. I would much rather prefer to relieve USCP officers from other posts so they can handle the protestors." I urgently advised that this was not an option and that I did not have officers to swap with National Guard and that I needed assistance immediately. Lt. General Piatt stated that he was preparing to brief the Secretary of the Army and that his recommendation would be not to support the request. Chief Contee then stated, "So you are denying the request from the Capitol Police." Chief Contee then asked me, "Steve, are you requesting National Guard assistance?" to which I stated, "Yes, this is an urgent urgent request, I need immediate

assistance with National Guard at the Capitol, I do not have the option to swap out officers on check points." Lt. General Piatt explained that he wasn't denying the request, but that he didn't like the visual of the National Guard standing a line at the Capitol and again reiterated his preference to swap out my officers with National Guard, so my officers could respond to the protests. I again reiterated that this was not an option. Lt. General Piatt then indicated that he was going to run the request up the chain of command at the Pentagon.

Almost two hours later, we had still not received authorization from the Pentagon to activate the National Guard. Mr. Stenger offered to have Senator McConnell call the Secretary of the Army to expedite the request. I agreed that this would be a good idea. I followed up approximately 20 minutes later to check on the call and express the need for leadership to call to assist in expediting the request. I never received a confirmation if this call took place.

3:26 p.m.- I made a call to General Walker to discuss the formality of the submission of the formal letter of request for the activation of the National Guard.

4:07 p.m.- I send an email to General Walker with the first of two formal letters requesting the National Guard.

5:40 p.m.- The first group of National Guard soldiers were not sworn in on US Capitol Grounds.

10:20- 10:32 p.m.- I have a series of phone calls with General Walker to discuss the support of the National Guard.

Thursday, January 7, 2021:

2:17 a.m.- I send an email to General Walker with the second of two formal letters requesting the National Guard.

2. You testified that the January 5 intelligence report from the FBI Norfolk, VA office was received by the USCP Intelligence and Interagency Coordination Division; however, it was not forwarded to the USCP Headquarters Command Center. Please explain this breakdown in internal communication within USCP.

- What communication policies and procedures are in place and should have been followed?

The first person within the Department to see the Norfolk memo was the USCP officer assigned to the FBI Task Force, who saw the memo at approximately 7:40 p.m. This individual then forwarded the document to the Intelligence and Interagency Coordination Division (IICD) utilizing an established distribution list where it was received by three sergeants and a lieutenant. This distribution list is in place to ensure that a number of officials at IICD receive potentially important information so it can be handled expeditiously. It appears that this memo was not acted on and sent to the analysts for review and inclusion in our threat picture. In

addition, the memo was not pushed any farther up the chain of command within IICD or the Department.

- Why were those communication protocols not followed?

Although I am aware that a number of after action reviews are being conducted regarding January 6th, and the handling of intelligence information, following my departure from the USCP on January 8, 2021, I have not been provided any reason as to why this process may not have been followed.

- Are you aware of any other intelligence information held by the Intelligence and Interagency Coordination Division that was not communicated to the Command Center, which could have aided in better operational planning and preparedness?

According to the Special Event Assessment issued by the IICD on January 3, 2021, "IICD has identified more than forty social media postings promoting protests on January 6, 2021. The number of people who indicate they are going to the event listed on these social media postings is relatively low. It is expected the majority of these postings are promoting the protests already listed in this report and IICD, therefore, did not list each social media posting as a separate event." I have not seen these specific postings that they referenced or any other information that they may poses.

3. Intelligence that could be gathered from open source media reports and social media postings prior to the events of January 6 should have been sufficient indication of the extreme, combative nature of the events protestors planned. A published agenda clearly stated a time to "Storm the Capitol". Multiple social media posts urged protestors to bring weapons, prepare for violence, and seek war.

The Department also received email warnings from citizens who were seeing such social media posts and pleading with USCP to be prepared for the unrest on Capitol Hill planned for January 6 and to take extra security precautions.

- Did USCP take these warnings seriously?

Information that was portrayed in the various Special Event Assessments and Daily Intelligence Reports issued by the IICD were taken seriously. We utilized this information and planned accordingly, implementing significant enhanced planning and security efforts for the January 6th Joint Session of Congress.

- Were the social media posts and email warnings not sufficient to warrant additional protective measures in the operational planning for January 6?

We prepared for the demonstrations and activity that was portrayed in the intelligence assessment. We developed extensive preparations for this event, based on the intelligence that

we had and the resources available to us. Far more extensive planning and preparation went into the Jan 6 protest than any of the 2020 protests:

- **Placed the Department into an AHOD Status for January 6**
- **DPD enhancements**
 - Expanded congressional leadership coverage
 - Deployed additional weaponry to leadership teams
 - Residential cover expanded
 - Airport coverage and the coordination of Member flight awareness with TSA.
- **Significant Operations Enhancements**
 - Increased coverage at congressional office building entrances and external coverage .
 - Increased internal postings
 - Developed an enhanced CDU Plan activating the largest number of platoon while still supporting Joint Session, seven CDU Platoon, four of which were the hard platoons.
 - Distributed additional riot helmets to officers
 - Developed a contingency plan for armed protestors
 - Coordinated DC Fire and EMS response capability
 - TCCC Kits
 - Expanded the security perimeter using steel crowd control barriers, Plan approved by SSAs
 - Established IC for the Joint Session and First Amendment Activity outside
- **Coordination and Request for Outside Agency Support**
 - Requested National Guard Support on January 3, 2021
 - Jan 2, Contacted MPD Chief Contee to solicit support if needed
 - Coordination with MPD for assistance and the exchange of Incident Command (IC) information in advance
 - MPD presaged Several CDU Platoons on Constitution Avenue as a result of our coordination
 - Coordinated DC Fire and EMS response capability
 - On January 4th, I submitted letter to the Transportation Security Administration to coordinate information sharing and support for members flying commercial airlines with the Federal Air Marshals Service.
- **Intelligence Analysis and information sharing**
 - participated in information sharing with LE Partners- MPD Conference calls
 - IICD Published a Special Event Assessment on January 3, 2021 and a Daily Intelligence Report regarding the events on Jan 5-6, that was distributed to officials throughout the Department in order for information to be briefed to officers
 - IICD held internal intelligence briefings
 - Jan 5, I hosted a virtual meeting with ET, CPB, and a dozen top LE and DOD, NG officials from DC
 - Directed AC, and DC to ensure all officers are briefed on the demonstration expectations for Jan 6, and on the Airplane threat FAA had received.
 - Discussed observations of the crowd with MPD in the morning.
 - Briefed oversight and Members of Congress

- What additional protective measures could have been taken, besides requesting assistance from other law enforcement agencies and the National Guard?

Enhancements to the physical barrier used to establish and maintain the perimeter, such as utilizing the eight foot anti-scale sending that was implemented after January 6, could have been considered.

4. What changes to the Capitol Police Board would you suggest to improve governance of the U.S. Capitol Police Department?

The idea of a single oversight board is not a bad idea, but the current structure is not the best solution. The current structure of the CPB requires the Chief to work security issues between the House and the Senate, two sides that may not often share the same views. You are dealing with two sides of congress and their political positions, as opposed to just looking at USCP operations from a purely security related standpoint. The two Sergeant at Arms are essentially political appointees, and likely to be loyal to the views of their respective leadership. As a result security has become too politicized under this structure, with the different sides working to accommodate sometimes opposing positions and the resulting concern for or the use of the optics of their security to support political positioning.

In addition, the Capitol Police Board (CPB) needs to be immediately reformed to allow the USCP Chief authority, under exigent circumstances, to request outside support, such as the National Guard without delay. In addition, U.S. Code 2USC1974 would also need to be amended to provide this exigent circumstances exception.

5. On February 15, the USCP Labor Committee issued a press release regarding a vote of “No Confidence” in the senior leadership of the Department, which included Acting Chief Pittman, Assistant Chief Thomas, Acting Assistant Chief Gallagher, Deputy Chief Bowen, Deputy Chief Pickett, Deputy Chief Waldow, and Captain Ben Smith.

Among some of the complaints we have heard from officers who were on the front line that day are: they were not briefed in advance on intelligence reports that we understand were made available at the Sergeant level and above and should have been briefed at roll calls; sufficient helmets, masks, and non-lethal supplies were not available to all officers; and there was no one on the radio as events were unfolding giving directions to officers.

- Despite the fact that you may have issued an order or directive to have certain intelligence information disseminated during roll calls, did you receive confirmation that the information had in fact been presented to all officers during roll calls on January 5 and 6?

On January 5th, 2021, I issued a directive to the two assistant chiefs and our Bureau Commanders where our officers in the field as assigned to ensure officers are briefed at roll calls on January 6, 2021 of the expected demonstration activity. I received the following confirmations via email that the directive had been carried out:

January 6, 2021, at 10:26 a.m.: Deputy Chief Sean Gallagher confirmed that all of the officials and officers assigned to the Protective Services Bureau, which includes the Dignitary Protection Division, Threats and the Criminal Investigations Section had been briefed.

January 6, 2021, at 10:45 a.m.: Deputy Chief Eric Waldo confirmed that all of the officers and officials assigned to the Operational Support Bureau and Civil Disturbance Bureaus had been briefed.

January 6, 2021, at 10:58 a.m.: Deputy Chief Tim Bowen confirmed that all of the Uniformed Services Bureau Personnel, which consists of the officials and officers assigned to the; Library Division, Senate Division, House Division, and Capitol Division had been briefed at all roll calls and that the officials are continuing to make rounds to ensure everyone is briefed.

- Was the Department lacking in sufficient supplies of personal protective equipment and non-lethal weapons?

All officers on the Department have some level of protective gear and defensive weapons, to include Less Lethal weapons; Bullet resistant vest, firearm, baton, chemical defense spray and handcuffs.

Only a limited number of officers on the Department are designated as a member of the Civil Disobedience unit (CDU), which means they are the officers trained and equipped to handle violent riots. The training requirements and equipment costs for CDU personnel is significant. Budgetary and training restraints imposed on USCP has limited the number of personnel designated as CDU, and until January 6, the available USCP personnel for CDU has sufficed. Unlike most other police departments, when the USCP takes an officer off of a post, that officer must be backfilled through the use of overtime. The USCP cannot reassign officers from other locations or stack 911 calls due to officers being away at training. We have to backfill with the 24,000 hours of overtime allocated in our budget for training. We geared up every officer on the Department based on available resources that we were capable of outfitting with hard CDU gear for this event.

One of my initiatives as Chief has been to issue every sworn member on the Department a helmet and baton in the event of a large scale demonstration. In September of 2020, I had directed my Chief Administrative Officer; Mr. Richard Braddock, to identify funds to purchase the helmets for every sworn member. Although the deliver of the helmets to the USCP had been delayed due to COVID-19, we had started receiving them and issuing them out on Monday, January 4. Prior to this, not all officers had been issued protective helmets.

In regards to Less Lethal capabilities, following the January 6th attack, the Department has identified the need for a greater variety and quantity of less lethal munitions and weapons. No one had imagined an attack of this nature and the USCP, as well as many of the responding agencies such as the Metropolitan Police Department expended significant amounts of their available less lethal chemical munitions.

- Did every officer have a helmet? If not, why not?

As I indicated in my previous answer, one of my initiatives as Chief has been to issue every sworn member on the Department a helmet and baton in the event of a large scale demonstration. In September of 2020, I directed my Chief Administrative Officer, Mr. Richard Braddock, to identify funds to purchase the helmets for every sworn member. Although the deliver of the helmets to the USCP had been delayed due to COVID-19, we had started receiving them and issuing them out on Monday, January 4. Prior to this, not all officers had been issued protective helmets.

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- Which individuals specifically should have been on the USCP radio giving directions and orders to officers as the events of January 6 were unfolding?

Two Incident Commanders (IC) were pre-identified for the January 6th Joint Session of Congress. Inspector Thomas Loyd of the Capitol Division was the designated IC for the Capitol Building and the Joint Session. He had a separate radio channel designated for the; event, the officers inside of the Capitol, at the entrances, and those assigned to the First Responders Unit who were assigned to the areas right outside of the doors.

The exterior incident commender was Deputy Chief Eric Waldo. Deputy Chief Waldo was in charge of the CDU Units and the Operations Support Bureau (OSB) personnel, such as the Special Operations Division personnel who were assigned to support the external security of the Capitol.

The designated Incident Commander or their designee should have been the ones on the radios providing directions to the officers.

6. What should be done differently to better prepare the USCP to respond to such an event in the future? Please include your professional opinion on training of officers, equipment, intelligence analysis, operational planning, and organizational structure, along with any other suggestions you may have for improvements at USCP.

First and foremost, complete and accurate intelligence information would have driving a more effective planning process. Since the incident on January 6, 2021, the Federal Bureau of Investigation (FBI) has indicated that the attack that occurred was pre-planned, involved participants from a number of states, who came well equipped, coordinated, and prepared to carry out a violent insurrection of the United States Capitol. Although it appears that there were numerous participants from multiple states planning this attack, the entire intelligence community (IC) seems to have missed it. It is essential to understand that most law enforcement agencies in the United States, to include the USCP, are consumers of the intelligence provided by the IC. We rely on the information to be accurate and complete. The IC needs to reevaluate the intelligence collection requirements concerning domestic extremism and how this pertains to the law enforcement community they serve. In addition, the IC once again needs to evaluate how raw intelligence is being analyzed and translated into a finished product, or actionable intelligence for the numerous law enforcement agencies across the county.

The USCP needs to reevaluate how information is being distributed and evaluated by the various levels within the Department. I maintain clear lines of communications with all levels of my personnel, especially with my Command Staff, and if there was a concern that the information was not being given the concern or consideration, they could have easily reached out to me. In the future, before any major event, the chief should hold a meeting with the IICD Director and Assistant, along with the Department's Command Staff, to conduct a thorough review of the threat picture that the intelligence is establishing. This conversation should also include our supporting agencies within the Intelligence Community.

The USCP needs to adhere to established event planning protocols and procedures to ensure the same level of planning was applied to the January 6, 2021, Joint Session of Congress. This should include the development and briefing of a Plan of Action approved by the Assistant Chief for Uniformed Operation. The plan established by the Capitol Division for Joint Session of Congress needs to be reviewed, as does the evacuation plan that should have been developed by DPD. The adherence to staffing mandates issued by the Chief of Police for the January 6th event needs to be evaluated. The implementation of the CDU plan developed by the Operational Support Bureau should be evaluated to determine if there were any factors that impacted their ability to use various less lethal options, affected their deployment strategy, or impacted the preparedness of the "Hard" CDU Platoons.

It has been reported that during this incident, officers were not getting directions over the radio. For Command and Control of assets, the USCP works from the National Incident Management System (NIMS). NIMS includes the designation of an Incident Commander (IC) for each geographically located event or incident. This is utilized to ensure that the officials in command of designated areas have knowledge, authority, and control of the resources assigned to their areas of responsibility. Without this system, which limits the amount of people on the radio at a given time, it would be confusing to officers who was providing direction. On January 6, 2021, there was a designated IC for the demonstrations and First Amendment activity expected on the exterior of the Capitol, and a designated IC for the Capitol Building, to include the Joint Session. Each IC had a designated radio channel to coordinate their resources. Per USCP Directive; Incident Command System, Directive # 1052.003, these two ICs would have been the officials

responsible for ensuring that proper directions were being provided to the officers in the field. Knowing that the Incident Command system broke down under the strain and enormity of the situation on January 6, the Department needs to exercise and stress the critical importance of the role the IC plays in critical incident management.

The ease at which some of the windows were broken by the attackers was concerning. More needs to be done to address the physical security failures faced on January 6, 2021. Congress and the USCP must review current physical security standards in place for federal buildings, such as those provided by the Interagency Security Committee and their application to the Legislative Branch, as well as reviewing past GAO reports, and past recommendations from the Security Services Bureau in order to update the current standards being applied to congressional buildings and offices.

Unlike many other law enforcement agencies, when the USCP sends officers to training, we must backfill that position with overtime, due to the fact that most officers are filling required posts. We are not able to pull officers from other locations or “stack” calls for service to make up for officers who are attending training. Currently, the USCP is allotted 24,000 hours of overtime backfill for training purposes. With a workforce of approximately 2,300 employees, this doesn’t equate to a large number of training hours per employee. The USCP is continually looking at ways to more effectively and efficiently provide training to its members. The initial Civil Disturbance Unit (CDU) training requires 40 hours of initial training, and bi-annual training of 8 hours. And that is for just the basic level of CDU. Congress needs to support greater training funds that will allow a basic CDU training for all of the employees, and a specialized CDU training for the USCP employees assigned to CDU duties. The events of January 6, 2021, have demonstrated the critical need for specialized training to deal with these types of incidents.

We have heard from a number of the staff that systems established to communicate with the congressional community, such as the Joint Emergency Message Notifications System (JEMNS), the Annunciator Emergency Alerting System (AEAS), and the Public Address System may not have been as effective as expected or as necessary under these circumstances. The internal USCP review should evaluate the effectiveness of the systems on January 6, 2021, and the extent that the systems were utilized. The review should also evaluate the effectiveness of the implementation of mass messaging from the Command Center.

The Defense Support of Civil Authorities (DSCA) policies and procedures need to be reviewed and updated following this incident. When a civilian law enforcement agency fulfilling a national security mission protecting the continuity of government and the legislative process is faced with an armed insurrection of thousands of violent individuals, there must be an immediate and seamless process for the military to provide assistance. In addition, the USCP needs more authority to call in the National Guard. This incident has also revealed the need for our National Guard forces to receive specialized training in civil disobedience.

Senator Capito

1. At what point did your agency communicate with the White House regarding the ongoing situation and the need for reinforcements?

I am unaware of any communications that my office or the USCP had with the White House on January 6, 2021, regarding the need for reinforcements. I did receive two calls from Vice President Pence, but they were about the current security situation on Capitol Hill and the anticipated timeline to get the House and Senate back to their respective Chambers to recommence the certification of the electoral college.

I believe that you may be referencing my communications with General Walker and the subsequent requirement that I participate in a conference call with Lt. General Walter Piatt, the Director of Army Staff.

The following is a summary of my communications with the National Guard and the Pentagon regarding my urgent request for support following the insurrectionists breach of the metal crowd control barriers on the West Front of the Capitol and beginning to violently fight with the officers at 12:53 p.m.:

12:58 p.m.- I called HSAA Paul Irving to advise of the serious situation on the West Front and request the immediate Declaration of an Emergency by the CPB to authorize the support of the National Guard. Mr. Irving stated he will, "run it up the chain," and get back to me.

1:05 p.m.- I then spoke to SSAA Stenger and advised him of the serious situation on the West Front and requested the immediate Declaration of an Emergency by the CPB and to authorize the support of the National Guard.

1:19 p.m.- 1:45 p.m.- I made a series of calls to the HSAA and the SSAA to check on the status of the approval to call the National Guard. Guard was still not approved.

1:49 p.m.- I then called General Walker of the D.C. National Guard and advises him that USCP will need urgent assistance, and that the Declaration of Emergency by the CPB has not been granted but is expected to be approved at any moment.

2:01p.m- 2:07 p.m.-Series of call with HSAA Irving, and he finally authorizes me to call in the National Guard at 2:08 p.m.

2:10 p.m.- I called General Walker of the DC National Guard and advised him that the Declaration of Emergency has been approved by the CPB and that the immediate response of the National Guard is being requested by the USCP. I also advised General Walker that we were preparing the formal request to follow this oral request.

2:27 p.m.- I had a series of Text messages and a call from Dr. Christopher Rodriguez with the District of Columbia's Homeland Security and Emergency Management Agency to try get me onto a conference call with the Department of Defense regarding my request for the National Guard.

2:28-2:32 p.m.- I made five attempts to call into the DoD Conference call without success and notified Dr. Christopher Rodriguez.

2:32 p.m.- I received a text from General Walker with the DoD conference call information.

2:34 p.m.- I received a call from Dr. Christopher Rodriguez and he connected me to the DoD Conference call. I learned that in order to get authorization for National Guard support, the Pentagon needed to approve the request. I was therefore asked to participate in a conference call with Dr. Chris Rodriguez, D.C. Homeland Security and Emergency Management Agency; Chief Robert Contee, Metropolitan Police; a representative from Mayor Muriel Bowser's office, General William Walker, D.C. National Guard; and Lt. General Walter Piatt, the Director of Army Staff. During the call I again made an urgent request for immediate National Guard support. I explained that the National Guard was needed to shore up our perimeter to help secure the Capitol. Lt. General Walter Piatt stated, "I don't like the optics of the National Guard standing a line with the Capitol in the background. I would much rather prefer to relieve USCP officers from other posts so they can handle the protestors." I urgently advised that this was not an option and that I did not have officers to swap with National Guard and that I needed assistance immediately. Lt. General Piatt stated that he was preparing to brief the Secretary of the Army and that his recommendation would be not to support the request. Chief Contee then stated, "So you are denying the request from the Capitol Police." Chief Contee then asked me, "Steve, are you requesting National Guard assistance?" to which I stated, "Yes, this is an urgent request, I need immediate assistance with National Guard at the Capitol, I do not have the option to swap out officers on check points." Lt. General Piatt explained that he wasn't denying the request, but that he didn't like the visual of the National Guard standing a line at the Capitol and again reiterated his preference to swap out my officers with National Guard, so my officers could respond to the protests. I again reiterated that this was not an option. Lt. General Piatt then indicated that he was going to run the request up the chain of command at the Pentagon.

3:26 p.m.- I made a call to General Walker to discuss the formality of the submission of the formal letter of request for the activation of the National Guard.

4:07 p.m.- I send an email to General Walker with the first of two formal letters requesting the National Guard.

5:40 p.m.- The first group of National Guard soldiers were not sworn in on US Capitol Grounds.

10:20- 10:32 p.m.- I have a series of phone calls with General Walker to discuss the support of the National Guard.

On Thursday, January 7, 2021 at 2:17 a.m.- I sent an email to General Walker with the second of two formal letters requesting the National Guard.

2. How long did it take for the White House to acknowledge and respond to your requests?

Again, I did not have any direct communications with the White House regarding my request for National Guard support, nor am I aware of any communications that other members of the USCP may have had with the White House. In reference to my communications with General Walker and the subsequent conference call with the Pentagon, my first call was to General Walker at 1:49 p.m., followed up with a call at 2:10 p.m. advising him that the request for the National Guard had been approved by the Capitol Police Board. The first National Guard officer was not sworn in on US Capitol Grounds until 5:40 p.m., three and a half hours after General Walker had been advised of the official request.

3. What flaws do you acknowledge in your preparation prior to January 6th that contributed to the ability of rioters to break into the Capitol?

The denial of my advance request for the National Guard by the House and Senate Sergeant at Arms had a significant impact on my advance preparations for January 6, I believe that had the authorization to utilize the support of the National Guard been granted on Sunday, January 3rd, when I first made the request from the House and Senate Sergeant at Arms, that would have had a significant impact on our security posture on January 6, 2021. The advanced authorization would have allowed for the USCP to coordinate with the Department of Defense and the National Guard for two full business days before January 6th, allowing both agencies to coordinate formal requests and develop staffing needs that would have allowed for a much more secure perimeter. I believe that if the use of the National Guard had been authorized in advance, that we would have had several hundred additional personnel to help support our perimeter and this would have helped us hold the line until additional support from our partner agencies arrived.

The current structure of the CPB requires the Chief to work security issues between the House and the Senate, two sides that may not often share the same views, as opposed to just looking at USCP operations from a purely security related standpoint. As a result security has become too politicized under this structure, with the different sides working to accommodate sometimes opposing positions and the resulting concern for or the use of the optics of their security to support political positioning.

4. How is your agency monitoring any increase in support for extremist views, and do you see this as a problem within your force?

The USCP Office of Professional Responsibility (OPR) would handle the investigation into any allegation of misconduct or concerning activity of a USCP employee. Law enforcement should consider developing an insider threat program similar to that developed by the Transportation Security Administration to address the variety of threats at airports from the various workers.

5. What are next steps for preventing the radicalization of our officers from online propaganda?

Awareness training for the officers and officials on extremists view and radicalization would be warranted. The biggest obstacle that will be faced in the implementation of an effective program

will be concerns with the Union for the Department if overstepping into areas of the officers' private lives.

6. Do you believe that the events of January 6th will exacerbate these recruitment and hiring issues?

No, I do not foresee any issues regarding recruitment and hiring as a result of this incident.

7. Do you believe that retention of officers will drop following the trauma of these events?

I do believe that you will see some officers retire who may have planned to stay longer or look for other lines of work, both as a result of January 6, as well as the evolving and shifting viewpoints regarding law enforcement in the county.

8. What specific changes do you see as necessary to Capitol Police's emergency authorization powers?

Yes, the Capitol Police Board (CPB) needs to be reformed to allow the USCP Chief authority, under exigent circumstances, to request outside support, such as the National Guard without delay. In addition, U.S. Code 2USC1974 would also need to be amended to provide this exigent circumstances exception.

9. Would such a change have allowed Capitol Police to respond to threats that emerged quicker?

Yes, the authority, under exigent circumstances to request outside support, such as the National Guard without delay would have allowed the USCP to respond to this incident much quicker.

Senator Wicker

1. On January 5th, an FBI bulletin warning was received by Capitol Police and the D.C. police department. The bulletin warned that extremists were calling for violent attacks on the Capitol on January 6th. However, this email was not flagged for top officials within the Capitol Police Department. Who within the Capitol Police Department received this email from the FBI? Why was this FBI bulletin warning that the events on January 6th could become violent not sent directly to you?

Complete and accurate intelligence was the greatest single impact to our planning and preparations for the Joint Session of Congress on January 6. As I had testified and as did FBI Director Christopher Wray and the Assistant Director for the FBI's Counter Terrorism Division; Jill Sanborn, none of us saw the Norfolk memo before the January 6th attack. Policies need to be established to ensure that these documents are analyzed and shared with partner agencies as quickly as possible, especially when there is a major event getting ready to occur within 24 hours. I realize that this was considered to be raw intelligence, but given the concerning rhetoric

and the event the following day, the Intelligence Community needs to possess the capability to rapidly evaluate the information, integrating it into the current intelligence picture, to determine if this raises the current level of concern. Consideration should also be given to an established joint intelligence briefing to be provided by the IC to the participating agencies before any major event. In order to prevent this from happening in the future, the Department has instituted a daily call with the FBI in order to better facilitate the sharing of intelligence and all intelligence gathered by our Task Force officers is shared with our Intel Director and the commander of the Intel Section.

The first person within the Department to see the Norfolk memo was the USCP officer assigned to the FBI Task Force, who saw the memo at approximately 7:40 p.m. This document was forwarded via a distribution list where it was received by three sergeants and a lieutenant. The memo was not pushed any farther up the chain of command within IICD or the Department.

2. How did the security protocols in place on January 6th differ from security during the State of the Union?

The State of the Union Address events are designated as National Special Security Events (NSSE) by the Secretary, U.S. Department of Homeland Security. Events designated as NSSE's have a number of established planning committees and significant resources available to the security planners. In addition, for National Special Security Events the United States Secret Service plays a lead security planning role. Although the State of the Union is designated as an NSSE, Capitol Police Board must approve a Declaration of Emergency before outside resources such as the National Guard can be utilized. However, this process helps to streamline these requests by bringing the appropriate people together in the planning committees. The Joint Session of Congress on January 6, 2021, was not designated as an NSSE.

3. Why were members of the House and Senate kept in session after the Capitol was breached?

This may be information that was discovered after my departure from my position at the United States Capitol Police on January 8, 2021. In that event, I would recommend that this inquiry be forwarded to the Office of the Senate Sergeant at Arms and/or the Acting Chief of Police.

4. After the Vice President and Speaker of the House were evacuated from their respective chambers, who made the decision to keep members of Congress in session?

This may be information that was discovered after my departure from my position at the United States Capitol Police on January 8, 2021. In that event, I would recommend that this inquiry be forwarded to the Office of the Senate Sergeant at Arms and/or the Acting Chief of Police.

5. Who made the decision to have members of Congress shelter-in-place on the floor?

This may be information that was discovered after my departure from my position at the United States Capitol Police on January 8, 2021. In that event, I would recommend that this inquiry be forwarded to the Office of the Senate Sergeant at Arms and/or the Acting Chief of Police.

6. Who wanted to put Senators on buses for evacuation?

The USCP maintain a number of options to help facilitate member evacuations. However, I am unaware of any specific discussion that you may be referencing. This may be information that was discovered after my departure from my position at the United States Capitol Police on January 8, 2021. In that event, I would recommend that this inquiry be forwarded to the Office of the Senate Sergeant at Arms and/or the Acting Chief of Police.

7. To what extent was the U.S. Secret Service notified about the potential for violence on Jan. 6 at the Capitol?

Other than being aware of the concern for possible pockets of violence associate with the demonstrations on January 6, I am unaware of the U.S. Secret Service having specific information regarding the level of violence we saw o January 6. In fact, on Tuesday, January 5, I hosted a virtual meeting with my Executive Team, all three principals of the Capitol Police Board, and a dozen of the top law enforcement and military officials from D.C., including the FBI, the U.S. Secret Service, and the National Guard. This meeting focused on both the January 6 event, and the upcoming Presidential Inauguration on January 20. During the meeting, no entity, including the Secret Service, provided any intelligence indicating that there would be a coordinated violent attack on the United States Capitol by thousands of well- equipped armed insurrectionists.

8. What plans were in place, if any, to protect members of Congress and Staff if violence occurred?

The USCP has plans in place to address active violent situations both inside and outside of the Congressional Office Buildings. These plans include active shooter plans, evacuation and internal relocation plans, and emergency and remote lockdown lans.

Senator Sinema

1. You testified that the intelligence for January 6th did not differ from what was reported for the two previous MAGA marches, but the USCP intelligence report from January 3rd outlined that this event could be different given that protesters might target Congress, rather than count-protesters. Additionally, this event occurred on a weekday with Congress in session and completing an important process. What conversations occurred and what consideration was given to this as USCP, MPD, and other Federal partners undertook coordinated security planning for January 6th?

Knowing that the protests would be occurring on a weekday, when both the House and Senate would be in session requiring significant resources and staffing from the USCP to support was one of the reasons that I had approached the House and Senate Sergeant at Arms to request the assistance of the National Guard. I had had a number of discussions with the Assistant Chief for Uniformed Operations regarding the planning for this event as well as the Civil Disturbance deployment, and realized this was going to require significant staffing by the USCP. As a result, I instituted an All Hands on Deck staffing requirement for this event, meaning every available USCP sworn member should be working. In addition, I reached out to the Metropolitan Police Department in advance, first on January 2, and then again on January 5, to coordinate Incident Command information in the event assistance is needed.

2. Chief Contee testified that Metro PD did take this into consideration, calling in the National Guard to help support so Metro PD could be more nimble in their response posture. Did you discuss this decision by Metro PD with Chief Contee and did that further press you to recommend calling the National Guard to the Capitol Police Board?

I was already aware that the MPD was utilizing the National Guard to help support the street closers in the downtown area, and did not discuss this with Chief Contee. My request for the National Guard developed out of my concern for staffing to help support our security perimeter.

3. Were you satisfied with the recommendation by Mr. Stenger and Mr. Irving to informally request the National Guard in advance of January 6th, or were you uncomfortable with that decision?

I would have rather had my request for the National Guard approved in advance.

4. Is there a process by which a decision by the Capitol Police Board can be challenged or appealed, so in the case of the decision to not call in the National Guard, were there additional options available to you to pursue that request?

I am not aware of a process by which you can appeal the CPBs decision. Hindsight being 20/20, if faced with this in the future I would recommend calling a virtual CPB meeting to discuss further.

Senator Rosen

1. We owe our lives to the men and women of the Capitol Police who put themselves between us and violent insurrectionists bent on overthrowing our American democracy. At the same time, we also have to acknowledge the alarming images and footage we saw from that day of a few individual officers taking selfies with the insurrectionists or even directing them through the halls of the Capitol. But this is not the failure of our uniformed officers, so much as it appears to be a distinct failure of leadership.

- a. Mr. Sund, do you agree that the events of January 6th represent a systemic failure by Capitol Police leadership

The women and men of the United States Capitol Police and the various responding agencies, such as the Metropolitan Police Department, did a heroic effort to repel this insurrectionist mob and to protect congress and the legislative process. The failure of leadership that impacted the security on that day, was the failure of the House and Senate Sergeant at Arms to approved my advance request for the support of the National Guard on January 3, 2021. The denial of my advance request for the National Guard by the House and Senate Sergeant at Arms had a significant impact on my advance preparations for January 6, I believe that had the authorization to utilize the support of the National Guard been granted when I first made the request from the House and Senate Sergeant at Arms, this would have allowed the USCP to coordinate with the Department of Defense and the National Guard for two full business days before January 6th. Providing both agencies the opportunity to coordinate formal requests and develop staffing needs that would have allowed for a much more secure perimeter. I believe that if the use of the National Guard had been authorized in advance, that we would have had several hundred additional personnel to help support our perimeter and this would have helped us hold the line until additional support from our partner agencies arrived.

- b. List all of the actions that were taken to prepare for that day.

In preparation for the Joint Session of Congress, I directed that the Department be placed into an “all hands on deck” status, meaning every available sworn employee with police powers would be working. We activated the largest number of CDU platoons possible while still supporting the Joint Session of Congress. This allowed for the activation of approximately seven CDU platoons (approximately 250 officers), with approximately four platoons being available in “hard” gear -- helmets, protective clothing, and shields. In addition, I implemented a number of other security preparations in advance of the January 6, Joint Session of Congress. These actions included the following:

- **DPD enhancements**
 - Expanded congressional leadership coverage
 - Deployed additional weaponry to leadership teams
 - Residential cover expanded
 - Airport coverage and the coordination of Member flight.
 - On January 4th, I submitted letter to the Transportation Security Administration to coordinate information sharing and support for members flying commercial airlines with the Federal Air Marshals Service
- **Significant Operations Enhancements**
 - Increased coverage at congressional office building entrances and external coverage .
 - Increased internal postings
 - Developed an enhanced CDU Plan activating the largest number of platoon while still supporting Joint Session, seven CDU Platoon, four of which were the hard platoons.

- Distributed additional riot helmets to officers
 - Developed a contingency plan for armed protestors
 - Coordinated DC Fire and EMS response capability
 - TCCC Kits
 - Expanded the security perimeter using steel crowd control barriers, Plan approved by SSAs
 - Established IC for the Joint Session and First Amendment Activity outside
- **Coordination and Request for Outside Agency Support**
 - Requested National Guard Support on January 3, 2021
 - Jan 2, Contacted MPD Chief Contee to solicit support if needed
 - Coordination with MPD for assistance and the exchange of Incident Command (IC) information in advance
 - MPD presaged Several CDU Platoons on Constitution Avenue as a result of our coordination
 - Coordinated DC Fire and EMS response capability
 - On January 4th, I submitted letter to the Transportation Security Administration to coordinate information sharing and support for members flying commercial airlines with the Federal Air Marshals Service.
 - **Intelligence Analysis and information sharing**
 - participated in information sharing with LE Partners- MPD Conference calls
 - IICD Published a Special Event Assessment on January 3, 2021 and a Daily Intelligence Report regarding the events on Jan 5-6, that was distributed to officials throughout the Department in order for information to be briefed to officers
 - IICD held internal intelligence briefings
 - Jan 5, I hosted a virtual meeting with ET, CPB, and a dozen top LE and DOD, NG officials from DC
 - Directed AC, and DC to ensure all officers are briefed on the demonstration expectations for Jan 6, and on the Airplane threat FAA had received.
 - Discussed observations of the crowd with MPD in the morning.
 - Briefed oversight and Members of Congress

As both Chief Contee and I testified, as did the FBI, nobody saw a planned and coordinated attack of thousands of individuals, armed with a variety of weapons, explosive and chemical munitions, on the United States Capitol. The breach of the United States Capitol was not the result of poor planning or failure to contain a demonstration gone wrong. No single civilian law enforcement agency – and certainly not the USCP – is trained and equipped to repel, without significant military or other law enforcement assistance, an insurrection of thousands of armed, violent, and coordinated individuals focused on breaching a building at all costs.

- c. Can you spell out what violations of Capitol Police regulations and policies took place that day?

I understand that a number of investigation into allegations of misconduct by USCP officers that occurred on or in association with January 6, 2021, are being conducted by the Office of

Professional Responsibility. While these investigations would most likely focus on violations of the USCP Rules of Conduct, I am unaware of the final outcomes of any of these investigations.

I am aware that the established Incident Command System that was put in place for January 6, broke down under the enormity of the situation and the extraordinary pressure of that day. The USCP adheres to guidelines of the National Incident Management System (NIMS) and has an established policy regarding its use; USCP Directive Number 1052.003.

- i. What could you have done differently beforehand to prevent these acts of misconduct?

In reference to the breakdown of the Incident Command System, additional training and exercising of Incident Command, especially under stressful situations as was seen on January 6, 2021, and the implementation of backup Incident Commanders, would help reduce the chances of a similar breakdown in the future.

BARNES & THORNBURG LLP

1717 Pennsylvania Avenue, N.W., Suite 500
Washington, D.C. 20006-4623 U.S.A.
(202) 289-1313
Fax (202) 289-1330
www.btlaw.com

Roscoe C. Howard, Jr.
Office Managing Partner
202.371.6378
roscoe.howard@btlaw.com

CONFIDENTIAL FOR ADDRESSEE

April 7, 2021

The Honorable Amy Klobuchar
Chairwoman, Committee on Rules and Administration
The Honorable Gary C. Peters
Chairman, Committee on Homeland Security and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, DC 20510

***RE: Michael C. Stenger's Responses to Post-Hearing Questions for the
Official Record***

Dear Chairwoman Klobuchar and Chairman Peters:

I have been engaged by Michael C. Stenger to respond to your letter dated March 11, 2021 regarding post-hearing questions submitted for the official record from the hearing held on February 23, 2021, titled "Examining the January 6 Attack on the U.S. Capitol." I have enclosed a copy of the post-hearing questions received by Mr. Stenger with his responses included. For ease of reference, each response is labeled "M.C. Stenger Response."

Please contact me directly if you have any further questions for Mr. Stenger.

Sincerely,



Roscoe C. Howard, Jr.

Cc: Michael C. Stenger
Laura Kilbride
Thomas Spino
Cindy Qualley

Senate Committee on Homeland Security and Governmental Affairs
and the Committee on Rules and Administration
Joint Hearing
Examining the January 6th Attack on the U.S. Capitol
February 23, 2021

Questions for the Record
Mr. Michael C. Stenger

Chairwoman Klobuchar

1. In your view, should the structure of the Capitol Police Board be reformed to provide the Capitol Police chief or any other officials' greater flexibility to respond quickly to emergency situations?
 - Are there any specific reforms that you recommend?
 - **M.C. Stenger Response:** As a unanimous consent vote by the Board members is required to move an issue forward, it is not conducive for immediate action for some events. The Capitol Police Chief should have the authority in emergencies and certain operational situations to take actions to mitigate threats independently without a unanimous vote.
 - Do you believe that there is a current statutory provision, rule, regulation, or other legal authority that requires the Capitol Police chief to obtain approval from the Capitol Police Board before seeking assistance from the National Guard?
 - **M.C. Stenger Response:** 2 U.S.C. Chapter 29 § 1970 – Assistance by Executive departments and agencies.
2. You testified that you did not receive the raw intelligence included in the January 5 threat report issued by the FBI's Norfolk Field Office prior to the January 6 attack on the Capitol.
 - What changes do you believe should be made to intelligence sharing policies and practices to ensure that important intelligence makes it to decision makers tasked with Capitol security in a timely manner?
 - **M.C. Stenger Response:** Within the intelligence community, there exists strategic and tactical intelligence. The U.S. Capitol Police should have access to both. The intelligence community has expanded tremendously since 9/11 and the U.S. Capitol Police has not been included in that expansion. They remain a consumer of intelligence, not a collector. Therefore, what they receive in the way of intelligence is totally dependent on what others believe are their requirements. This can cause a failure in receiving what is needed to operate effectively. An analyst has to properly analyze and bring actionable intelligence to the attention of management for decision making. The U.S. Capitol Police should have a position at the executive level within the National Intelligence Community. They

should have properly trained analysts and personnel to participate with all their counterparts at the Federal, State, and local levels. The Chief should receive daily intelligence briefings at both the strategic and tactical level with a representative from the respective Sergeants at Arms Offices in attendance.

Senator Blunt

1. Please clarify the timeline and content of your conversations regarding National Guard assistance for the Joint Session of Congress on January 6 with then USCP Chief Steven Sund, then House Sergeant at Arms Paul Irving, and/or any members of Senate Leadership or their staff, whether in person or via phone call, either prior to or on January 6.
 - **M.C. Stenger Response:** On January 4, 2021, I had discussions with the House Sergeant at Arms about the justification of the request for the National Guard. I also had subsequent discussions with Chief Sund to determine from the National Guard Commander their readiness and ability to respond if needed. On January 5, 2021, Chief Sund advised me of his positive conversation with the Commander. On January 6, 2021, I had a conversation with Leader McConnell's Chief of Staff regarding the request for the National Guard.
2. What recommendations do you have for changes to the Capitol Police Board and/or the U.S. Capitol Police Department to improve communication and decision making for security across the Capitol campus?
 - **M.C. Stenger Response:** The Capitol Police Board works well for most administrative matters. For certain operational situations and emergencies, the U.S. Capitol Police Chief should have the authority to mitigate threats independently. The requirement of a unanimous consent vote by the Board members is required to move issues forward is not conducive to immediate action for those types of events. In addition, the Chief should receive daily intelligence briefings on both tactical and strategic levels. A representative from the Sergeant at Arms should be in attendance. The U.S. Capitol Police should have a position at the executive level within the National Intelligence Community. The U.S. Capitol Police should also have properly trained analysts and personnel to participate with their counterparts at the Federal, State, and local levels in all aspects of intelligence sharing.

Senator Capito

1. At what point did your agency communicate with the White House regarding the ongoing situation and the need for reinforcements?
 - **M.C. Stenger Response:** I am not aware of anyone from my agency having communications with the White House.
2. How long did it take for the White House to acknowledge and respond to your requests?
 - **M.C. Stenger Response:** N/A (see previous response).

3. What flaws do you acknowledge in your preparation prior to January 6th that contributed to the ability of rioters to break into the Capitol?

- **M.C. Stenger Response:** Intelligence is one of the main drivers in security planning. Accurate intelligence enables planners to create and execute a plan that balances security and access to a site. Without proper intelligence, the creation of a plan that addresses potential demonstration activity becomes difficult. Not being aware of the intentions and organizations of the demonstration group can lead to miscalculations and issues as you construct your security plan. The security plan that was created was appropriate at the time based on the intelligence that was provided. It was not the correct plan to address the demonstration that actually unfolded.

Senator Wicker

1. How did the security protocols in place on January 6th differ from security during the State of the Union?

- **M.C. Stenger Response:** As the State of the Union has all three branches of government in the Chamber, the event differs from a bicameral meeting. The U.S. Capitol Police establishes the appropriate security plan for each event as circumstances dictate. They would be in a better position to describe their event security and protocols.

2. Why were members of the House and Senate kept in session after the Capitol was breached?

- **M.C. Stenger Response:** The presiding officer makes that determination in conjunction with the U.S. Capitol Police in light of the security situation, and provides some assistance to the U.S. Capitol Police and doorkeepers in accounting for members' locations.

3. After the Vice President and Speaker of the House were evacuated from their respective chambers, who made the decision to keep members of Congress in session?

- **M.C. Stenger Response:** The presiding officer in conjunction with the U.S. Capitol Police. The security protocol established by the U.S. Capitol Police is set to address an outside threat by moving members into the Chamber, which aids security and accountability. If the situation deteriorates, the Chamber will be placed in lockdown.

4. Who made the decision to have members of Congress shelter-in-place on the floor?

- **M.C. Stenger Response:** The U.S. Capitol Police, based on the security situation.

5. Who wanted to put Senators on buses for evacuation?

- **M.C. Stenger Response:** The U.S. Capitol Police provided that as an option.
6. To what extent was the U.S. Secret Service notified about the potential for violence on Jan. 6 at the Capitol?
- **M.C. Stenger Response:** The Secret Service liaison agents coordinate security with the U.S. Capitol Police and have their own intelligence capabilities and briefings. I am not personally aware of what they knew about potential violence.
7. What plans were in place, if any, to protect members of Congress and Staff if violence occurred?
- **M.C. Stenger Response:** An emergency evacuation plan created by the U.S. Capitol Police exists for all events, and that plan was implemented on January 6.

Senator Sinema

1. Mr. Stenger, you agreed that the intelligence for January 6th did not differ from what was reported for the two previous MAGA marches. Additionally, this event occurred on a weekday with Congress in session and completing an important process. What conversations occurred and what consideration was given to this as USCP, MPD, and other Federal partners undertook coordinated security planning for January 6th?
- **M.C. Stenger Response:** The U.S. Capitol Police enhanced their security for this event to address the change in circumstances as compared to other events. The Metropolitan Police Department provided additional assets. A final coordination meeting to review and update situational awareness was held on January 5, 2021 with our law enforcement partners.
2. Chief Contee testified that Metro PD did take this into consideration, calling in the National Guard to help support so Metro PD could be more nimble in their response posture. Did you discuss this decision by Metro PD with Chief Contee and the rest of the Capitol Police Board and why did the Capitol Board decide not to follow suit?
- **M.C. Stenger Response:** I did not discuss this issue with Chief Contee as the procedures for utilizing executive-side resources are different for the Capitol and the Washington, D.C. metro area; the role and placement of unarmed National Guard assets is not the same for each. The decision we made in preparation for January 6 was to contact the National Guard Commander to ensure that proper National Guard assets were available to respond if requested.

Senator Rosen

1. The attackers on January 6 ransacked and stole electronic devices from multiple congressional offices. A loss of physical security for IT devices is an obvious cybersecurity risk, and has national security and intelligence ramifications that should concern us all. The range of possibilities includes installing malware on computers and networks, planting

listening devices, stealing data, or even setting up unauthorized remote access. Undoubtedly, hostile foreign and domestic cyber actors are thinking about how to take advantage of existing vulnerabilities that were laid bare on January 6.

- a. Mr. Stenger, can you describe the nature and the extent of cybersecurity compromises resulting from the January 6 attacks, as well as their impact, if any, on congressional operations? And to your knowledge, was any classified information compromised as a result of the January 6 attacks?

- **M.C. Stenger Response:** As I left the Sergeant at Arms on January 7, 2021, I am not aware of any compromises on cyber security or classified material resulting from the January 6 attacks.

- b. What specific cybersecurity measures were taken to remediate the breach – including inventories, sweeps, and securing potentially compromised devices? And what steps should current leadership take to ensure devices and data are better protected in the future?

- **M.C. Stenger Response:** As I left the Sergeant at Arms on January 7, 2021, I am not aware of any cybersecurity measures that may have been taken to remediate the breach. The CIO should do a canvas of personnel and equipment to determine if there have been any compromises. The information received from this survey should be used in the creation of new security protocols. Outreach should be initiated to our law enforcement and intelligence partners in order to determine if they have received any information from their sources as to any compromise of the Senate system.

WILMERHALE

Rob Lehman
Aaron Zebley

+1 202 663 6000 (f)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com
aaron.zebley@wilmerhale.com

April 13, 2021

The Honorable Gary C. Peters
Chairman
Senate Homeland Security and
Governmental Affairs Committee

The Honorable Amy Klobuchar
Chairwoman
Senate Rules and Administration Committee

Dear Senators Peters and Klobuchar:

We write on behalf of our client, former House Sergeant at Arms Paul Irving, to respond to post-hearing questions that were submitted for the official record following the February 23, 2021, hearing titled, “Examining the January 6 Attack on the U.S. Capitol.” The questions relate to Mr. Irving’s testimony before the U.S. Senate Committee on Homeland Security and Governmental Affairs and the U.S. Senate Committee on Rules and Administration (the “Committees”) on that day. This letter responds to Senators Klobuchar, Blunt, Capito, Wicker, Sinema, and Rosen in turn.

Senator Klobuchar

During Mr. Irving’s tenure as House Sergeant at Arms, the Capitol Police Board had procedures to take actions quickly in an emergency, and that permitted others to respond quickly to an emergency. As stated in his testimony before the Committees, this is an appropriate time to review the structure of the Board and its authorities, along with intelligence sharing policies and practices, and Mr. Irving defers to the outcome of those reviews for recommendations about potential changes.

Senator Blunt

The Speakers’ Offices permitted Mr. Irving the latitude to fulfill the Sergeant at Arm’s responsibility for reviewing and implementing measures to ensure the safety and security of Members of Congress, staff, the public, and the Capitol complex. To the maximum extent practicable, he informed the Speakers’ Offices and Republican or Democratic Leaders’ Offices of security decisions that would affect the business process of the institution.

Mr. Irving provided his best recollection of the timeline of events regarding January 3, 4, 5, and 6 in his written and oral testimony before the Committees on February 23. Our letter to

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the Committees dated March 29, 2021, provided additional information about telephone, text, video, and email records for that time period.

As described in Mr. Irving's testimony, on January 5, former U.S. Capitol Police (USCP) Chief Steven Sund briefed the January 6 security plan to the Chairs of the Committee on House Administration and the Subcommittee on Appropriations for the Legislative Branch. Jamie Fleet, who was a Senior Advisor to the Speaker and the Staff Director of the Committee on House Administration, attended the briefing for the Committee on House Administration. Mr. Irving believes that to have been his last formal meeting about USCP security arrangements with a member of the Speaker's staff prior to the January 6 Joint Session.

Senator Capito

Mr. Irving is not aware of any communications or discussions between the House Sergeant at Arms office and the White House on January 6. Mr. Irving provided his best assessment of the preparation for January 6 in his written and oral testimony before the Committees on February 23.

Senator Wicker

As described in Mr. Irving's written and oral testimony before the Committees, the security protocols in place for January 6 were based on the intelligence about the threats. He and Chief Sund described those security measures in the course of their testimony on February 23. Mr. Irving no longer has access to the law enforcement sensitive and classified information necessary to describe security protocols used during the State of the Union address.

The U.S. Capitol Police made evacuation and shelter-in-place decisions on January 6, and Mr. Irving defers to its account of those decisions and actions. Mr. Irving is also not able to speak to what information the U.S. Secret Service received about the potential for violence on January 6.

Senator Sinema

Mr. Irving provided his best recollection of the timeline of events regarding January 3, 4, 5, and 6 in his written and oral testimony before the Committees on February 23. Our letter to the Committees dated March 29, 2021, provided additional information about telephone, text, video, and email records for that time period.

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Senator Rosen

Mr. Irving has no information about the investigation, analysis, or existence of any cybersecurity issues stemming from the events of January 6. All the investigation and analysis of those possible issues took place after he resigned his position as House Sergeant at Arms.

Very truly yours,

WILMER CUTLER PICKERING HALE AND
DORR LLP

By: _____ /s/

Rob Lehman
Senior Public Policy Advisor

By: _____ /s/

Aaron Zebley
Partner

WILMERHALE

Rob Lehman
Aaron Zebley

March 29, 2021

+1 202 663 6000 (f)
+1 202 663 6363 (f)
rob.lehman@wilmerhale.com
aaron.zebley@wilmerhale.comThe Honorable Gary C. Peters
Chairman
Senate Homeland Security and
Governmental Affairs CommitteeThe Honorable Amy Klobuchar
Chairwoman
Senate Rules and Administration CommitteeThe Honorable Robert Portman
Ranking Member
Senate Homeland Security and
Governmental Affairs CommitteeThe Honorable Roy Blunt
Ranking Member
Senate Rules and Administration Committee

Dear Senators Klobuchar, Peters, Blunt, and Portman:

We write on behalf of our client, former House Sergeant at Arms Paul Irving, to respond to requests from Senators Portman and Cruz for Mr. Irving's cellular telephone records, and to provide information related to those records. Both Senators requested the records in the course of Mr. Irving's testimony on February 23, 2021, before the U.S. Senate Committee on Homeland Security and Governmental Affairs and the U.S. Senate Committee on Rules and Administration (the "Committees"). We write also to comment on the accuracy of the transcription of Mr. Irving's testimony.

Telephone, Text, and Email Records

Former Capitol Police Chief Steven Sund testified several times on February 23 that he called Mr. Irving at 1:09 p.m. on January 6, 2021, to request the National Guard. As set forth in Mr. Irving's written and oral testimony on February 23, Mr. Irving has no memory of such a call. Mr. Irving's telephone records also show there was no such call, as set forth below.

Chief Sund also testified that he requested the Capitol Police Board to declare an emergency and authorize use of the National Guard on January 4. Mr. Irving testified that Chief Sund did not make such a request; rather, Chief Sund discussed with Mr. Irving and former Senate Sergeant at Arms Michael Stenger whether the intelligence warranted accepting a National Guard offer of unarmed troops, and the collective decision was no. We have reviewed every work email and text message between Chief Sund and Mr. Irving for the period January 1 through January 6—those records contain no statements, mentions, or passing references to

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declaring an emergency or to requesting use of the National Guard, including in those emails where Chief Sund discussed the expanded perimeter around the Capitol for January 6.

Brett Blanton, Architect of the Capitol and member of the Capitol Police Board,¹ testified on February 24, 2021, that Chief Sund did not make a request to the Capitol Police Board on January 4 for use of the National Guard.² Mr. Blanton also testified that there were established processes for making requests to the Board, and that had there been a request on January 4 (or, presumably, in the 48 hours between January 4 and January 6), then he necessarily would have had an opportunity to hear and vote on it.³ Mr. Blanton further explained:

If I can be clear on one thing . . . we can do a verbal vote on the Board. So, if [Chief Sund] goes to the . . . chairman of the Police Board [Michael Stenger] and says, “I—I want to do this. We need to do it now.” [W]e can have a verbal vote and get it done . . . and then follow it with the written paperwork so there’s nothing slowing anything down.⁴

The telephone records are for a cellular account assigned to Mr. Irving during his service as House Sergeant at Arms, which ended on January 11, 2021. The email records are for an account that was also assigned to Mr. Irving during his service as Sergeant at Arms. The relevant records are the property of the U.S. House of Representatives, and we have therefore referred the Senators’ request for records to the House Office of General Counsel for transmission to the appropriate House officials.

The telephone and text records show, in part, the following events, which are consistent with Mr. Irving’s recollection:

- Mr. Irving received no telephone calls between 12:59 p.m.⁵ and 1:27 p.m. on January 6.

¹ The Capitol Police Board consisted of four members on January 4 and at the time of the January 6 attack: Chief Sund (ex-officio); Mr. Blanton; Mr. Stenger (Chair), and Mr. Irving.

² Brett Blanton, Architect of the Capitol, Testimony before the House Committee on Appropriations (February 24, 2021) at 13-15, 17-18, 33-35. (Page references are to the transcript published by plus.cq.com.)

³ Id.

⁴ Id. at 15.

⁵ On February 25, 2021, Acting Chief Yogananda Pittman, U.S. Capitol Police, testified (1) that Chief Sund’s records show a call to Mr. Irving at 12:58 p.m. on January 6, and (2) that Chief Sund requested the National Guard during that call. Testimony before House Committee on Appropriations (February 25, 2021) at 19. (Page references are to the transcript published by plus.cq.com.)

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- C-SPAN video footage shows Mr. Irving on the House floor at 1:09 p.m., the time that Chief Sund testified to calling and speaking with Mr. Irving while Mr. Irving was with former Senate Sergeant at Arms Michael Stenger. Mr. Irving is not seen taking a call at that time, nor is he seen standing with Mr. Stenger.
- At 1:09 p.m., Mr. Irving received via SMS text message an alert from the U.S. Capitol's JEMNS system. According to JEMNS records, the title of the alert was, "Suspicious Package Update: 300 Block of First Street SE, Washington D.C."
- At 1:09:56 p.m., JEMNS records show an alert with the title, "Evacuation: Madison." That message appears to have reached Mr. Irving at 1:10 p.m. (Madison is a Library of Congress building in the vicinity of the 300 block of First Street SE, Washington, D.C.)
- Mr. Irving received telephone calls from Chief Sund at 1:28 p.m., 1:34 p.m., 1:45 p.m., 2:01 p.m., and 2:07 p.m.
 - As set forth in Mr. Irving's written testimony, he recalls speaking with Chief Sund more than once in the period between 1:28 p.m. and 2:00 p.m. regarding the conditions outside the Capitol building and Chief Sund's possible need to request National Guard assistance.
 - Mr. Irving also recalls arriving at Mr. Stenger's office around 2:00 p.m. and being in Mr. Stenger's presence when Chief Sund called shortly after 2:00 p.m. Chief Sund also testified that Mr. Irving was in Mr. Stenger's presence when he (Chief Sund) requested the National Guard. The request was approved.
 - As set forth in Mr. Irving's written testimony, the Department of Defense (DOD) has published a timeline of its actions on January 6, including that it received a

Mr. Irving's telephone records show a 12-second call from Chief Sund at 12:58 p.m. Chief Sund has never, to our knowledge, claimed that he requested the National Guard during that call, not in his letter of February 1, 2021, to Speaker Pelosi, nor in his sworn testimony before the Committees on February 23. Mr. Irving has no memory of Chief Sund discussing the National Guard at that time.

According to the testimony of Acting Chief Contee, D.C. Metropolitan Police Department (MPD), at 12:58 p.m., Chief Sund requested assistance from the MPD officers who had been pre-staged just north of the U.S. Capitol. Testimony of Robert J. Contee, III, before the House Committee on Appropriations (Jan. 6, 2021) at 2. Various news sources have reported that protesters reached the far western perimeter of the U.S. Capitol square at 12:52 p.m., and that former President Trump's speech concluded at approximately 1:10 p.m. Additional people arrived at the Capitol after that time.

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request from Chief Sund during this same window of time—at 1:49 p.m.⁶ On March 3, 2021, Major General William J. Walker testified before the Committees that he received Chief Sund’s request at that time.⁷

February 23 Transcript

We write also to verify the accuracy of the transcription of Mr. Irving’s testimony. The areas in the transcript that require additional information are as follows:

1. Page 72, line 5, insert “at 1:09 p.m.” as indicated: “I have no phone record or call from Chief Sund at 1:09 p.m.”
2. Pages 135, line 8, insert: “House and Senate leadership staff were in Mr. Stenger’s office at the time and agreed.”
3. Page 138, line 17, insert “to appearance” as indicated: “Any reference to appearance would have been related to appropriate use of force, display of force,”
4. Page 165, line 25, strike “And that was”; page 166, line 1, strike, “the end of the discussion.” Replace with, “House and Senate leadership staff were in Mr. Stenger’s office when I received Chief Sund’s request on January 6th, and agreed with my response.”

⁶ DOD Timeline for January 6 available at <https://media.defense.gov/2021/Jan/11/2002563151/-1/-1/0/PLANNING-AND-EXECUTION-TIMELINE-FOR-THE-NATIONAL-GUARDS-INVOLVEMENT-IN-THE-JANUARY-6-2021-VIOLENT-ATTACK-AT-THE-US-CAPITOL.PDF> (last visited Mar. 3, 2021) at 2.

⁷ Testimony of Major General William J. Walker before the U.S. Senate Committee on Homeland Security and Governmental Affairs and the U.S. Senate Committee on Rules and Administration (Mar. 3, 2021) at 21. (Page references are to the transcript published by plus.cq.com.)

EXAMINING THE JANUARY 6 ATTACK ON THE U.S. CAPITOL, PART II

WEDNESDAY, MARCH 3, 2021

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
AND THE COMMITTEE ON RULES AND ADMINISTRATION,
Washington, DC.

The Committees met, pursuant to notice, at 10:02 a.m., in room G50, Dirksen Senate Office Building, Hon. Gary C. Peters, Chairman of the Homeland Security and Governmental Affairs Committee and Hon. Amy Klobuchar, Chairwoman of the Committee on Rules and Administration, presiding.

Present: Senators Peters, Carper, Hassan, Sinema, Rosen, Padilla, Ossoff, Klobuchar, Feinstein, Warner, King, Merkley, Portman, Johnson, Paul, Lankford, Romney, Scott, Hawley, Blunt, Cruz, Capito, Wicker, Fischer, Hyde-Smith, and Hagerty.

OPENING STATEMENT OF CHAIRWOMAN KLOBUCHAR¹

Chairwoman Klobuchar. I call to order the second joint hearing of the Rules and Homeland Security and Governmental Affairs Committees (HSGAC) on examining the January 6 attack on the United States Capitol.

At today's hearing we will continue our Committees' important work to get answers that will lead us to solutions following the horrific events at the Capitol on January 6. Last week we heard from witnesses who were directly in charge of Capitol security on that day and from local law enforcement in Washington. Today we will hear testimony from the head of the District of Columbia National Guard (DCNG) and from Federal officials from agencies, including the Federal Bureau of Investigation (FBI), Department of Defense (DOD), and Department of Homeland Security (DHS), that are tasked with supporting our security people at the Capitol.

The testimony of these witnesses is crucial as we work to get to the bottom of what happened, again, with the focus being on making sure it does not happen again.

With that, I now turn it over to Chairman Peters for his opening statement. I will give mine, then Senators Blunt and Portman. Thank you.

¹The prepared statement of Senator Klobuchar appears in the Appendix on page 265.

OPENING STATEMENT OF CHAIRMAN PETERS¹

Chairman PETERS. Thank you, Madam Chair and Ranking Member Portman and Ranking Member Blunt, and to all of our colleagues from the Rules Committee for once again joining us to convene this second joint hearing on the January 6 attack on our Capitol Building.

Last week's hearing provided really the first opportunity for the American people to hear about the attack directly from the security officials that were on the ground. Today we will be seeking answers on the role of the Federal national security and counterterrorism agencies and officials played in intelligence-gathering, security, planning, and response to the attack.

I want to thank each of our witnesses for joining us voluntarily here today, and I am grateful to all of you and the employees of each of your agencies, including the National Guard units who continue to assist in protecting the Capitol today. We appreciate their continued efforts to safeguard our national security.

While there are still many unanswered questions about January 6, it is clear that this violent, coordinated attack was the result of a massive and historic intelligence failure.

Today our Committees will once again examine the systemic breakdowns that led to this terrible attack and, particularly, how our intelligence and national security experts failed to see it coming.

This is not a new problem. For years, I have been raising the alarm about the growing domestic terrorism threat with the Department of Homeland Security, the FBI, and other key agencies, and their continued failures to adequately and effectively align our counterterrorism efforts to address the threats posed by domestic extremists.

But the January 6 attack must mark a turning point. There can be no question that the domestic terrorist threat, including violence driven by white supremacists and antigovernment groups, is the gravest terrorist threat to our homeland security.

Moving forward, the FBI, which is tasked with leading our counterterrorism efforts, and the Department of Homeland Security, which ensures that State and local law enforcement understand threats that American communities face, must address this deadly threat with the same focus and resources and analytical rigor that they apply to foreign threats such as the Islamic State of Iraq and Syria (ISIS) and al-Qaeda.

Today's witnesses are uniquely qualified to discuss what intelligence was produced in the days leading up to the attack, what officials missed as they assessed the likelihood of violence that day, and why our intelligence community (IC) failed to heed the crystal-clear warnings that were broadcast on social media and publicly reported in the days leading up to the 6th that a violent attack on the Capitol was likely imminent.

We also need answers about the operational failures that terrible day, especially the response to secure the building once it was breached.

¹The prepared statement of Senator Peters appear in the Appendix on page 263.

I am pleased that we have representatives of both the Department of Defense's civilian leadership and the National Guard to help us understand why it took several hours for the National Guard to arrive and offer additional security and support.

The January 6 attack on the citadel of our democracy remains a dark stain on our Nation's history. Both of our Committees, have a responsibility to carry out our oversight duties in a serious and nonpartisan way.

I look forward to having a productive discussion, and getting the answers that the American people deserve and what we need to do to make sure that reforms are put in place to prevent an attack like this from ever happening again.

With that, I will turn it back over to Chairwoman Klobuchar.

Chairwoman Klobuchar. Thank you very much, Mr. Chairman. I want to start by thanking you and Ranking Member Blunt and Ranking Member Portman for the bipartisan and constructive hearing that we had last week. I also want to thank the many members of both Committees who patiently participated during votes and all last week and asked thoughtful questions that will help us move forward.

Importantly, there were a number of areas of agreement. We heard all of our witnesses last week make clear that there is now evidence that the insurrection was deliberate and coordinated, that it involved white supremacists and extremist groups, and that it was highly dangerous but could have been so much worse if it was not for the actions of brave law enforcement on the front line.

We also heard consensus from witnesses who held key leadership positions in charge of the Capitol security. Now, they did not agree on everything, but there was consensus there were breakdowns in intelligence sharing, delays in bringing in the National Guard, and issues concerning the structure of the Capitol Police Board and the decisionmaking process that it is in our unique responsibility to change.

I hope that the spirit of bipartisanship and cooperation will continue today as we hear testimony from Federal agencies on their roles with respect to intelligence gathering and timely sharing of intelligence, security preparations, the response and the requests for help from the Defense Department as well as their perspectives on how the U.S. Capitol Police (USCP) decisionmaking process could be so much better going forward.

We know that there were errors made by those in charge of security in the Capitol, and it is always easy, of course, to realize that later than in the moment. But that fact alone to me is not enough to not look back. We must look back because we must do better going forward.

We heard last week that the Capitol Police is a consumer—that was the word of the former Chief of Intelligence. It relies on its Federal partners, including the FBI and the Department of Homeland Security, who have witnesses here today. While we are aware of the FBI raw intelligence report that came out the day before out of the Norfolk office, public reporting has indicated that neither agency, DHS or FBI, produced a threat report, that the FBI did not produce a joint intelligence bulletin, and that DHS did not produce a threat assessment ahead of January 6. The former Police Chief

has said that representatives from these agencies indicated they did not have any new intelligence to share at a meeting before the day of the attack.

But the insurrectionists who attacked the Capitol, as we know, came prepared for war, as we heard last week. They brought radios, they brought climbing gear to surmount the Capitol's security features, and they brought weapons. We need to hear from the Federal agencies about what was known and when, what was done in response to these foreboding online threats, and how information was shared with the law enforcement partners who depend on them.

We need to also understand why, with all the information that was available, the decision to reinforce local police with the National Guard was not made ahead of time. Now, that decision was made—or maybe I should say rather not made by the former House and Senate Sergeant at Arms (SSA) who, in fact, have resigned. Nevertheless, despite the clear breakdowns at the Capitol, we must get to the bottom of why that very day it took the Defense Department so long to deploy the National Guard once the need for reinforcements became patently clear on every TV screen in America.

At our hearing last week, Acting Chief Contee provided a disturbing account of how at 2:22 p.m., as the rioters already had broken through police lines, smashed windows at the Capitol, and were breaching the building, all on live television, the initial response from the Defense Department to a request of National Guard support was not to immediately activate the Guard. As the Acting Chief said to us last week, he was “simply just stunned” that there was not a more immediate response.

Last, an issue of critical importance in today's hearing is the threat posed by domestic terrorism and hate groups and their role in the attack on January 6th. We will never forget the story of the Capitol Police officer who fought against the violent mob for hours, and after it was all over broke down in tears, telling his fellow officers how he had been called the “N” word repeatedly that day, and then said, “Is this America?”

We also will not forget the picture of the insurrectionists proudly waving a Confederate flag in the Capitol rotunda or the images of a rioter in a Camp Auschwitz hoodie.

But this rising problem is not just limited to the events on January 6. According to an FBI report, hate crimes in the United States rose to the highest level in more than a decade in 2019.

Putting all the dates and the memos aside, there was widespread knowledge of the importance of the date of the rise of violent extremism and that the President of the United States had called out his followers to go to the Capitol that day. The warnings were dismissed, despite the fact that the Vice President, the future Vice President, and the entire Congress was gathered in one place. In the end, it was left to front-line officers, who were severely outnumbered, to protect not only those of us in the Capitol but our democracy itself. They performed heroically under unimaginable circumstances, tragically suffering many injuries and loss of life. That is why we need answers. Thank you.

Senator Portman.

OPENING STATEMENT OF SENATOR PORTMAN¹

Senator PORTMAN. Thank you Senator Klobuchar and Senator Peters and Ranking Member Blunt, for the way you all have approached this process. It is important that we keep it bipartisan, I would even say nonpartisan, and I hope that our review continues to set politics aside and focus on the facts, what happened that day, and how can we avoid it happening again.

I want to begin by expressing again my gratitude to law enforcement and the National Guard, who is represented here today. From all over the country, there are National Guard here in the Capitol still, and we appreciate them. We appreciate the fact that law enforcement put their safety on the line to safeguard democracy, also to protect us, and we will never forget that.

We owe it to those law enforcement personnel and those National Guard and to all Americans to take a hard look at these security failures, both the preparation that was inadequate, clearly, and the response, which also had some gaps that we will talk about in a moment.

How could this have happened that the Capitol was breached and overrun?

We got some answers last week at our first joint hearing on the Capitol. I agree with what Senator Klobuchar just said, that it was a constructive first hearing. I thought it was productive, and I thought we were able to get some good information. We heard from the Acting Chief of D.C. Metropolitan Police (MPD), the former Chief of Capitol Police, the former Sergeant at Arms. What was good is that we heard from the people who were actually responsible on that day for making decisions. I am concerned that today we are not going to be hearing from the Department of Defense officials who were actually in place at the time making the decisions, and I hope we will have an opportunity to do that in the future.

At last week's hearing, we learned a number of things. We learned that Capitol Police officers were not prepared to respond to an attack like the one we experienced on January 6. They were not given the appropriate training or equipment necessary to protect the Capitol Complex, but also to protect themselves. Also, we learned there were breakdowns in communication on January 6 and in the days leading up to it.

The most concerning breakdown in communication, of course, concerned the significant discrepancies between the recollections of the former Chief of Capitol Police and the former Senate and House Sergeant at Arms about requests for backup, for National Guard assistance in particular. Each testified under oath to a different version of events, so we will get to the bottom of that.

The witnesses also pointed to lapses in intelligence as a key reason law enforcement was not better prepared. They all claimed no intelligence warned of a coordinated, violent assault of the Capitol. But we know that there were reports out there, both publicly and from the FBI. There was at least one report from the FBI Norfolk Field Office warning of a violent attack on the Capitol. It was received by U.S. Capitol Police, but it never reached the former

¹The prepared statement of Senator Portman appears in the Appendix on page 268.

Chief, it never reached the former Sergeant at Arms, or even the incident commanders on the ground.

Many questions remain unanswered. Despite the lack of intelligence, there were warning signs. Numerous online posts called for attacking the Capitol, and the previously mentioned FBI Norfolk field report warned of violence and even war. We need to know what information the intelligence community reviewed prior to January 6th, how it assessed that intelligence and how it characterized the potential for violence when it shared that intelligence with law enforcement.

Second, although last week's witnesses disagreed about when the Capitol Police requested National Guard assistance, all agreed that, once requested, it took far too long for the National Guard to arrive. We will dig further into this today.

Based on the Defense Department's public timeline, once requested, it took the National Guard over three hours to arrive at the Capitol. Now, remember, we are all watching this on CNN, Fox, and MSNBC, and it is a riot. Yet it took more than three hours. The request came in from the Capitol Hill Police Chief Sund at 1:49 p.m., we are told, and the Capitol Hill deployment did not arrive until after 5 p.m. We will hear some different timelines on that today, but all of them are after 5 p.m., closer to 5:30 p.m..

So why did that happen? It is unclear when senior Defense officials authorized the National Guard to deploy. The Defense Department's public timeline states that Army Secretary McCarthy directed the D.C. National Guard to mobilize at 3:04 p.m. But according to the timeline the National Guard provided to the Committee, a Senate briefing from Major General Walker, Commanding General of the D.C. National Guard, the instruction to deploy did not arrive until 5:08 p.m. We need to know why the Pentagon took so long to deploy the National Guard.

According to the former Chief of Capitol Police and Acting Chief of D.C. Police and Major General Walker, the delay was due in part to concerns about the "optics" of the National Guard at the Capitol. We need to know what role, if any, optics played in the delay to provide much-needed assistance to U.S. Capitol Police and D.C. Metropolitan Police Department to protect the Capitol and to get people out of the Capitol.

By hearing from representatives of the Federal agencies responsible for the intelligence and the National Guard today, we expect to get clear answers to these open questions. Answering these questions is critical to our understanding of where the breakdowns occurred on and before January 6th, and only by understanding where the breakdowns occurred can we make the changes necessary to ensure that something like January 6th never happens again. That is our objective here with this oversight mission.

Again, I appreciate the fact that we have been able to keep the politics out of this and focus on the facts and be objective. We have to continue to do that. I look forward to another constructive hearing today.

Thanks to our witnesses for being here. I look forward to your testimony.

Chairman PETERS. The Chair recognize Senator Blunt, Ranking Member Blunt, for your opening comments.

OPENING STATEMENT OF SENATOR BLUNT¹

Senator BLUNT. Thank you, Chairman Peters, and thanks to Chairwoman Klobuchar. I join my good friend Senator Portman with my appreciation for where we have headed with this so far and my hope that we continue to look at the facts and see where the facts lead us in as much of a nonpartisan way as you can do in a institution like the U.S. Senate. I am glad to join my colleagues for today's hearing to learn more about the decisions and the actions of Federal agencies on January the 6th.

Last week's hearing with the Chief of the Metropolitan Police force, the former Chief of the Capitol Police, and the former Sergeants at Arms of the House and the Senate really left in many ways with more questions than answers. The witnesses could not agree on some of the basics of the timeline. I believe we learned at that hearing that the structure and the practice of the Capitol Police Board, which I previously questioned, in fact, asked for a Government Accountability Office (GAO) study that was issued in 2017, just simply delayed the response and proved to be ill-suited for an emergency on the 6th.

Today I hope to learn if the failure of Capitol security leaders was compounded by officials at the Department of Defense, who did not act quickly enough to take the situation seriously enough.

I also hope to explore if the failure to alert the leadership of the U.S. Capitol Police or the Metropolitan Police Department of the FBI's Norfolk Situational Information Report (SIR), which warned of "war" at the Capitol—and I understand that that information was raw and unverified, but should it make us consider changes in the information-sharing process that we pursue in this structure.

All of the agencies participating in these hearing at the most fundamental level exist to uphold and protect the rights of Americans and to protect our form of government. January 6th revealed weaknesses in our intelligence agencies, our law enforcement agencies, and elements of Defense agencies. It would be a mistake for the leadership of those agencies to think it was only a failure of the U.S. Capitol Police leadership or the Capitol Police Board that produced the terrible result we saw that day.

I look forward to the testimony of our witnesses, and, again, thanks for holding this hearing, Chairman Peters.

Chairman PETERS. It is now my privilege to introduce each of the witnesses that we will be hearing from here today, and, again, thank you for your willingness to be with us.

Our first witness today is Melissa Smislova. Ms. Smislova is currently the Acting Under Secretary for the Office of Intelligence and Analysis (I&A) at the U.S. Department of Homeland Security. Ms. Smislova is the Principal Adviser to the Secretary of Homeland Security and the Deputy Secretary of Homeland Security for coordinating with law enforcement officials and intelligence to respond to terrorism and other threats that the Nation faces. She assumed this role on January 20, 2021. Prior to that date and on January 6th, Ms. Smislova was the Deputy Under Secretary of the Office of Intelligence and Analysis. Prior to joining DHS, she spent almost

¹The prepared statement of Senator Blunt appears in the Appendix on page 272.

20 years in the field of intelligence analysis, which included time at the Defense Intelligence Agency (DIA). Welcome.

Our second witness is Jill Sanborn. Since January 2020, Ms. Sanborn has served as the Assistant Director of the FBI's Counterterrorism Division where she helps lead the FBI's efforts to provide information on terrorists and track down known terrorists worldwide. Ms. Sanborn first joined the FBI in 1998 and was assigned to the Phoenix Field Office. Prior to becoming Assistant Director, Ms. Sanborn served as the Special Agent in Charge (SAC) of the Minneapolis FBI Field Office, was detailed to the Central Intelligence Agency (CIA's) Counterterrorism Center, and worked in both the Washington and Los Angeles Field Offices. Welcome.

Our third witness is Robert Salesses. Mr. Salesses is currently performing the duties of Assistant Secretary of Defense for Homeland Defense and Global Security, which he began on January 20, 2021. Prior to this and on January 6, 2021, he was the Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support of Civil Authorities (DSCA). In this role, Mr. Salesses worked closely with Federal, State, and local leadership, law enforcement, public health, and emergency management to oversee DOD's response to national emergency operations in support of civil authorities, including the deployment of the National Guard. Mr. Salesses was appointed to the Senior Executive Service (SES) in 2005. He was awarded the Presidential Rank Award at the rank of Meritorious Executive for his decisive leadership and program management skills and his contributions to the National Response Plan and the National Strategy for Homeland Security. Welcome.

Our final witness today is Major General William Walker, the Commanding General of the D.C. National Guard. In this role, General Walker is responsible for the strategic leadership, training, readiness, operational employment, and performance of the Army and Air Force components of the D.C. National Guard. He reports to the Secretary of the Army and is charged with ensuring units are manned, trained, equipped, and ready for war and any national emergency. For 30 years General Walker served as both a National Guardsman and a Special Agent of the U.S. Drug Enforcement Administration (DEA). Welcome, General.

Chairwoman Klobuchar, those are our witnesses for today.

Chairwoman KLOBUCHAR. Thank you. Thank you, Chairman Peters.

If the witnesses could now please stand and raise your right hand. Do you swear that the testimony that you will give before the Committee is the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. SALESSES. I do.

Ms. SMISLOVA. I do.

Ms. SANBORN. I do.

General WALKER. I do.

Thank you. You can be seated, and I will turn it back over to Chairman Peters.

Chairman PETERS. I think we will now begin Mr. Salesses for your opening statement.

TESTIMONY OF ROBERT G. SALESSES,¹ SENIOR OFFICIAL PERFORMING THE DUTIES OF ASSISTANT SECRETARY FOR HOMELAND DEFENSE AND GLOBAL SECURITY, U.S. DEPARTMENT OF DEFENSE

Mr. SALESSES. Thank you, Chairman.

Chairman Peters, Chairwoman Klobuchar, Ranking Members Portman and Blunt, distinguished Members of the Committees, thank you for the opportunity to testify before you today on the Department of Defense's support of civilian law enforcement agencies in securing the U.S. Capitol on January 6, 2021.

One of DOD's missions is to support civil authorities, including civilian law enforcement organizations. DOD frequently provides this support during planned major events, like the Presidential Inauguration and State of the Union addresses.

Due to the unique nature of the District of Columbia in which numerous governmental organizations exercise a range of jurisdictional authority, ensuring safety and security is the responsibility of the D.C. Government, the U.S. Secret Service (USSS), the U.S. Park Police (USPP), the Marshals Service, the Capitol Police, the Federal Protective Service (FPS), and other civilian law enforcement organizations. DOD provides support to these civilian law enforcement agencies when requested based on their assessment of the support required.

Prior to the attack of January 6th, DOD worked closely with Federal law enforcement and D.C. Government partners to determine if they anticipated a need for any DOD or D.C. National Guard support related to the planned protests. On December 31st, the Commanding General of the D.C. National Guard received a letter from the D.C. Government requesting National Guard support for the D.C. Metro Police at 30 traffic control points and six Metro stations and to make available the D.C. National Guard's Civil Support Team to support D.C. Fire and Emergency Medical Services (EMS).

Over the weekend of January 2nd and 3rd, my staff contacted the Secret Service, the Park Police, the Marshals Service, the FBI, the Capitol Police to determine if they planned to request DOD assistance. None of these law enforcement agencies indicated a need for DOD or D.C. National Guard support.

After consultation with the Department of Justice (DOJ), the Acting Secretary of Defense approved the D.C. Government request for National Guard personnel to support 30 traffic control points and six Metro stations from January 5th to the 6th. The Acting Secretary also authorized a 40-person Quick Reaction Force (QRF) to be readied at Joint Base Andrews.

On January 5th, the Acting Secretary of Defense and the Secretary of the Army received a letter from the Mayor of D.C. stating, "MPD is prepared" and "coordinated with its Federal partners, namely the Park Police, the Capitol Police, and the Secret Service."

Based on these communications with Federal and local civilian authorities, DOD determined that no additional military support was required on January 5th and 6th. DOD has detailed the events

¹The prepared statement of Mr. Saleses appears in the Appendix on page 273.

of January 6, 2021 in a memorandum published on defense.gov. I will provide a summary of those key events.

After the U.S. Capitol Police ordered the evacuation of the Capitol Complex, the Secretary of the Army and the Commanding General of the D.C. National Guard received calls shortly before 2 p.m. from the Mayor of D.C. and the Capitol Police Chief, respectively. At approximately 2:30 p.m., the Secretary of the Army met with the Acting Secretary of Defense and other senior leaders of the Defense Department.

After this meeting, the Acting Secretary of Defense determined that all available forces of the D.C. National Guard were required to reinforce the D.C. Metropolitan Police and the U.S. Capitol Police and ordered the full mobilization of the D.C. National Guard at 3:04 p.m.

During this period, Major General Walker, the Commanding General of the D.C. National Guard, recalled and made ready the D.C. National Guard forces at the National Guard Armory for deployment to the Capitol Complex.

After reviewing the D.C. National Guard's missions, equipping, and responsibilities to be performed at the Capitol Complex in support of the Metropolitan Police and Capitol Police, and conferring with the D.C. Metropolitan Police at their headquarters at 4:10 p.m., the Secretary of the Army received the Acting Secretary of Defense's approval at 4:32 p.m. and ordered the D.C. National Guard forces to depart the Armory for the Capitol Complex.

DOD continued to deploy National Guard forces through the evening to support the U.S. Capitol. By 9 p.m. on January 7th, 1,100 National Guard personnel had arrived at the Capitol; by 9 p.m. on January 8th, 1,800 National Guard personnel had arrived at the Capitol. By January 10th, 6,000 National Guard personnel were at the Capitol providing security.

DOD continues to support efforts to protect the safety and security of the U.S. Capitol and provide support to our civilian law enforcement partners. From January 9th through the Inauguration, DOD provided nearly 25,000 National Guard personnel to support security in Washington, D.C. Today there are approximately 4,900 National Guard personnel supporting Capitol Police and 500 supporting the Metropolitan Police.

Going forward, the Department of Defense is committed to working closely with our Federal, State, and local law enforcement partners, the D.C. Government, and the Congress to ensure that we learn from this event and take all necessary actions to respond and ensure an attack on our Nation's capital never happens again.

Chairman Peters, Chairwoman Klobuchar, Ranking Members Portman, and Blunt, distinguished Members of the Committees, thank you for the opportunity to testify before you today. Thank you for your continued commitment and support of the men and women of the Department of Defense.

Chairman PETERS. Ms. Smislova, you are now recognized for your opening statement.

TESTIMONY OF MELISSA SMISLOVA,¹ ACTING UNDER SECRETARY, OFFICE OF INTELLIGENCE AND ANALYSIS, U.S. DEPARTMENT OF HOMELAND SECURITY

Ms. SMISLOVA. Thank you, Senator. Good morning.

Chairman Peters, Chairwoman Klobuchar, Ranking Member Portman, Ranking Member Blunt, and other distinguished Senators, thank you for the opportunity for me to testify with you today.

I want to start with saying I am deeply saddened by the terrifying events that you, your staff, your loved ones, and others experienced on January 6th. The country, myself included, watched in horror as our Capitol was attacked.

I am here today as the Acting Under Secretary for the Office of Intelligence and Analysis, at DHS. I am a career intelligence professional of over 35 years. I am honored to have this opportunity to lead I&A. I have great faith in the workforce and in our mission, which is to focus on a range of homeland threats, including domestic terrorism, and ensuring that our partners across State, local, private sector have the information they need.

Before I summarize the actions my office took before January 6th, I do want to say I am deeply concerned that, despite our best efforts, they did not lead to an operational response to prepare and defend the U.S. Capitol.

Throughout the 2020 election period and the Presidential transition, I&A produced numerous strategic assessments about the potential for election-related violence from domestic violent extremists (DVE). In 15 unclassified assessments, I&A discussed the heightened threat environment and the potential for domestic violent extremists to mobilize quickly and attack large gatherings or government buildings.

These products were intended to increase awareness about the volatile threat environment and enhance both policy and operational planning. They were shared broadly with all levels of government, law enforcement partners, critical infrastructure, including through fusion centers nationwide. I will highlight a few products and engagements.

In August, I&A published an assessment on physical threats stemming from the 2020 election, in which we assessed ideologically motivated violent extremists and other violent actors could quickly mobilize to threaten or engage in violence against election or campaign-related targets in response to perceived partisan and policy-based grievances.

In October, DHS released its first publicly available Homeland Threat Assessment, which stated racially and ethnically motivated violent extremists, specifically white supremacists, would remain the most persistent and lethal threat in the homeland. The assessment also emphasized the breadth of the domestic violent extremism threat, including the heightened threats from election-related violence.

A week before the attack, on December 30th, I&A co-authored an intelligence product with the FBI and the National Counterterrorism Center (NCTC) highlighting persistent threats to govern-

¹The prepared statement of Ms. Smislova appears in the Appendix on page 282.

ment facilities and law enforcement, noting that perceptions of the outcome of the election could mobilize some extremists to commit violence in the coming months.

Additionally, I&A proactively conducted briefings and stakeholder calls before and after the election and leading up to January 6th to share that information.

Moving forward, I want to underscore the Department is prioritizing combating domestic terrorism. Specifically, in I&A we are working very closely with our DHS colleagues in the Civil Rights and Civil Liberties Office, Privacy Office, and our own Intelligence Oversight Office to carefully examine how we can better address the complex and evolving threat in a manner consistent with the Constitution and U.S. law. My office is committed to developing more expertise on domestic terrorism, improving our analysis of social media to better characterize the threat, and ensuring our assessments are received and understood by key decisionmakers.

Additionally, the Department has taken these steps since January 6th. In late January, DHS issued our first National Terrorism Advisory System (NTAS) Bulletin on domestic terrorism. It warned domestic violent extremists may be emboldened to act in the wake of the U.S. Capitol breach. Domestic violent extremists, which span a diverse set of ideological actors, including racially and ethnically motivated extremists, will continue to exploit lawful, constitutionally protected protests and other events to pursue criminal behavior and commit acts of violence.

Also for the first time, Secretary Mayorkas designated domestic violent extremists as a national priority area within the Department's Homeland Security Grant.

Let me close by saying that my colleagues at I&A and across DHS are unwavering in our commitment to ensuring the Department is well positioned to combat this evolving threat and protect the American people.

Thank you for the opportunity to appear before you today. I welcome your questions.

Chairman PETERS. Thank you.

Ms. Sanborn, you are now recognized for your opening comments.

**TESTIMONY OF JILL SANBORN,¹ ASSISTANT DIRECTOR,
COUNTERTERRORISM DIVISION, FEDERAL BUREAU OF INVESTIGATION,
U.S. DEPARTMENT OF JUSTICE**

Ms. SANBORN. Good morning, Chairwoman Klobuchar, Ranking Member Blunt, Chairman Peters, Ranking Member Portman, and Members of the Committees. Thank you for the opportunity to appear before you today.

My name is Jill Sanborn, and I am the Assistant Director for the Counterterrorism Division within the FBI. It is always an honor to be here with you in the Senate. For those of you that I have not met or you do not know, I actually started my career in public service as a Senate page in 1987 thanks to a sponsorship from my home Senator, Senator Max Baucus.

I want to start by offering my condolences to all of you who had to endure up close and personally the violence and destruction that

¹The prepared statement of Ms. Sanborn appears in the Appendix on page 287.

occurred on January 6. The siege on the Capitol Complex while you were carrying out your duties as our elected representatives was not just unacceptable and disturbing; it was criminal.

I also want to offer condolences to our partners at U.S. Capitol Police for the loss of one of their brothers, Officer Sicknick. This is a loss to us all in law enforcement.

Violence designed to intimidate the population and influence the government is exactly what the FBI's Counterterrorism Division was designed to combat. The men and women of the FBI are not only dedicated to identifying and bringing to justice the individuals involved in the attack on January 6th, but also, and equally as important—and let me stress this—we are committed to working to prevent something like this from ever happening again.

Over the last two months, Americans, the Americans you represent, from across the country have sent in over 200,000 digital media tips and reported more than 30,000 leads to our National Threat Operations Center. With this support, we have identified hundreds of people involved in the attack and arrested more than 300, with more and more arrests every day.

I want to reiterate something the Director mentioned to some of your colleagues yesterday. As Americans, we are all victims of this assault, and the American people deserve nothing less than our commitment to see this investigation through and to protect them from acts of violence like this in the future.

The FBI's number one priority is preventing acts of terrorism. The greatest threat we face is the threat posed by lone actors, both domestic violent extremists and what we refer to as the "home-grown violent extremists" (HVE). These actors are especially challenging for law enforcement because, by definition, their insular nature makes them particularly difficult to identify and disrupt before they have an opportunity to act.

The FBI has been investigating domestic terrorism throughout our organization's history. However, today's threat is different than it was 100 years ago and continues to evolve. Between 2015 and 2020, racially or ethnically motivated violent extremists were responsible for the most lethal domestic terrorism threat. In fact, 2019 was the most lethal year for domestic violent extremist attacks since the Oklahoma City bombing in 1995.

However, in 2020, three of the four fatal domestic violent extremist attacks were perpetrated by what we call "antigovernment or anti-authority violent extremists." One of those attacks was perpetrated by an anarchist violent extremist in Portland, and, in fact, this was the first fatal anarchist violent extremist attack in over 20 years.

2020 also marked the first year since 2011 that there were no fatal attacks committed by the racially or ethnically motivated violent extremists advocating for the superiority of the white race. I think all of those explain how the threat is persistent and evolving.

Looking forward, we assess the domestic violent extremist threat will continue to pose an elevated threat of violence to the United States. We expect racially or ethnically motivated violent extremists and antigovernment, anti-authority violent extremists will very likely pose the greatest domestic terrorism threats throughout 2021 and, in fact, leading into 2022.

Regardless of the specific perpetrator, the domestic terrorism threat remains persistent, and that is why we must remain focused on countering it. I want to take this opportunity to reemphasize that the FBI's mission to uphold the Constitution and protect the American people is both dual and simultaneous and not contradictory. One does not come at the expense of the other. That said, when a person crosses a line from expressing beliefs to violating Federal law and endangers the communities we serve, we aggressively pursue those threats.

Before closing, I want to mention the importance of partnerships in the counterterrorism fight. We simply cannot be successful without them. Our investigations and disruptions rely on these partnerships, and they represent American lives saved in communities around the United States.

For instance, in fiscal year (FY) 2020 alone, your Joint Terrorism Task Force (JTTFs) across the United States arrested 235 terrorism subjects. We also continue to expand our partnerships in academia, private sector, and within the communities we serve. This is critical because nearly half of our cases are predicated on tips and leads from the community and our law enforcement partners.

We in law enforcement cannot and will not tolerate individuals who use the First Amendment as a guise to incite violence. That is true now as we work hard to hold those accountable involved in the events on January 6th, just as it was last summer when individuals exploited peaceful protests as cover for their own violence and disruption. When violent extremists utilize explosive devices, attack government facilities and businesses, or target law enforcement officers, the FBI investigates those unlawful acts, regardless of the underlying ideological motivation.

At the FBI we work every threat with the same level of rigor and dedication, and that is what I hope you take away from my testimony today.

Thank you again for the opportunity to talk with you about the hard work our folks and our partners are doing every day to keep the country safe. We are grateful for the support that you have provided and continue to provide the men and women of the FBI.

I look forward to answering any questions you may have.

Chairman PETERS. Thank you.

General Walker, you are now recognized for your opening statement.

**TESTIMONY OF MAJOR GENERAL WILLIAM J. WALKER,¹ USA
COMMANDING GENERAL, DISTRICT OF COLUMBIA NATIONAL
GUARD**

General WALKER. Good morning, Chairman Peters, Chairwoman Klobuchar, Ranking Members Portman and Blunt, and Members of the Committees. I am Major General William Walker, the Commanding General for the District of Columbia National Guard, affectionately known as "Capitol Guardians." I appreciate the opportunity to appear before you today to discuss the events of January 6th—a dark chapter in our Nation's history.

¹The prepared statement of Major General Walker appears in the Appendix on page 292.

I was personally sickened by the violence and destruction I witnessed that fateful day and the physical and mental harm that came to U.S. Capitol Police officers and Metropolitan Police Department officers, some of whom I met with later that evening and I could see the injuries that they sustained. It is my hope that my recollection of the events and my presentation of the facts as I know them will help your Committees in its investigation and prevent such tragic events from ever occurring again.

First, I think it is critical to understand what the District of Columbia National Guard's mission was on January 6th, to include what civilian agency we were supporting and how requests for support of other civilian authorities were handled.

On December 31, 2020, the District of Columbia National Guard received written requests from the District of Columbia Mayor, Muriel Bowser, and her Director of Homeland Security and Emergency Management, Dr. Christopher Rodriguez. The requests sought National Guard support for traffic control and crowd management for planned demonstrations in the District from January 5 through January 6, 2021.

After conducting mission analysis to support the District's request, I sent a letter to the Secretary of the Army, Ryan McCarthy, on January 1st, requesting his approval. I received that approval in a letter dated January 5th granting support of the Metropolitan Police Department with 320 Guardsmen personnel to include a 40-person Quick Reaction Force.

The District of Columbia National Guard provides support to the Metropolitan Police Department, the United States Park Police, the United States Secret Service, and other Federal and District law enforcement agencies in response to planned rallies, marches, protests, and other large-scale First Amendment activity on a routine basis.

A standard component of such support is the stand-up of an off-site Quick Reaction Force, an element of Guardsmen held in reserve with civil disturbance response equipment—helmets, shields, batons, et cetera. They are postured to quickly respond to an urgent and immediate need for assistance by civil authorities. The Secretary of the Army's January 5th letter to me withheld that authority for me to employ the Quick Reaction Force.

Additionally, the Secretary of the Army's memorandum to me required that a "concept of operation" (CONOP) be submitted to him before the employment of the Quick Reaction Force. I found that requirement to be unusual as was the requirement to seek approval to move Guardsmen supporting the Metropolitan Police Department to move from one traffic control point to another.

At 1:30 p.m. on January 6th, we watched as the Metropolitan Police Department began to deploy officers to support the Capitol Police. In doing so, the officers began to withdraw from the traffic control points that were jointly manned with District of Columbia Guardsmen.

At 1:49 p.m., I received a frantic call from then-Chief of United States Capitol Police Steven Sund, where he informed me that the security perimeter of the United States Capitol had been breached by hostile rioters. Chief Sund, his voice cracking with emotion, indicated that there was a dire emergency at the Capitol, and he re-

quested the immediate assistance of as many available National Guardsmen that I could muster.

Immediately after that 1:49 p.m. call, I alerted the U.S. Army senior leadership of the request. The approval for Chief Sund's request would eventually come from the Acting Secretary of Defense and be relayed to me by Army senior leaders at 5:08 p.m.—about 3 hours and 19 minutes later. I already had Guardsmen on buses at the Armory ready to move to the Capitol. Consequently, at 5:20 p.m.—in less than 20 minutes—the District of Columbia National Guard arrived at the Capitol and were being sworn in by the United States Capitol Police. We helped to establish the security perimeter at the east side of the Capitol to facilitate the resumption of the Joint Session of Congress.

In conclusion, I am grateful for the Guardsmen from the 53 States and territories who supported the District of Columbia National Guard's Operation Capitol Response and helped to ensure a peaceful transition of power on January 20th. In particular, I am grateful for the timely assistance of our close neighbors from the Virginia, Delaware, and Maryland National Guard who augmented D.C. National Guard forces in establishing the security perimeter.

I am honored to lead these citizen soldiers and airmen. These are your constituents, many of whom have left behind their families, careers, their education, their businesses, to help ensure the protection and safety of the United States Capitol and those who serve in it every day.

Thank you for the opportunity to brief you today, and thank you for your continued support of the National Guard. I look forward to any questions you may have.

Thank you again.

Chairman PETERS. Thank you, General Walker. Thank you for your testimony, and, again, I know I speak on behalf of everybody in this joint Committee room that we fully support the men and women of the National Guard and appreciate your work on that day and continue to appreciate the service you are providing to your country and protecting the Capitol as well as country. So thank you again.

General Walker, I want to start my questioning by going back in time a little bit prior to the events on January 6th. My question is: In June 2020, as violence was escalating during the summer protests, were you able to immediately receive approval from the Secretary of the Army and the Secretary of Defense to deploy National Guard to assist law enforcement at that time?

General WALKER. Senator Peters, I was. Yes, sir. The Secretary of the Army was with me for most of that week. He came to the Armory. I was in constant communication with him when we were not together.

Chairman PETERS. So you were immediately able to receive approval in June 2020. From your testimony, I want to be clear, were you able to immediately receive approval from the Secretary of the Army and the Secretary of Defense to deploy the National Guard on January 6th?

General WALKER. No, sir.

Chairman PETERS. In your opening remarks, you said that a January 5th memo was unusual. Could you explain to the Committee

why it was unusual? What was the impact of the memo that you received on January 5th?

General WALKER. The memo was unusual in that it required me to seek authorization from the Secretary of the Army and the Secretary of Defense to essentially even protect my Guardsmen. So no civil disturbance equipment could be authorized unless it came from the Secretary of Defense.

Now, the Secretary of the Army, to his credit, did tell me that I could have force protection equipment with the Guardsmen, so we did have helmets, shin guards, vests. We did have that with us. But that came from the Secretary of the Army. The Secretary of Defense told me I needed his permission to escalate to have that kind of protection.

Chairman PETERS. That kind of protection, even though you would be engaged in force protection, to protect your men and women, before you could do that, you would have to get approval from the Secretary of Defense?

General WALKER. The memo from the Secretary of Defense made clear that I needed his permission to have—so what it says, “Without my personal authorization, the District of Columbia National Guard is not authorized the following: to be issued weapons, ammunition, bayonets, batons, or ballistic protection equipment such as helmets and body armor.”

Now, again, to be clear, the Secretary of the Army told me to go ahead and issue that equipment. We never were going to have weapons or ammunition, and we no longer have bayonets. But we do have ballistic protection equipment—helmets, body armor—and so I did have that with each Guardsman.

Chairman PETERS. Thank you, General. But that was unusual, as you mentioned, to have that kind of request. You were on the January 6th phone call at 2:30 p.m. that we heard in our previous hearing where the Chief of Capitol Police was making an urgent appeal for help, and we heard that the D.C. Metro Police Chief said it was a tepid response, he was shocked by it.

What happened on that call? What was your recollection of the call? And the assessment of the two individuals I mentioned, was that your assessment as well?

General WALKER. Yes, sir. So that call came in. We actually helped facilitate it. The Deputy Mayor from the District of Columbia, Dr. Rodriguez, Chief Contee, Chief Sund later joined the conversation, and we dialed in the senior leadership of the U.S. Army. At that time, Chief Contee and Chief Sund passionately pleaded for District of Columbia National Guard to get to the Capitol with all deliberate speed.

The Army senior leaders did not think that it looked good, it would be a good optic. They further stated that it could incite the crowd. Their best military advice would be to the Secretary of the Army, who could not get on the call—we wanted the Secretary of the Army to join the call, but he was not available. We were told that he was with the Secretary of Defense and not available. But the Army senior leadership expressed to Chief Contee, Chief Sund, Dr. Mitchell, the Deputy Mayor, and others on the call that it would not be their best military advice to have uniformed Guardsmen on the Capitol.

Chairman PETERS. During the call, you are saying that optics was raised on that call specifically. I want to go back to the question I started. You said that you were able to get immediate authorization in the summer of 2020 during those protests. General Walker, was the issue of optics ever brought up by Army leadership when the D.C. National Guard was deployed during the summer of 2020? Was that discussed?

General WALKER. It was never discussed the week of June. It was never discussed July 4th when we were supporting the city. It was never discussed August 28th when we supported the city.

Chairman PETERS. Did you think that was unusual?

General WALKER. I did.

Chairman PETERS. Let us put it in context. In your opening statement, you mentioned the National Guard troops that were ready to go. You had them back at the Armory. How many folks were in the Armory ready to go once the order was given? At what time were they ready to go?

General WALKER. I had them ready to go shortly after the phone call, so at 1500 I directed that the Quick Reaction Force that was based on Andrews Air Force Base leave the base, get to the Armory at all deliberate speed. I had a police escort bring them to the Armory. They returned to the Armory in about 20 minutes, so we had them sit there waiting. Then in anticipation of a green light, a go, we put Guardsmen on buses. We brought them inside the Armory so nobody would see them putting on the equipment and getting on the buses. Then we waited to get the approval, and that is why we were able to get to the Capitol in about 18 minutes.

Chairman PETERS. What time were they on the buses ready to go? Do you recall?

General WALKER. Before 5 p.m. But at 5 p.m. I decided, there has to be an approval coming, so get on the buses, get the equipment on, get on the buses, and just wait. Then a few minutes after that, we did get the approval. I was on a secure videoconference when the Army leadership conveyed to me that the Secretary of Defense had authorized the employment of the National Guard at the Capitol. My timeline has 1708—5:08 p.m. is when we wrote down that we had approval, and that was about eight people in the office with me when I got that approval.

Chairman PETERS. How many Guardsmen were ready? You said right immediately—earlier in the afternoon—

General WALKER. It was about 155.

Chairman PETERS. You could have sent 155 much earlier. What would have been the impact of sending those 155 right around that 2 p.m. timeframe?

General WALKER. Based on my experience with the summer, I have 39 years in the National Guard. I was in the Florida Guard, Hurricane Andrew. I have been involved in civil disturbances. I believe that number could have made a difference. We could have helped extend the perimeter and helped push back the crowd.

Chairman PETERS. Ms. Sanborn and Ms. Smislova, last week we heard from former law enforcement officials who stated that a lack of intelligence reporting was the main reason for Capitol Police not being fully prepared for the January 6th attack. My question to both of you, yes or no: Would you agree that the intelligence com-

munity failed to sufficiently identify the threat and warn the Capitol Police of a plot to breach the Capitol, a plot that was planned in public and announced in advance in a number of open sources?

Ms. SANBORN. I think this is on. I will start. I would not necessarily categorize it that way, sir. But I will tell you, I think you have heard us say before there is not an agent that would not want more tools in their toolbox. There is not an analyst that would not want more intelligence, and I think I would just paint a quick picture for you the challenges we faced are the immense amount of rhetoric out there and what we are trying to separate is aspirational from intent and combine in, and in order to get to that intent, we are really thinking about private communications and oftentimes encryption.

I would say that what we were faced with is the challenge of the amount of data and then really trying to find, because of the volume and because of private communications, intent that then would have given us the intelligence picture potentially to shed light on what some of the plans and intentions, indicators and warnings, as our military folks might say.

Chairman PETERS. Ms. Smislova, quickly please.

Ms. SMISLOVA. Yes, sir. I will defer to you, Senator, your colleagues, and other oversight entities such as this one to actually determine what went wrong on January 6th. I do not feel I am empowered or have enough information to declare whether or not this is an intelligence failure.

I do know, however, it was not a success, and we will do everything we can to make sure that what we know is better distributed and understood by our partners. To echo the Bureau's point, we will also do more to better understand how we can identify the next steps that we see on social media with this particular threat.

Chairman PETERS. Clearly, we have to do a much better job, and I am sure this will be explored in depth in questioning from my colleagues here.

Chairwoman Klobuchar.

Chairwoman KLOBUCHAR. Thank you very much, Chairman.

I want to start by asking you the same questions I asked our witnesses last week, and that is, based on what you know now, including the recent Justice Department indictments, do you agree there is clear evidence that supports the conclusion that there were those who planned and coordinated the attack on the Capitol on January 6th? Does everyone agree with that? Yes? No?

[Witnesses nodding heads.]

Ms. SANBORN. We are seeing indications from our charging documents of people that coalesced together before and made some plans.

Chairwoman KLOBUCHAR. OK. So everyone is a yes on this? Does someone want to say if they are a no? I do not want to call on everyone. Are you all a yes?

Ms. SMISLOVA. Yes.

Ms. SANBORN. Yes, ma'am.

Chairwoman KLOBUCHAR. OK. Then would you agree that it involved white supremacists and extremist groups, the planning? Is everyone a yes on that?

Ms. SANBORN. Ma'am, I would just say that we are seeing a wide range of involvement and still a lot left to be identified, a lot of—

Chairwoman KLOBUCHAR. No. Does it involve white supremacists and—that is what I am asking—extremist groups?

Ms. SANBORN. Some.

Chairwoman KLOBUCHAR. Was the event not planned by Antifa?

Ms. SANBORN. At this point we have not identified a specific individual that we have charged associating or self-identifying with Antifa.

Chairwoman KLOBUCHAR. OK. Thank you. Would you all agree that what happened was a highly dangerous situation that had the potential to be much worse if it was not for the heroic actions of the front-line officers?

Ms. SMISLOVA. Yes.

Ms. SANBORN. Yes.

Chairwoman KLOBUCHAR. Thank you. All right. General Walker, I am going to start with you. I was not going to start here, but I am after what I just heard. Chief Contee had said that he was stunned at the response from the Department of the Army when former Police Chief Sund requested assistance from the Guard. What is your reaction to what Contee said? Were you frustrated on that call as well?

General WALKER. Yes, I was, Senator Klobuchar. I was frustrated. I was just as stunned as everybody else on the call.

Chairwoman KLOBUCHAR. I understand—and correct me if I am wrong—that with the National Guard it is much better to prepare them and call them into action and have a plan, which I know that I have heard from Mr. Salesses that people tried to do—they called the Chief, they called people and said, “Do you want to have the Guard mobilized?” There was a discussion between you and Sund leading up to January 6th in which this was discussed, and you did not get a clear direction to have them mobilized. Is that correct?

General WALKER. Yes, ma'am. I talked to Chief Sund on Sunday. I talked to him Saturday and Sunday. We talk. We are friends. I have known him for a long time. So on Sunday, I asked him, “Are you going to request D.C. National Guard help? If you do, I need it in writing.” It has to be formal because the Secretary of Defense has to approve it. He told me he was not allowed to request the support, and I asked him if he wanted me to share that, and he said, “No. I cannot even ask you for the support,” is what he told me. But he did say, “But if I do call you, will you be able to support me?” I said, “Yes, but I have to get approval from the Secretary of the Army and ultimately the Secretary of Defense because it is a Federal request.”

Chairwoman KLOBUCHAR. Exactly. As we have heard from Chief Sund last week, he had been denied by the Sergeant at Arms, and that is a subject for last week. But the subject for today is, given all that, and we know we would have been in much better shape if they had been called in ahead and if he had had authority, that now we are to the day, and it is 2:22 p.m., and you are on the phone with them, and you are asking for this authorization—which you felt it was unusual to get. Is that right?

General WALKER. I thought the delay was unusual.

Chairwoman KLOBUCHAR. Yes.

General WALKER. We were already in support of the Metropolitan Police Department, and when the Metropolitan Police Department left the traffic control points, what I wanted to do was take those Guardsmen and move them to the Capitol immediately. My logic was we would have been in support of the Metropolitan Police Department who was supporting the United States Capitol Police at that point.

Chairwoman KLOBUCHAR. I just keep imagining the scene. The whole country, the whole world is seeing this on TV. You have the police line breached at this moment. You have smashed windows. You have insurrectionists going through the police lines. You are on the phone. Everyone is seeing this on TV, and they are not immediately approving your request. In your recent testimony, you just said, "Hey, I could have gotten them on those buses and ready to go." Is that correct?

General WALKER. That is correct, Senator.

Chairwoman KLOBUCHAR. As you just testified in response to Senator Peters, you believe that would have made a difference to have them at the perimeter at a sooner point, and I know that the people in charge of Capitol security felt the same.

General WALKER. Yes, ma'am.

Chairwoman KLOBUCHAR. And so you could have had them there earlier, hours earlier, if it had been approved. Then you had them on the bus, and so they were actually sitting on the bus for a short period of time—right?—waiting, because you thought, well, they have to honor the request. Is that how your head was working, so you actually put them on the bus so they were ready to go, but you could not let the buses go?

General WALKER. Yes, Senator. I just came to the conclusion that eventually I am going to get approval, and at that point seconds mattered, minutes mattered. I needed to be ready to get them there as quick as possible. I already had a District of Columbia National Guard Military Police vehicle in front of the bus to help get through any traffic lights. We were there in 18 minutes.

Chairwoman KLOBUCHAR. Eighteen minutes.

General WALKER. I arrived at 1720.

Chairwoman KLOBUCHAR. OK.

General WALKER. Yes, and they were sworn in as soon as they got there, and they made a difference, according to the Capitol Police.

Chairwoman KLOBUCHAR. According to a lot of us, and I just keep thinking of the hours that went by and the people who were injured and the officers whose lives were changed forever.

A lot has been reported about the Quick Response Force that was waiting at Andrews Air Force Base to be deployed to D.C. just in case. Now, that force was set up as additional troops to support the Guard's traffic control mission as needed. Is that right?

General WALKER. Yes, ma'am.

Chairwoman KLOBUCHAR. The Quick Response Force could not be deployed to the Capitol immediately once the violence began because they were not outfitted for riot control. Is that right?

General WALKER. No, ma'am. They were outfitted. The Quick Reaction Force was District of Columbia Air National Guard, Security

Forces Squadron. Most of those Guardsmen are law enforcement officers in their civilian positions.

Chairwoman KLOBUCHAR. Got it.

General WALKER. They were ready to go, and they were outfitted with all the equipment that they needed.

Chairwoman KLOBUCHAR. They were out at Andrews.

General WALKER. They were at Andrews. I just took it upon myself to move them without permission. I just moved them to the Armory so they would be closer as well.

Chairwoman KLOBUCHAR. OK. Who was on that conversation with you, you mentioned from the Defense Department? I know who was on there from the police in D.C.

General WALKER. Lieutenant General Michael Flynn, he was in charge of operations for the Army. The Director of the Army staff was on the call, and Lieutenant General Piatt. There were other senior civilian leaders from the United States Army, and other high-ranking general officers were on the call as well.

Chairwoman KLOBUCHAR. OK. Do you remember who was mostly talking about the optics, the questions that Senator Peters asked you and their concern about that?

General WALKER. Yes. During the phone call with the District of Columbia leaders, the Deputy Mayor, Chief Sund, Dr. Rodriguez, who was talking about optics, were General Flynn and General Piatt. They both said it would not be in their best military advice to advise the Secretary of the Army to have uniformed Guard's members at the Capitol during the election confirmation.

Chairwoman KLOBUCHAR. Thank you.

Mr. SALESSES, could you explain why they would say such a thing? I know you were not on the call, and you were the one that they sent here on behalf of the Defense Department, but you were not on the call. Do you have any idea why this delay occurred when, as Senator Peters has well pointed out, it did not occur in other incidences?

Mr. SALESSES. Senator, as you point out, I was not on the calls, any of the calls—

Chairwoman KLOBUCHAR. We know that. That is why I spent my time talking to someone who was.

Mr. SALESSES. Right. However, Senator, in preparation for the hearing, I have had the opportunity to talk to General Walker. I have had the opportunity to talk to General Piatt and other general officers on the Army staff. I have also had the opportunity to talk to Secretary McCarthy in preparation for the hearing so that I could understand the details of—

Chairwoman KLOBUCHAR. OK. If you could answer my question—there are so many of my colleagues waiting—why this happened.

Mr. SALESSES. General Piatt told me yesterday that he did not say anything about optics.

Chairwoman KLOBUCHAR. Maybe he meant he did not use the word "optics"? Or are you saying that General Walker, who just testified that they were concerned about this, is wrong or that—

Mr. SALESSES. General Piatt told me yesterday, Senator, that he did not use the word "optics."

Chairwoman KLOBUCHAR. I will let General Walker answer this, but I think what he is talking about is the general concern was that they were more concerned about how this would appear and it was in their best advice—and I guess what bears out his testimony is that they did not send the National Guard there for hours. They did not give the authorization for him as he waited with his troops to go over to the Capitol.

Mr. SALESSES. Senator, in fairness to the Committee, General Piatt is not a decisionmaker. The only decisionmakers on the 6th of January were the Secretary of Defense and the Secretary of the Army, Ryan McCarthy. There was a chain of command from the Secretary of Defense to Secretary McCarthy to General Walker. That was the chain of command. There is lots of staff that is involved in obviously having discussions, but to be clear, on that day that was the chain of command.

Chairwoman KLOBUCHAR. I think we should give General Walker a moment to respond here, and then I will be done.

General WALKER. Yes, Senator, so the chain of command is the President, the Secretary of Defense, the Secretary of the Army, William Walker, Commanding General, District of Columbia National Guard.

Can I just make a correction? I said Lieutenant General Mike Flynn. It was Lieutenant General Charles Flynn.

Chairwoman KLOBUCHAR. Got it.

General WALKER. I am sorry. I just wanted to correct that.

Chairwoman KLOBUCHAR. OK.

General WALKER. But there were people in the room with me on that call that heard what they heard.

Chairwoman KLOBUCHAR. OK. We will have to follow up with more questions. I appreciate your testimony. Thank you.

Chairman PETERS. Ranking Member Portman, you are recognized for your questions.

Senator PORTMAN. Thank you, Chairman Peters, and thanks to our witnesses.

General Walker, can we continue to talk about your recollection, if you do not mind? This morning you have testified that you received this letter from Army Secretary McCarthy on January 5th, so the day before the attack on the Capitol. In that letter, did Secretary McCarthy prohibit you from employing the National Guard's Quick Reaction Force without his authorization?

General WALKER. I have the letter in front of me, and the Secretary of Defense says that I have to use it as a last resort. But the Secretary of the Army told me—and I have the letter—that I could not use the Quick Reaction Force. I will just read it: "I withhold authority to approve employment of the District of Columbia National Guard Quick Reaction Force and will do so only as a last resort in response to a request from an appropriate civil authority. I will require a concept of operation prior to authorizing employment of a Quick Reaction Force."

Now, a Quick Reaction Force normally is a commander's tool to go help either a civilian agency but more typically to help the National Guardsmen who are out there and need assistance.

Senator PORTMAN. I think it is the very definition of a Quick Reaction Force to be able to react quickly.

General WALKER. Yes, sir.

Senator PORTMAN. When you have to go through that kind of an authorization, including coming up with a concept of operation before the Secretary or, as you say, the Secretary of Defense—so the Secretary of the Army or the Secretary of Defense—would approve deployment seems to me to be contrary to the whole concept of a Quick Reaction Force.

General WALKER. Just to be clear, the Secretary of Defense said I could use it as a last resort.

Senator PORTMAN. Last resort, right.

General WALKER. But the Secretary of the Army says that I could only use it after he gave me permission, and only then after a concept of operation was—

Senator PORTMAN. Right, and we talked about the chain of command earlier, so your chain of command is both of these gentlemen. In other words, you did not have the authority to deploy that Quick Reaction Force based on either the letter or the earlier memo that went from the Secretary of Defense—Acting Secretary of Defense—to the Secretary of the Army. Is that correct?

General WALKER. That is correct, yes, sir.

Senator PORTMAN. I also thought it was odd—and I think you said it was unusual and very prescriptive—that the January 5th letter required the Secretary of the Army to approve the movement of deployed Guardsmen from one traffic control point to another. Did you find that unusual?

General WALKER. In 19 years, I never had that before happen. So on that day, the Metropolitan Police, as they would any other day, requested that a traffic control point move one block over. No traffic was where they were, so they wanted the traffic control point to move one block. I had to get permission. I told them, “I will get back to you.” I contacted Lieutenant General Piatt, who contacted the Secretary of the Army. I had to explain where that traffic control point was in relationship to the Capitol. Only then did I get permission to move the three National Guardsmen supporting the Metropolitan Police Department—

Senator PORTMAN. These are three unarmed National Guardsmen who were helping with traffic control, in part so that Metropolitan Police could do other things, and they were not permitted to move a block away without getting permission from the Secretary of the Army. Is that true?

General WALKER. That is correct.

Senator PORTMAN. Yes. Then in your testimony, you also talk about riot gear. That January 4th memorandum from Acting Secretary Miller to the Army Secretary required the personal approval of the Secretary of Defense for the National Guard to be issued riot gear. Is that correct?

General WALKER. That is correct. But the Secretary of the Army told me to go ahead and put it in the vehicles, so I give him credit for that.

Senator PORTMAN. Yes, and you said that earlier. You gave him credit for saying at least to have it there so it was accessible.

General WALKER. Yes.

Senator PORTMAN. But, still, you could not prepare for a civil disturbance without getting permission from the Secretary of the Army and the Secretary of Defense. Is that true?

General WALKER. Normally, for a safety and force protection matter, a commander would be able to authorize his Guardsmen to protect themselves with a helmet and protective equipment.

Senator PORTMAN. As I said earlier, I am disappointed we do not have someone from DOD who actually was there at the time. I think you are being put in a tough position, Mr. Salesses. But, Mr. Salesses, I have to ask you, why did the Department of Defense impose these restrictions on General Walker's control of the National Guard on January 6th?

Mr. SALESSES. Senator, Secretary Miller wanted to make the decisions of how the National Guard was going to be employed on that day. As you will recall, Senator, the spring events, there was a number of things that happened during those events that Secretary Miller, as the Acting Secretary—

Senator PORTMAN. Yes, clearly he wanted to. The question is why and how unusual—don't you think that is unusual based on your experience at DOD?

Mr. SALESSES. Senator, there was a lot of things that happened in the spring—

Senator PORTMAN. But don't you think that was unusual?

Mr. SALESSES [CONTINUING]. That the Department was criticized for—sir, if I could, Senator, civil disturbance operations, that authority rests with the Secretary of Defense. If somebody was going to make a decision about employing military members against U.S. citizens in a civil disturbance operation—

Senator PORTMAN. Let us talk about the Quick Reaction Force then. Again, you have a lot of experience, your background—we appreciate your being here. Again, you were not making the decisions that day. They kind of put you forward here as the person to answer questions based on your discussions with individuals. But isn't the purpose of a Quick Reaction Force to quickly react to unfolding situations?

Mr. SALESSES. Senator, it is. It is designed to do that.

Senator PORTMAN. Isn't requiring a pre-submitted concept of operations antithetical to the idea of an enabling quick reaction?

Mr. SALESSES. Again, Senator, I would call our attention to the Quick Reaction Force that day was designed to respond to the traffic control points and the Metro stations. We did not have a Quick Reaction Force to respond to the events that unfolded on the Capitol.

Senator PORTMAN. I do not know that that is true. General Walker, did you not have a Quick Reaction Force as part of the D.C. Police? I think you did. You had police officers who were also Guardsmen who were involved in your Quick Reaction Force, correct?

General WALKER. I did.

Senator PORTMAN. Wouldn't they have been appropriate to respond to the attack on the Capitol?

General WALKER. In my opinion, they would have been.

Senator PORTMAN. I do not know. Look, again, I wish we had the people who were making the decision, Mr. Salesses, and I do not want to put you in this position, but you are all we have in terms

of talking to DOD today. In your opinion, did the attack on the Capitol constitute a last resort?

Mr. SALESSES. A last resort, you mean an immediate response, Senator?

Senator PORTMAN. No. Remember, in the letter it said only as a last resort. Do you think a last resort situation occurred when there was an attack on the Capitol?

Mr. SALESSES. There was certainly a last resort situation that occurred, Senator.

Senator PORTMAN. Why did it take the Department of Defense so long to authorize the use of the National Guard in particular, the use of the QRF?

Mr. SALESSES. Senator, I can relay what I have obtained from my discussions with the personnel that were involved that day, and if you would like to go through the timeline, or just answer the question based on why the decisionmakers—in this case, Secretary McCarthy, if we go through the timeline, clearly at 2:22 p.m., as has been mentioned today, Secretary McCarthy at 2:30 p.m., as I pointed out in my oral statement, went down and saw Secretary Miller at 2:30 p.m. At 3:04 p.m. Secretary Miller made the decision to mobilize the entire National Guard. That meant that he was calling in all the National Guard members that were assigned to the D.C. National Guard. At 3:04 p.m. that decision was made.

Between that period of time, between 3:04 p.m. and 4:10 p.m., Secretary McCarthy wanted to understand, the dynamics of the Capitol law with the explosives and the shots fired. He wanted to understand the employment of how the National Guard was going to be sent to the Capitol, what their missions were going to be. Were they going to be clearing buildings? Would they be doing perimeter security? How would they be equipped? He wanted to understand how they were going to be armed, because, obviously, shots had been fired. He was asking a lot of questions to understand exactly how they were going to be employed here at the Capitol and how many National Guard members needed to be employed on the Capitol.

Senator PORTMAN. Let me just say, with all due respect—and my time is coming to an end—three hours and 19 minutes from the first call—plea, really, with his voice cracking with emotion, as the Major General said, you have Chief of Police Sund saying, “Help. We need help now.” Three hours and 19 minutes, and that cannot happen again. Do you agree with that?

Mr. SALESSES. Senator, I do.

Senator PORTMAN. Thank you.

Chairwoman KLOBUCHAR. Very good. Ranking Member Blunt.

Senator BLUNT. Thank you, Chairwoman.

General Walker, if the restrictions on your authorities had not been put in place by DOD, what would you have done when Chief Sund called you at 1:49 p.m. on January 6 with an urgent request for National Guard assistance?

General WALKER. I would have immediately pooled all the Guardsmen that were supporting the Metropolitan Police Department. They had the gear in the vehicles. I would have had them assemble in the Armory and then get on buses and go straight to

the Armory and report to the most ranking Capitol Police officer they saw and take direction.

Let me add this. One of my lieutenant colonels on his own initiative went to the Capitol anticipating that we were going to be called. He would have been there, and he met with Deputy Chief Carroll of the Metropolitan Police Department, who asked him, "Where is the National Guard? How come they are not here?" This colonel said, "Well, I am sure they are coming, and I am here to scout out where they are going to be when they get here."

So that was the plan. I would have sent them there immediately. As soon as I hung up, my next call would have been to my subordinate commanders, get every single Guardsman in this building and everybody that is helping the Metropolitan Police, re-mission them to the Capitol without delay.

Senator BLUNT. How quickly do you think you could have had people here? I think you said a minute ago that the Guard had moved from Andrews to the Armory here by 3:30 p.m. Is that right?

General WALKER. Yes, sir.

Senator BLUNT. How quickly was the colonel here that was—

General WALKER. He came with the police, so—

Senator BLUNT. He was here immediately.

General WALKER. Yes, sir, he was here immediately. When the Metropolitan Police left some of the traffic control points, my colonel left with them and came straight to the Capitol, anticipating that that is where the fire was and that fire needed to be put out.

Senator BLUNT. There certainly was concern here immediately. In fact, yesterday I saw a message that I sent Mr. Elder, who was the Director of the Rules Committee for me when I was Chairman at the time, and the quote on that text message, was: "Could this information about the Defense Department and the National Guard possibly be true?" That is 3:09 p.m., already wondering where Senator Klobuchar and I and other Senators were, "Could it possibly be true that the Defense Department was not sending the Guard immediately?"

Mr. SALESSES, on the January 5th letter, that is described as Secretary McCarthy relaying new restrictions from the Acting Secretary of Defense Miller, Christopher Miller. Would that be accurate? Would those be new instructions? Do you agree that General Walker had more flexibility before those instructions than he did after? I think that is a yes or no. Do you agree he had more flexibility before those instructions than he did after? That would be one question. Two, would it be fair to say those were new instructions or not?

Mr. SALESSES. Senator, General Walker, in fairness to him, cannot respond to a civil disturbance operation without the authority of the Secretary of Defense. So absent these memos, General Walker would have had to get approval to respond to the Capitol through the Secretary of Defense.

Senator BLUNT. Let us talk about that approval process. I think you said a minute ago to Senator Portman "if you would like to go through the timeline." I assume you are talking about the Department of Defense timeline that I have in front of me. You mentioned 1504 as one of your reference points. At 1519, or 3:19 p.m., that

timeline says, “Secretary of the Army phone call with Senator Schumer and Speaker Pelosi about the nature of Mayor Bowser’s request. Secretary of the Army explains Acting Secretary of Defense already approved full D.C. National Guard—“mobilization.” Would that be right as of 3:19 p.m.?”

Mr. SALESSES. That would be accurate, but if I could clarify what mobilization—

Senator BLUNT. Let me go one step further. Then I will let you do that. At 1526, 3:26 p.m., “Secretary of the Army phone call with Mayor Bowser and Metropolitan Police Chief relays that there is no denial of their request and conveys Acting Secretary of Defense approval of the activation of full National Guard.”

On your timeline, within seven minutes, one is mobilization, the other is activation. Go ahead and explain what those two things mean?

Mr. SALESSES. Senator, those words are being used interchangeably. What Secretary Miller did at 1504 on January 6th was authorize the mobilization or activation of the National Guard, the D.C. National Guard. All that does, sir, is provide for the National Guard to be called in from wherever their homes are to come to the Armory. That is what the mobilization/activation order was—

Senator BLUNT. I wonder if that is what Senator Schumer and Speaker Pelosi thought it meant. Now, you cannot answer that. Only they could. I also wonder if that is what Mayor Bowser thought it meant when they were told at 3:19 p.m. and 3:26 p.m. that the Guard was being mobilized and the Guard was being activated. I do not expect you to be able to answer what they thought. I know I would have assumed that that meant the Guard was on the way, unless I was specifically told, well, they are mobilized, but they really will not be there until we make a decision hours later.

At 4:32 p.m. the Acting Secretary of Defense provides verbal authorization to re-mission D.C. National Guard to conduct perimeter and clearance operations. That is 4:32 p.m. That is an hour and 10 or so minutes later. Is that the moment when the Guard was told they could move forward?

Mr. SALESSES. Yes, Senator, it is.

Senator BLUNT. Do you agree with that, General Walker?

General WALKER. No, sir. I did not get approval until a little bit after 5 p.m., and I got that from the Secretary of the Army, who was relayed to me. I never talked to Secretary of Defense Miller, and I did not talk to the Secretary of the Army. Army senior leaders told me at about 1708, 5:08, p.m., that the Secretary of Defense has authorized our approval to support the Capitol.

Mr. SALESSES. Senator, if I could, in fairness to General Walker, too, that is when the Secretary of Defense made the decision, at 4:32 p.m. As General Walker has pointed out, because I have seen all the timelines, he was not told that until 5:08 p.m.

Senator BLUNT. How is that possible, Mr. Saleseses? Do you think that the decision in the moment we were in was made at 4:32 p.m. and the person that had to be told was not told for more than half an hour after the decision was made?

Mr. SALESSES. Senator, I think that is an issue. There was decisions that were being made. There was communications that needed to take place. Then there was actions that had to be taken. All

of that was happening at simultaneous times by different individuals, and I think that part of the challenge is that some of the delayed communications probably put some of the challenges that we had that day.

Senator BLUNT. I would think so. If you have to have the communication before General Walker and the National Guard can take the action and the communication does not occur for over half an hour, that is a significant problem for the future if we do not figure out how the decision, the communication, and the action all happen as nearly to the same time as they possibly can.

Mr. SALESSES. I agree, Senator.

Senator BLUNT. Thank you, Chairwoman.

Chairwoman KLOBUCHAR. Thank you very much.

Senator HASSAN.

OPENING STATEMENT OF SENATOR HASSAN

Senator HASSAN. Thank you very much, Chairwoman Klobuchar and Chair Peters and our Ranking Members Blunt and Portman, for this hearing. I want to thank all of our witnesses for being here today, and I want to thank you all for your service to our country.

I want to start with a question for Ms. Smislova, please. It is about a topic that I asked about last week. The Secretary of Homeland Security has the authority to designate events with national significance as National Special Security Events (NSSE), and these designated events receive expanded Federal support for event security. Factors used to determine National Special Security Event designations include the attendance of U.S. officials as well as the size and significance of the event.

In our hearing last week, the former officials in charge of security here at the Capitol testified that DHS did not reach out to U.S. Capitol officials about designating January 6th Joint Session of Congress as a National Special Security Event.

Ms. Smislova, to your knowledge, did any Department of Homeland Security officials ever consider or recommend designating the January 6th Joint Session of Congress as a National Special Security Event?

Ms. SMISLOVA. Thank you, Senator. No. To my knowledge, no one at the Department of Homeland Security did consider designating January 6th as an NSSE. Also, to my knowledge, no one responsible for protecting the Capitol asked for such a designation.

Senator HASSAN. Right, but when we are talking about an NSSE, you do not need a request from the Capitol—

Ms. SMISLOVA. You do not. That is correct.

Senator HASSAN. DHS could have initiated it. What is the Department's current policy and process for designating National Special Security Events? Were there any procedural issues blocking such a designation in spite of the growing evidence of intelligence available to Federal security officials prior to the event?

Ms. SMISLOVA. I am sorry, Senator. I am running currently the Office of Intelligence and Analysis for DHS. We have a small role in the NSSE process, but I am not qualified to speak about the whole process. It is fairly complicated. I am happy to have Secret Service reach out to you, ma'am, if you would like me to follow up with that.

Senator HASSAN. I think it is really important for us to understand what the processes are.

Ms. SMISLOVA. Yes.

Senator HASSAN. We had, as has been pointed out, the Vice President, the Vice President-elect, all Members of Congress in one location at an event where there was clear intelligence that might turn violent, and there appears to have been no communication or effort by DHS to designate this in a way that would have had the security that we are now standing about stood up ahead of time in an effective way.

Ms. SMISLOVA. Happy to follow back up with you, Ma'am.

Senator HASSAN. I would look forward to following up with you on that.

Ms. SMISLOVA. Yes.

Senator HASSAN. I want to turn to Ms. Sanborn now. According to a recent report, the FBI has currently charged 257 people associated with the events on January 6th. Of the individuals charged to date in relation to the attacks of January 6th, how many were already under investigation by the Bureau?

Ms. SANBORN. Ma'am, I would have to get you the specific number, but I can only recall from my memory one of the individuals that was under investigation prior.

Senator HASSAN. Was that because the FBI is limited in its tools or capacity to monitor, charge, or arrest these individuals prior to January 6th? Was this a manpower issue? I am just trying to understand, understanding looking back now, what might have made a difference in being able to move against some of those individuals sooner.

Ms. SANBORN. Yes, I think that is a great question. I think it is twofold. It is the complexity of trying to gather the right intelligence that helps us predict indicators and warnings, and I spoke earlier about while there is a volume out there of rhetoric, trying to figure out that intent is very challenging for us in the intel community because it happens on private comms and encryption. So that is one aspect.

Then the other aspect is, of the people that we were investigating, so predicated investigations, we do not necessarily have the ability to mitigate the threat they might pose by travel if we do not have a charge. I think you are tracking that we were aware of some of our subjects that intended to come here. We took overt action by going and talking to them and trying to get them to not come, and that worked in the majority of our already predicated cases.

Senator HASSAN. OK. Thank you. I would look forward to following up with the FBI more about that.

I also have another question for you about the FBI's information-sharing practices. On January 5th the FBI Norfolk Field Office issued a report that some extremists were preparing to travel to Washington and commit acts of violence. That report eventually made it to a U.S. Capitol Police analyst, but it did not make it to the former Capitol Police Chief, Mr. Sund. I think it is important for us to understand whether this was a failure in information-sharing product or practice.

What is the standard policy for disseminating reports like that?

Ms. SANBORN. Yes, ma'am, that is a great question, and I would just like to segue into that that part of the reason we were able to get that intelligence report from the Norfolk office is because we made it a national collection priority for all 56 field offices to collect whatever they could on the Joint Session as well as Inauguration. When they collected that information, they did follow our normal process, and I think we heard yesterday from the Director, and went above and beyond that process. They documented it quickly within the Situational Information Report, and they disseminated it three different ways—in writing, via email, verbally—and then also put it in what we call the Law Enforcement Enterprise Portal (LEEP), which is available to all State and local partners across the United States.

Senator HASSAN. I am trying to understand, though, how it did not get elevated or communicated to the highest level. Who was the highest official in the FBI to be informed of the intelligence?

Ms. SANBORN. So I, similar to Director Wray, found out about it days after. I think it is very important to also caveat what that was. It was raw, unvetted information and only because of the collection message did it get as quickly elevated to the Washington Field Office and disseminated to the task force officers. So thousands and thousands of tips come in just like this one every day, and not all of those get elevated to senior leadership.

Senator HASSAN. Except that this was tips about violence in the United States Capitol where we were going to have all Members of Congress, the current Vice President, the Vice President-elect. And so given the gravity of the threat, it is very hard for me to understand why somebody did not pick up the phone. I would like to understand, too, whether any of the following were informed of the intelligence: the President, the White House Chief of Staff, the Attorney General of the United States, the Speaker of the House, or the Senate Majority Leader.

Ms. SANBORN. Not to my knowledge, ma'am, and I think you heard the Director say this yesterday, and I echo it 100 percent: Anytime an attack happens, we are going back, and we are going to figure out what we could have done better and differently. I echo there are always processes that can be improved.

Senator HASSAN. Look, I will just say this: that one of the things before a major event that one should always do is figure out who the leadership is, and they should be talking twice a day on the phone for the week leading up at least. That is kind of standard practice, at least in the States that I am familiar with. It is certainly standard practice for Governors. It is astounding to me that, even if it is raw intelligence, given what the stakes were on January 6th, that that kind of sharing was not routine and that it did not happen.

I hope very much that we will look back at this and develop kind of standard operating procedures (SOPs) so that the leadership of security at the Capitol, the leadership of security at all the various agencies are sharing this kind of information person to person rather than relying on standard emails and the like.

Thank you very much.

Ms. SANBORN. I will say that is the purpose of the command post, and I 100 percent echo your point, which is let us go back and figure out what we could do differently?

Senator HASSAN. OK. Thank you.

Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you, Senator Hassan.

For members of the Rules Committee, we are following the order set forth by the Homeland Security Committee, how they do their order. If there are questions about that, that is how we are doing it today.

Next is Senator Feinstein.

OPENING STATEMENT OF SENATOR FEINSTEIN

Senator FEINSTEIN. Thanks very much, Madam Chairman.

I would like to ask this question: In August 2017, DHS Office of Intel and Analysis and the Virginia Fusion Center issued a report days before the violent protests in Charlottesville, Virginia. The report warned that the protests could be among the most violent to date. It warned that anarchistic extremists and white supremacist extremists are calling on supporters to be prepared for and to instigate violence at the August 12th rally.

Now, this was very similar to what we saw in the lead-up to the January 6th insurrection when groups were actively planning to come to Washington and commit violence. Yet there was no similar intelligence report by the Department of Homeland Security for this occasion.

My question is: Why? What happened to change this procedure?

Ms. SMISLOVA. Yes, Senator, thank you for that question. Between before the election and then into the Inauguration, I&A did publish 15 separate unclassified reports that did discuss specifically that there was a heightened threat environment, that the threat could come from lone actors or small cells. We assessed that those that were motivated by concerns about the election and grievances associated largely with Coronavirus Disease 2019 (COVID-19) restrictions would also appear to be armed, and we also warned that they could transition quickly from a peacetime situation into a violent situation.

I actually in preparation for this hearing did review all of those reports and was impressed with how well the team did. They were very well written and very specific. The point, Senator, is that we thought we had provided that warning. We did not have anything specific about an attack on the Capitol to occur on January 6th, so we did not issue a separate report.

In hindsight, we probably should have, but we had just issued a report on December 30th with our colleagues at FBI and the National Counterterrorism Center where we had thought, ma'am, that that was sufficient.

Senator FEINSTEIN. I would like to ask that you make those reports available to this Committee, please.

Ms. SMISLOVA. Happy to, ma'am.

Senator FEINSTEIN. Also, press reports indicate that Acting Defense Secretary Christopher Miller issued a memo on January 4th preventing the D.C. National Guard from receiving weapons or protective gear, interacting with protesters, or employing riot control

agents without his personal authorization. Do you know of any other instance where a Defense Secretary required personal authorization before allowing National Guard troops to respond to an emergency? I would like to put the letter from Christopher Miller,¹ Madam Chairman, in the file, if I could.

Chairwoman KLOBUCHAR. Yes, without objection.

Senator FEINSTEIN. Could someone answer that question?

Mr. SALESSES. Oh, I am sorry, Senator. I will answer that question. I was waiting.

Senator, I am not aware of another letter from a Secretary, but, again, based on events in the spring and Secretary Miller being new to the Department at that time and some of the things mindful that happened, he issued that direction. That direction, though, again, I would come back to the point that in order for National Guard members to deploy in civil disturbance operations, it requires the Secretary of Defense's approval. So just to be clear, there is no ability for the military to respond without the Secretary's approval for civil disturbance operations.

Senator FEINSTEIN. If I may, Madam Chairman, I am looking at a memo for Secretary of the Army, employment guidance for the District of Columbia National Guard, dated January 4, 2021, I received it, and it responds to a memorandum regarding the District's request for support for the planned demonstrations from January 5 to 6, 2021. You are "authorized to approve the requested support subject to my guidance below, subject to consultation." Then it points out a number of things that are not authorized. This letter of January 4th, I would like it to be in the record, because somewhere there is a problem here. I have been listening carefully trying to find out what the problem is. But there were certain reports that just were not issued, and they were of an intelligence nature, and I am curious about finding out which ones essentially did what.

If you have any response to that, other reports, and could let this Committee know, it would be appreciated.

Ms. SANBORN. Yes, ma'am, happy to do so. I think the key here is—and I think my DHS colleague mentioned this—the intelligence we had articulated that we knew people were coming to the D.C. area, we knew there was a possibility they would come armed and potentially have conflict amongst themselves, what we lacked—and I think you heard this last week from all the folks that testified as well—none of us had any intelligence that suggested individuals were going to storm and breach the Capitol, and that was the intelligence that we lacked.

Senator FEINSTEIN. I think that remains to be seen, but I appreciate the comment, and I think that is what this Committee has to look for and make a determination whether there was, in fact, adequate pre-question, pre-interest. There is a record, and I thank you, Madam Chairman.

Chairwoman KLOBUCHAR. Thank you.

Chairman PETERS. Senator Johnson, you are recognized for your questions.

¹The letter referenced by Senator Feinstein appears in the Appendix on page 296.

OPENING STATEMENT OF SENATOR JOHNSON

Senator JOHNSON. Thank you, Mr. Chairman.

Before I get into my line of questioning for today's subject, Ms. Smislova, I received, sitting here in the hearing, a press release from Capitol Police that said that "we have obtained intelligence that shows a possible plot to breach the Capitol by an identified militia group on Thursday, March 4th." Is that a threat that you are aware of?

Ms. SMISLOVA. Senator, we issued a bulletin last night, co-authored with the FBI, about extremists discussing March 4th and March 6th. Is that what you are referring to?

Senator JOHNSON. Yes, and—

Ms. SMISLOVA. It was a Joint Intelligence Bulletin we released last night around—it was very late. Midnight, I think? Yes.

Senator JOHNSON. OK. Again, the threats are ongoing.

Ms. SMISLOVA. Yes.

Senator JOHNSON. General Walker, to review the timeline, at 1:49 p.m. Chief Sund contacted you. At 2:15 p.m. the Capitol was breached. I think in your testimony you said you had available 340 D.C. National Guard troops. Is that correct?

General WALKER. Sir, it was actually half of that. So half were on the streets helping the Metropolitan Police Department. The other half would have come in to relieve them. But we would have called them in to come in.

Senator JOHNSON. OK. So you had 40 in the Quick Reaction Force, correct?

General WALKER. Yes, sir.

Senator JOHNSON. So had this all been preapproved by the Secretary of Defense? I am mindful of the considerations of having military involved in civil disturbances, and I think that is part of the issue, some of the blowback that occurred with the spring instances. How quickly could you have gotten how many people to the Capitol?

General WALKER. Twenty minutes.

Senator JOHNSON. How many people?

General WALKER. One hundred and fifty.

Senator JOHNSON. OK. I mean, that is important information to have.

I think, quite honestly, what we need to do here is we need to completely reconstruct what happened, and I mean completely reconstruct it. We need to obtain eyewitness testimony from different vantage points, from different perspectives, and that is certainly what I have tried to do.

Ms. Sanborn, how many points of confrontation occurred during the riot? In other words, were these primarily at chokepoint, doors, windows that were breached, and then in side the Capitol, again, outside the House chamber? Or was there, the Capitol is 751 feet long. Was this a 751 long line that Capitol Police and other law enforcement were battling protesters?

Ms. SANBORN. Thank you for the question. I think we are still in the process of gathering that data. Obviously, the folks that we have charged for breaching and getting inside, and so we at least know that at some point they go through a chokepoint. The actual

distance of how long that was is still part of what we are examining, sir.

Senator JOHNSON. OK, but we have all kinds of video, all kinds of photographs. You obviously are examining that, and from that video you have been able to arrest 300 people—300 people have been charged. Eighteen have been charged with conspiracy, 40 have been arrested for assault of law enforcement officers. So have you, looking at those videos, maybe not being able to identify the people, but have you counted the number of people that you want to identify, for example, that will probably be charged with assault?

Ms. SANBORN. So we are still doing that, and that number increases just like the arrests every day, and so far we have identified hundreds of people that we are trying to still identify.

Senator JOHNSON. OK. Again, we have 300 individuals have been charged; 40 have been charged with assault. Do you expect the hundreds of people to be charged with assault? Or will those be disorderly conduct, unlawful entry? Give me some sort of sense of the extent of this.

Ms. SANBORN. Absolutely. It is a fair question. I think the charges have ranged from everything from trespassing to obstruction to definitely assault on Federal officers. We have a fair number of those. The charges based on the actual behavior that the individual partook that day definitely vary.

Senator JOHNSON. How many firearms were confiscated in the Capitol or on Capitol grounds that day?

Ms. SANBORN. To my knowledge, we have not recovered any on that day from any other arrests at the scene at this point. But I do not want to speak on behalf of Metro and Capitol Police, but to my knowledge, none.

Senator JOHNSON. So nobody has been charged with an actual firearm weapon in the Capitol or on Capitol grounds?

Ms. SANBORN. Correct. The closest we came was the vehicle that had the Molotov cocktails in it, and when we did a search of that vehicle later on, there was a weapon, but—

Senator JOHNSON. How many shots were fired that we know of?

Ms. SANBORN. I believe the only shots that were fired were the ones that resulted in the death of one lady.

Senator JOHNSON. OK. I appreciate the Chair's comments about the bipartisan/nonpartisan investigation here seeking out the truth. That is what I am trying to do. Cognizant of how it was rejected to by offering an eyewitness account at the last hearing, I will risk entering another piece of reporting into the record.¹ This is from the New York Times. Hopefully that will be viewed more favorably.

The title is, "A Small Group of Militants' Outsize Role in the Capitol Attack." In that report it says, "Federal prosecutors have said members of the Oath Keepers militia group planned and organized their attack and 'put into motion the violence that overwhelmed the Capitol.'"

The reason I am entering this in the record and read that quote is it really does seem to align with the eyewitness account that I read portions of in the record last week. No conspiracy theory, just

¹The New York Times article appears in the Appendix on page 300.

an eyewitness account from a knowledgeable observer. I did not get to the point of the actual attack, and I want to just read a couple excerpts.

This is the title: “Provocateurs turn unsuspecting marches into an invading mob.” Again, these provocateurs are primarily white supremacist groups. “Then, a loud, bellowing shout from behind: ‘Forward. Do not retreat. Forward.’”

“Then two other men standing across from one another on the high granite curbs on either side of the footpath bellowed variations of, ‘Forward. Do not dare retreat.’ Some made direct eye contact at people and pointed directly at them, as if trying to psych them into submitting.”

“A third man standing on a chair also shouting ‘Forward,’ reached down to grab me by the shoulder and barked, ‘Don’t retreat. Get back up there.’ It wasn’t an expression of enthusiasm or solidarity; it sounded like a military order. It was not from a wild-eyed kid. This guy was probably in his 50s. He looked furious with me.”

“Nobody seemed aware the Capitol was physically under attack. The tear gas caused pandemonium. But there was still no stampede, and people helped create or widen paths to allow others to leave the area.”

“Then, from the north, a column of uniformed agile younger men walked briskly, single file toward the inaugural stand. They came within two feet of me. Their camouflage uniforms were clean, neat, and with a pattern I could not identify.”

“These were the disciplined, uniformed column of attackers I had seen.”

“There were a good three dozen of them moving in a single, snakelike formation. They were organized. They were disciplined. They were prepared.”

“‘We are taking the Capitol,’ the first or second announced.”

“‘You are going to get arrested,’ someone called out.”

Ms. SANBORN, does that tie into with what you are uncovering as you investigate exactly what happened in the Capitol that day, that you had these armed militia groups that had conspired and organized to be there, maybe dozens—we do not know how many—but that they were organized and knew how to use the mob to storm the Capitol? Is that kind of what you are seeing?

Ms. SANBORN. We definitely so far are seeing a mixture of that, absolutely. We are seeing people that got caught up in the moment, got caught up in sort of the energy, et cetera, and made their way into the Capitol. Those are probably the ones that you are seeing the charges simply of trespassing. Then we are definitely seeing that portion that you are pointing out, which is small groups in cells now being charged with conspiracy that coalesced either on-site or even days or weeks prior and had sort of an intent that day, and they too probably caught people up in the energy.

Senator JOHNSON. So one final comment. I would urge anybody that criticized me for entering an eyewitness account into the record last week to please read the eyewitness account to take a look at actually what the truth is.

Thank you.

Chairwoman KLOBUCHAR. Thank you.

Before I call on Senator Merkley, I just want to ask you, Ms. Sanborn, one thing. These people that were assaulting the Capitol in military gear and were pinning an officer between a door and were using bear spray on officers in the Capitol, would you title them “provocateurs”?

Ms. SANBORN. Ma’am, it would all depend on the evidence behind the case, right? So as we are going through and we are figuring out what actually we know about each individual, it would just depend on what the facts and what we know holistically about that to be able to be put a label on it.

Chairwoman KLOBUCHAR. Do you think there were some very serious violent people involved in this insurrection?

Ms. SANBORN. One hundred percent. A lot of officers were injured and a lot of damage was done.

Chairwoman KLOBUCHAR. Would you describe the atmosphere as “festive”?

Ms. SANBORN. Absolutely not.

Chairwoman KLOBUCHAR. Thank you.

Senator Merkley.

OPENING STATEMENT OF SENATOR MERKLEY

Senator MERKLEY. Thank you, Madam Chair, and thank you to all for your information.

Assistant Secretary Salesses, if I understood your earlier comment, you thought the quick reaction team was only for reinforcing assistance to those members of the National Guard providing traffic control. Did I hear your comment correctly?

Mr. SALESSES. Yes, Senator, you did.

Senator MERKLEY. Thank you.

Major General Walker, I believe that, if I heard your comments correctly, that quick reaction team was there to respond as needed, including protection of the Capitol. Is that correct?

General WALKER. No, Senator. They were actually to provide support to the Guardsmen out there. What I would have wanted to do was re-mission them and get them to the Capitol immediately as a Quick Reaction Force.

Senator MERKLEY. I see. They were not necessarily planned to help protect the Capitol, but you would reassign them to that in that type of emergency?

General WALKER. Yes, sir.

Senator MERKLEY. OK. Thank you for that clarification.

I was really struck by the complexity of the chain of command for trying to get a decision for response. It starts with the Capitol Police Board, which goes to the Chief of the Capitol Police, Steven Sund, who goes to the Commanding General of the D.C. National Guard, who goes to the Secretary of Army, who then consults with people within Department of Army about whether it is appropriate, which then goes to the Secretary of Defense, who then consults—Christopher Miller, to decide to study that, who then gives an order back to the Commanding General of the D.C. National Guard.

This six-step process seems totally unsuited to the situation of responding quickly to an emergency. I just wanted to ask you, Commander Walker, if I am reading this chain of command cor-

rectly? Do you share the view that this is way too complex for a moment when you need to respond quickly?

General WALKER. Senator, it is a longstanding process, but it can work in minutes. For example, during the first week of June, the Secretary of the Army was with me. I watched him call the Secretary of Defense and consult with the Attorney General and respond back to me with an approval within minutes. It is an elaborate process, but it does not always have to be when in extremist circumstances we can get it done over the phone very quickly.

Senator MERKLEY. But if I understand right, it is normally an elaborate process done in advance. In fact, the information came to you on January 1st. You got back a response on January 5th, so this was before January 6th. But it had this provision that—this restriction that I think you have testified to—was unusual, that required reconsultation on January 6th in a fashion that deeply inhibited the ability to move quickly.

General WALKER. That is right, Senator.

Senator MERKLEY. OK. Thank you.

I wanted to turn to Under Secretary Smislova. You have been with the Department for how long?

Ms. SMISLOVA. Seventeen years, sir.

Senator MERKLEY. For 17 years. I think you were the Deputy Under Secretary on January 6th. Is that correct?

Ms. SMISLOVA. Yes, sir.

Senator MERKLEY. OK. I was struck by different reports that came from officials saying that there was a move within the Department—and I will just quote one formal official report: “Nobody wanted to write a formal intelligence report about this in part of the fear that such a report would be very poorly received by the MAGA folks within DHS.”

To follow this up, Brian Murphy, former head of DHS—and I do not know. Were you also the Deputy to him as well?

Ms. SMISLOVA. I was one of his deputies, yes, sir.

Senator MERKLEY. He noted that DHS officials had ordered him to stay away from the threat of white nationalism, that Chad Wolf and Ken Cuccinelli also had asked him to modify intel assessments to ensure that they matched up with public comments by President Trump to downplay the threat posed by white supremacists.

In your time at DHS, it is very important that intelligence is unaffected by politics. It is like the root information. Did you get a sense that there was kind of a troubling cloud, as reported in various sources, including from the former head of DHS, that there was this troubling cloud of political influence over the quality or the kind of determination of how intelligence was presented to officials?

Ms. SMISLOVA. I can say that I&A’s reports did not change. We did not change our assessments based on any political pressure or interference. We did publish the Homeland Threat Assessment. It is a publicly available document that does state that white supremacists are the most persistent and lethal threat to the homeland.

Senator MERKLEY. Did you ever feel any pressure or receive any encouragement, even kind of in a less informal way—I am not talk-

ing about a written document—that you needed to be very careful about clarifying the threat posed by white extremists?

Ms. SMISLOVA. I did not personally receive that.

Senator MERKLEY. Do you consider Brian Murphy's report that that type of pressure was applied to be accurate or inaccurate?

Ms. SMISLOVA. His is a whistleblower complaint, and it is still being adjudicated.

Senator MERKLEY. No, I understand, but I am asking you. You were right there in the leadership. You never got a sense that there was any type of political influence like he reported regarding encouragement to downplay—

Ms. SMISLOVA. I did not personally have that influence pushed upon me, sir.

Senator MERKLEY. OK. Thank you.

Someone suggested that the reason that there were formal intelligence assessments regarding earlier events, including the protests in Portland, but not such a detailed presentation related to January 6th, was because of this pressure to downplay to some degree the threat posed by white extremists.

Ms. SMISLOVA. I would like to point out, sir, that the two instances are very different. Our support during some of the civil unrest and the protests specifically in Portland were at the direct request of our own DHS Federal law enforcement partners, and in that capacity we were reacting to a pattern of violence that had shown itself for several weeks. Our open-source team did an excellent job in many instances of providing specific information that kept those officers safe. They were reporting things like bricks may be used today as a weapon. Another day it might be bug spray combined with leaf blowers or lasers.

Our work, by contrast, leading up to the election and January 6th is quite different. It is a different kind of environment. There is not that pattern violence. It is a different kind of assessment. I do suggest, sir, that it is impossible to compare the two.

Senator MERKLEY. Thank you for your testimony.

Ms. SMISLOVA. Thank you.

Senator MERKLEY. Thank you, Madam Chair, Mr. Chair.

Chairman PETERS. Thank you, Senator.

The Chair recognizes Senator Sinema for your questions.

OPENING STATEMENT OF SENATOR SINEMA

Senator SINEMA. Thank you, Mr. Chair, and thank you to our witnesses for being here today.

During last week's hearing, we heard about coordinated security planning efforts between law enforcement and Federal partners for January 6th, including areas where planning could be improved. As part of this conversation, the Committee has heard about intelligence shared by the FBI Field Office in Norfolk, Virginia, on January 5th warning of extremists preparing to travel for "war." We also heard from the former Chief of U.S. Capitol Police that he never saw this report, and that on January 6th he knew of no intelligence suggesting there would be a coordinated violent attack on the U.S. Capitol.

The head of FBI's Washington Field Office has previously said publicly that the Bureau did not have intelligence suggesting the

rally would turn violent prior to the January 5th report. However, on January 8th, a podcast from the New York Times outlined activity across multiple social media platforms showing coordination between groups ahead of the January 6th attack. The podcast highlighted social media conversations about coordinating travel, bringing weapons, and using language like “Occupy the Capitol” and “The revolution will come to Washington.”

My first question is for Ms. Sanborn. Was the FBI aware of these specific conversations on social media?

Ms. SANBORN. To my knowledge, no, ma’am, and I would just sort of articulate why that is. So under our authorities, because being mindful of the First Amendment and our dual-headed mission to uphold the Constitution, we cannot collect First Amendment-protected activities without sort of the next step, which is the intent. We would have to have an already predicated investigation that allowed us access to those comms and/or a lead or a tip or a report from a community citizen or a fellow law enforcement partner for us to gather that information.

Senator SINEMA. The FBI does not monitor publicly available social media conversations?

Ms. SANBORN. Correct, ma’am. It is not within our authorities.

Senator SINEMA. My next question is for Ms. Sanborn and then Ms. Smislova. Did the preparations for the January 6th rally follow the typical process for sharing information among law enforcement entities when confronted by this type of an event with a high potential for violence? Were there additional processes implemented to consider that, as Senator Klobuchar pointed out, this was an event with Congress in session and the Vice President and Vice President-elect all gathered in one place?

Ms. SANBORN. Yes, ma’am, so a couple of things we did different than normal operations is we sent out and made this a national priority for all of our 56 field offices to actively go out and ask sources, collect information on any threats that posed to the National Capital Region (NCR), not only for the 6th but for the Inauguration. That tasking is what led to the potential collection in the Norfolk Field Office.

Also a step we took that is different than our normal everyday course of business is both Washington Field Office and headquarters stood up command posts, so we activated our National Crisis Coordination Center (NC3), which is a multi-agency task force that was 24/7 inside the Hoover Building, inside Strategic Information and Operations Center (SIOC), and Washington Field mirrored that in their field office.

Ms. SMISLOVA. Ma’am?

Senator SINEMA. Yes?

Ms. SMISLOVA. DHS also, I&A, had been on a heightened period of alert before the election and then after the election. We also participated in the command posts in the Washington Fusion Center. In retrospect, we may have been better off if we had considered sending out some kind of a terrorism bulletin, but we did not do that before January 6th.

Senator SINEMA. This is a question for both of you. The FBI Field Offices did have intelligence outlining a threat to Congress. We know that conversations were happening on publicly available so-

cial media, and DHS was tracking the travel of some of these suspected radicals.

Given all of these pieces, what in your opinion broke down and what got in the way of law enforcement properly planning to meet these publicly articulated threats?

Ms. SANBORN. I will start. I think exactly the processes we had in place we followed, and I think that is the good news. I think as you heard the Director yesterday, and I would echo, anytime there is an attack, we in the FBI want to bat a thousand, and we want to not ever have this planning again. We are asking ourselves exactly the questions that you are asking: Is there a place that we could have collected more? Is there something that we could have done? That is exactly what we are looking back at.

I think that the information we had, we worked quickly to try to get that out in reporting and share it in multiple ways—verbally, email, putting it in portals, et cetera. But 100 percent you can rest assured we are asking ourselves the same as we want to continue to improve and get better.

Ms. SMISLOVA. Ma'am, we also at DHS are completely dissatisfied with the result of our efforts leading up to January 6th. We are reexamining how we distribute our information, how we coordinate with our partners. We thought that it was sufficient, and clearly it was not.

We are also working much more focused on applying more resources to better understanding this particular threat. We also are looking at how we can better understand social media to get those tips and maybe get better insight into what this adversary is doing.

This is a very difficult threat for us and the intelligence community to understand. It will require more partnerships with non-traditional partners and with our standard State and local partners. You will see that we will reinforce our already good partnership with the FBI. We will do better.

Senator SINEMA. Thank you. Following up on that last comment around local partnerships, I wanted to go back to Ms. Sanborn. On January 5th the FBI did receive information that armed protests were being planned at capitol buildings in all 50 State capitals. Could you just briefly in the time we have left share how that intel was acted upon and how it was shared across the country?

Ms. SANBORN. Ma'am, I do not recall off the top of my head. I would have to get back to you on the mechanism that we did to share that information.

Senator SINEMA. Based on that response, would it be fair to assume that it was not a particularly high priority that there were armed protests planned at all 50 State capitols across the country?

Ms. SANBORN. No. It 100 percent was a high priority, and it definitely—for our mission and our focus, we were not on the 6th only focused on the National Capital Region. We were focused on the whole country, and so it 100 percent was a very important focus for us. I just cannot remember the mechanism of the document or whether it was an email, whether it was a joint product, how we passed that information, but we were concerned with it, and I know we disseminated it in some form, and I owe you that.

Senator SINEMA. Thank you. I will just have my team follow up with you.

Mr. Chair, I see that my time has expired. I yield back and thank you.

Chairman PETERS. Thank you.

Senator Padilla, you are recognized for your questions.

OPENING STATEMENT OF SENATOR PADILLA

Senator PADILLA. Thank you, Mr. Chair.

First a comment, then a question for the witnesses. I understand there are a lot of people saying they would like to see a reconstruction of the events of January 6th and how they came to be. For anybody genuinely interested, I would turn their attention to the House impeachment managers' presentation to the U.S. Senate from February 9th through the 13th.

My questions today, though, are in some ways a follow-up to yesterday's Judiciary Committee hearing where we heard from FBI Director Chris Wray, and I am going to quote from his testimony yesterday: "We are not aware of any widespread evidence of voter fraud much less that would have affected the outcome in the Presidential election."

Yet former President Trump and other people with influence continue to spread lies and disinformation about how the November 2020 election was stolen. Former President Trump continued this effort most recently at the Conservative Political Action Conference (CPAC) on Sunday, falsely claiming, and I will quote from him, "We did even better in the second election than we did in the first. I won the first. We won the second. We did much better."

Prior to joining the U.S. Senate, I served for six years as California's Secretary of State, which includes the responsibility of serving as California's chief elections officer for the most populous State in the Nation. I know Trump is lying. We all know Trump is lying. FBI Director Wray told us yesterday that one of the biggest challenges that government faces in confronting domestic terrorism is separating the signal from the noise. This was particularly true in the lead-up to the January 6th insurrection.

When people of influence, particularly former and current elected officials, continue to spread lies and disinformation about election integrity, I would imagine that creates a lot more noise, unnecessary noise, counterproductive noise, dangerous noise, for you all to have to sift through.

I suspect it also serves to radicalize some number of people to actually take action, including violent action, just as we have seen for years with jihadist propaganda and other forms of foreign terrorism.

My question for each of you—two questions, actually. One, does the perpetuation of disinformation about the 2020 election make your job harder? And how?

Second, what kind of message does the January 6th insurrection send to other domestic violent extremists and our foreign adversaries as well?

Ms. SANBORN. I will start. I think I would start with pinpointing the specific thing that drives somebody to mobilization is very difficult, and it is probably more complex in the domestic violent extremist space than any other of the terrorism threats we face. Why that is is what we have found in our investigations is domestic vio-

lent extremists not only are potentially doing what they are doing in an insular manner, but it is a combination of an ideology that they have, and what makes it different is a very unique personalized grievance. When those things combine, that appears to be what pushed them to mobilization. For every single individual we are trying to find that, but it is incredibly hard, and it relies a lot on their ability, post-disruption, to explain that process to that. That is something we are trying very hard to get to the bottom of on each of these cases.

Ms. SMISLOVA. Sir, we did warn in our national terrorism advisory system bulletin that we assess perceived grievances that are fueled by false narratives could continue to mobilize or incite people to commit violence. So to that extent, yes, false narratives are difficult.

Mr. SALESSES. Senator, the Department of Defense does not do domestic intelligence on U.S. citizens, but there is no tolerance for extremists in the ranks of the Defense Department. Secretary Austin within the first few weeks of taking over as the Secretary ordered a stand-down in the Defense Department, a 1-day stand-down to examine extremism, educate people, and make sure that we are doing everything we can to root that out.

General WALKER. Senator—

Senator PADILLA. I will spare you for a second because I want to make sure I get some clarity here. Now, I know these issues are complex. Your work is tremendously complex and challenging. But the answer to the first question, based on what I hear—tell me if you disagree—the question being, “Does this make your job harder?” The answer would be so far yes, yes, yes. Is that correct?

Ms. SANBORN. It is twofold. It is volume. Any more volume makes it harder. The more variety of things that inspire people definitely makes pinpointing it to a specific one challenges. A variety of inspiration combined with amount of rhetoric out there definitely are two things that add.

Senator PADILLA. OK. In the limited time I have left, I want to make sure we address the second question, which is, what message do you believe this is sending to other domestic violent extremists let alone foreign adversaries?

Ms. SMISLOVA. We do assess that the breach on the Capitol could inspire others to act, if that is what you are asking, sir.

Ms. SANBORN. I agree. Anytime an adversary is successful, others pay attention, and so we are worried that this would be an inspiration.

Mr. SALESSES. I agree with that.

General WALKER. I agree as well, sir.

Senator PADILLA. Thank you.

Thank you, Mr. Chair.

Chairman PETERS. Thank you, Senator.

Just for planning purposes, before I recognize the next member from my Committee, our witnesses, you have been here a long time, so what our plan is is to give you in the near future here a chance to stretch a little bit. I am going to recognize one more Senator from my Committee. Chairwoman Klobuchar will recognize one from her Committee. Then we will give you a five-minute break.

With that, Senator Rosen, you are recognized for your questions.

OPENING STATEMENT OF SENATOR ROSEN

Senator ROSEN. Thank you, Chairman Peters. I appreciate you and all the other Senators on the Rules Committee for bringing together this joint hearing. It is really important, and I appreciate everyone for being here.

In October 2020, DHS warned that, and I quote, “racially and ethnically motivated violent extremists, specifically white supremacist extremists, will remain the most persistent and lethal threat to the homeland,” and that, quoting again, “violent actors might target events related to the post-election period.”

According to a former DHS Assistant Secretary for Counterterrorism and Threat Prevention, the Office of Intelligence and Analysis was aware of the potential for violence on January 6th, and I quote again, “but for reasons of fear, did not want to formalize reports.” We know Senator Merkley asked you this question already. But, in fact, the day before the attacks, I&A sent a national summary to law enforcement partners stating that there was nothing significant to report.

DHS assessed white supremacists to be the most lethal threat to Americans, and if I&A was aware of domestic violent extremists mobilizing to cause violence on January 6th, then why didn’t the Department issue a formal intelligence warning that violence could occur? I ask this of Ms. Smislova.

Ms. SMISLOVA. Yes, ma’am. First, we have heard of that report that we supposedly sent out that said nothing significant to report, and we cannot locate that. I have no idea where that notion came from.

Senator ROSEN. Could you follow up with us on that report and see if you can find it or where we—

Ms. SMISLOVA. We have looked, ma’am, for a while. We do not have a copy of that report. That would not be an official report I&A sent out. It is possible, ma’am, that where it came from was maybe a phone call or something else where we said we had nothing additional to report. We did view the work that we had done prior to January 6th as being sufficiently specific and warning of the possible threat. Some of the reports we did distribute you just quoted from yourself, so it was our belief that those warnings were enough. Obviously, they were not.

We are working very hard now to do two things: one, get better specificity and insight into this particular threat; and then, second, understand better how our customers receive our products, read our products, who gets our products. It is unclear to us why they were not received and we were not better prepared for a possible attack.

Senator ROSEN. Thank you. Did I&A share any intelligence products with national fusion centers, relay information about possible violence on January 6th? Is Capitol Police part of the D.C. area fusion center?

Ms. SMISLOVA. Yes, we talked specifically to the Capitol Police in early December, made sure that they were in receipt of all of our products, and they received, again, the one we put out just a week before the attack that we co-authored with FBI National Counter-

terrorism Center. We know that all of our products do go to the National Network of Fusion Centers, and we, in fact, participated in a phone call that was sponsored by the National Network of Fusion Centers the day before, on January 5th, where we also reiterated our concerns that we were at a heightened threat environment, that this particular adversary could mobilize quickly, and most likely small cells, lone offenders, they would most likely come armed, and they were interested in attacking specifically government buildings and large gatherings.

Senator ROSEN. I appreciate that, but it seems like we were not exactly ready. So moving forward—

Ms. SMISLOVA. Correct.

Senator ROSEN [continuing]. I know you alluded that you are going to try to figure out where your product goes and who talks about it, but how are you going to specifically elevate I&A's assessment that white supremacists are the homeland's most lethal threat so that quality detail and informed intelligence actually reaches our communities, including our local law enforcement ahead of possible attacks so that we can prevent any loss of life certainly or other kinds of damage?

Ms. SMISLOVA. Yes, ma'am, and the Department is committed to doing that. Our Secretary is very committed to coming up with a whole-of-DHS approach to better combat domestic terrorism. We are working across the Department to understand how to better articulate the threat and deliver the threat and how to mitigate it with our State and local partners.

Senator ROSEN. Thank you. I want to move on because, the day before the insurrection, the FBI issued an internal warning that extremists planned to take part in violence on January 6th. Last week I asked Metro PD about the intelligence failures leading up to the attack. Acting Chief of Police Contee told me that FBI emailed MPD an alert bulletin warning about potential violence at 7 p.m. the night before the attack. Mr. Contee told me, again, I am going to quote here, "I would certainly think that something as violent as an insurrection at the Capitol would warrant a phone call or something." But yesterday FBI Director Wray shared that his information had been provided to local law enforcement multiple times and in multiple forms.

Ms. Sanborn, it sounds like either Mr. Contee or Director Wray was mistaken. Can you corroborate Director Wray's Statement? If indeed the warning was only sent in writing, why didn't the FBI go a little bit further? Why did it not alert local law enforcement about the possible violent insurrection in a manner more consistent with the gravity of the threat on our homeland?

Ms. SANBORN. Yes, ma'am, I appreciate the question. I think I will start with the information we received, just to correctly characterize what it was, was information off the Internet, unattributable to a specific person. That being said, the content and the suggestion of what may or may not happen was concerning enough that based on our prioritizing this as a collection priority for our 56 field offices, they quickly wrote that up and within the hour had that information to the Washington Field Office. They wrote it up in a document specifically for dissemination to State and local partners, but really they tried to belt-and-suspenders that together. They

wanted to make sure that we just did not rely on the dissemination of a product that we also followed up with an email so it went out in an email to all task force officers on the Washington JTTF, and there are numerous of those from the National Capital Region that received that email.

Still, on top of that, they did not want to rely on just the email and the written document. In one of the command post briefings that they were doing back then every couple of hours, they specifically stood up and talked about this to try to have a common operating picture of what this information was. Then, still, to go a step further and not rely on just that and make sure that we broadened the visibility not just to the National Capital Region, but that we opened that aperture to the whole country for our State and local partners, we posted that Situational Information Report on what we call the "LEEP portal," which is available to all State and local partners. Why that is significant is it gives them awareness, but it also gives them the opportunity to maybe even potentially add collection to our piece that we got from the social media posting online.

Senator ROSEN. Thank you. I know my time has expired, so I will take this question offline.

Chairwoman KLOBUCHAR. OK.

Senator ROSEN. But there are still many online threatening posts. We need to maybe change the definition of specific threats—

Chairwoman KLOBUCHAR. Thank you.

Senator ROSEN [continuing]. Raise them up. Thank you.

Chairwoman KLOBUCHAR. Very good thought, Senator Rosen.

Next, Senator Warner from the Rules Committee.

OPENING STATEMENT OF SENATOR WARNER

Senator WARNER. Thank you, Madam Chairman, and let me also agree with you and Senator Rosen that the cross-pollination that takes place on social media platforms and on the dark Web need to be pursued. I appreciate Ms. Sanborn's appropriate response that you cannot arbitrarily collect off of American citizens if there is not some nexus, but I do think it is important—and I think others had mentioned this—that, domestic violent extremists did not start with January 6th. They did not start with Donald Trump. They are not going to end with January 6th. They are not going to end with Donald Trump.

In my State, we saw a few years back the Unite the Right rally at Charlottesville where many of these same groups and affiliations came together in another violent effort where one protester was killed, and, unfortunately, we lost a couple members of our State police.

Director Wray has repeatedly said in testimony before the Intelligence Committee, the worldwide threat assessment, that domestic violent extremists are a major national security threat to this country. I personally believe that that message was downplayed during the previous administration because they did not want to hear it.

I want to start with Ms. Smislova and Assistant Director Sanborn. Director Sanborn, it is great to see you again. Recognizing the constraints that are placed upon you in terms of collec-

tions but also acknowledging that this threat has been around for some time and the FBI in particular has acknowledged that it is an extraordinary, major, severe threat, what have you both been able to do in engaging in open-source intelligence and independent research communities to better identify these DVEs? I know in the run-up to the January 6th insurrection there was research done by Harvard's Joan Donovan, Elon University's Megan Squire, as well as other researchers, that pointed to the fact that these DVEs and the affiliated groups, oftentimes groups that are working in conjunction with groups in Europe, were planning this effort. How are you, both DHS and FBI, utilizing these independent researchers, open-source activities, and making sure we have a better handle on it, recognizing the appropriate constraints on what you can do directly?

Ms. SMISLOVA. Yes, Senator, thank you for the question. We just last week met inside I&A to discuss contracting with some of those experts outside. We are aware that we need to invest more in our understanding of domestic terror. We understand as well that it will require a different approach than a traditional intelligence community approach. We must use different sources to understand this threat. We are looking to get outside experts, invest more in-house.

We are, second, looking at how to better understand the social media world so that we can better focus on where we might actually find specific and insightful information about what the adversary is thinking about.

We are additionally working to partner more with our State and local colleagues who we know have a different perspective of this threat and have more information in some cases than we do. We are also, again, partnering more across the Department and with our Federal partners, increasing our relationships with FBI.

Senator WARNER. Ms. Sanborn.

Ms. SANBORN. Thank you, Senator. Nice to see you again as well. I tried to say what we are trying to do, and I will put it in three buckets really for you. Increasing our private sector outreach is 100 percent. I have a section just inside my division that does nothing but partner engagement. We have found that the better we educate them on the threat we are facing and painting a picture for them of what those threats are, they are better able to pay attention and collect and refer information to us, and that is helpful. I think that is why when we talk about the fact that 50 percent of our tips and leads to our cases or predication for our cases come from that relationship and that education.

We are also, the same as my colleague said, using the State and local partners, so we leverage the fusion centers a lot and their ability and their expertise, and the Orange County Fusion Center in California is a great example of leading sort of the analytics of social media and leveraging their expertise to predicate cases, and they were actually behind the predication of the case, the base that we disrupted.

Last, I would say challenging ourselves for better collection inside, trying to point our sources and our collection to be in the right places to collect the intelligence that we need. That is what led to

the Norfolk SIR. That is us pointing our collection in a space that gathered that information.

Senator WARNER. I have to tell you, respectfully, I am pretty disappointed at both of your answers. This is not a new threat. We have seen since the 2016 election how foreign adversaries manipulate social media. We hear repeatedly from DHS and FBI that we are going to get better at collecting. We saw the Unite the Right rally in Charlottesville. We heard people say we are going to get better at collecting information and better partnering. Neither one of you referenced—there is literally a host of experts in academia, organizations like Graffica and others that are monitoring the DVEs and their activities, oftentimes in their connections to antigovernment groups in Europe, again, oftentimes amplified by nations like Russia.

We are always going to get ready, and then we are somehow surprised to see the kind of chaos that took place on January 6th. We cannot always be saying we are going to do better next time when this threat has been around for years. It is not going to disappear with Donald Trump. There has never been somebody that was as active in encouraging these kind of individuals, but we have to pick up our game. I do think the academic researchers are a tool that we need to better develop. I think we need to work on the intel side with some of our foreign partners. Many of these groups have connections to antigovernment extremists.

I will just close. I know my time has run out. This is not directed at you, Director Sanborn, but I had a number of senior conversations with FBI officials both January 5th and January 6th where I was constantly reassured, “Do not worry. We think from the FBI’s standpoint we have this pretty well under control.” That was not the case, and we now have the Capitol of the United States desecrated. For our adversaries, I would say from an intel standpoint that the Vladimir Putins and the Xi Jinpings of the world, the images of those marauders across the whole world is going to be a price that we will be paying for many years to come.

Thank you, Madam Chair.

Chairwoman KLOBUCHAR. Thank you very much, Senator Warner, and thank you for your work as Chair of the Intelligence Committee.

We are now going to break for 5 to 10 minutes, so we will be back at that moment. Thank you.

[Recess.]

Chairman PETERS. The Committee will come back to order. Senator Lankford, you are recognized for your questions.

OPENING STATEMENT OF SENATOR LANKFORD

Senator LANKFORD. Mr. Chairman, thank you very much for this. Witnesses, thank you. I appreciate your engagement. We are trying to all fill in blanks, and none of you have all the answers on this. We are not expecting this panel to be able to cover everything, but I do appreciate the gaps that you are helping us fill as we go through this conversation together.

Ms. Smislova, I want to ask you a couple of questions about the intelligence community (IC). I have read through some of the sensitive information that was sent out to law enforcement in advance

of January 6th. Obviously, many of these folks that are getting the report from Capitol Police and others, the Sergeant at Arms, they get reports like this similar every day. If I look at the reports prior to January 6th that are coming out from intelligence, I have a hard time looking at it and getting the context of how is this different than normal.

Help me understand for those reports, for someone who is reading these reports every day, how would they understand the context of what you are seeing or what the folks are seeing on the ground that is different than what they had seen three months before, six months before, a year before?

Ms. SMISLOVA. Yes, sir. That is a great question, and that is one that we are now reassessing. It was our view—again, when I prepared for this hearing and I looked at all of the work that we had done, specifically talking about the extremists that would be motivated by the dissatisfaction with the election results and also unhappy with some of the restrictions related to COVID-19, the reports are quite good. They are well written. They seem to summarize pretty succinctly—I mean, I look at them and I am proud of the team, which has produced twice as many reports on domestic terrorism this last year as they did the year before. But to your point, it might be hard to see that trend over time in the noise.

Looking backwards from now, what did not happen—right?—we are examining should there be different types of reports. Should we use some of the tools that DHS has such as the National Terrorism Advisory System. We have restarted the Counterterrorism Advisory Board, which was occurring monthly under the previous administration and had fallen off for a variety of reasons the last few years. We have restarted that. Secretary Mayorkas is challenging us all to do a better job when it comes to combating terrorism, domestic terrorism.

I guess that is a long way, sir, of saying we are taking a look at the reports that we have done. We will be engaging very directly with all of our stakeholders, asking them what we could do better, asking them how they might better receive the information. Should we put it in a different format? Is there some way we should remind them that this is an alert? It is hard, candidly, with the volume of information that we all receive daily.

Senator LANKFORD. Sure. You are getting a tremendous amount of that information that continues to be able to flow. But when I look at the reports and look at even the bottom line up front that is at the beginning of it, it all seems very standard to me. There does not seem to be an elevated risk.

Now, there are some details that come afterwards that, if you are reading through it, you could then elevate it. As you heard some Members on this Committee and others in the media have pulled out specific statements buried in a report and pulled it out and said, “How could you have missed this?”

Ms. SMISLOVA. Right.

Senator LANKFORD. But in the bottom line up front, it looks very standard. Here are the risks; here are the things that we are seeing. There does not seem to be something that would say, hey, this is higher than normal. If I can use the intel term, it seems to be “chatter.” Even in the report itself, it identifies multiple places.

This was one person on a social media sight, and they had one comment that they made. That would make someone think this is one person out there saying this. This does not look like a movement that is happening.

If that was accurate to say we are hearing some chatter on that, there has to be some way to be able to note that for the future, to be able to say elevate it more so than normal, higher than it was a week ago, some way to be able to show a trend line, whether it is bottom line up front, all the way through to say it is increasing in awareness on this. That is something that is fixable.

I would tell you my challenge from serving on the Intel Committee is seeing different reports that come through that are so carefully scripted, they say nothing. So getting as many pieces of raw information as possible, which are in some of these reports, but then to also make sure that the assessments and the statements are very clear, will help everyone in the process. We do reach moments where it becomes so politicized that we have to be able to turn down the volume of that particular word that at the end of it they do not say anything.

General, can I ask you a question on this as well? For any of the operations that Washington, DC, has or that you know of for other National Guard members, in any operation that you are going to be around—and you had, obviously, soldiers that were involved scattered around the city helping with traffic duties and such during the day. Do you get the threat assessments in advance the same as what Capitol Police and Metro Police would get? Because obviously you are assisting Metro Police. Would you get the same threat assessments that they get as they are leading up to the event so that you would have that for that event as well?

General WALKER. Yes, Senator, we do receive finished intelligence products.

Senator LANKFORD. OK. Are those helpful to you?

General WALKER. They are.

Senator LANKFORD. Good. Is there anything that you are missing when you go through those reports that you wish was there?

General WALKER. No, sir.

Senator LANKFORD. We would all love to see 20/20 into the future. I get that completely.

You have made several comments through the course of the day today that I have noted and in your statement itself where you stated, “The Secretary of the Army’s January 5th letter withheld authority for me to employ the Quick Reaction Force.” Now, we have talked about that, and several of us have brought it up. I want to ask a question. For the folks that were actually on traffic duty and such that were helping out that day and standing side by side with Metro Police to help them, were those folks armed with less lethal implements to be able to help in case there was a riot situation or an unruly crowd? Could they have engaged from where they were with less than lethal force?

General WALKER. They were not equipped with less than lethal, but they were equipped with force protection—helmets, shin guards, body protection.

Senator LANKFORD. Were they wearing those or were those in the vehicles?

General WALKER. They were in the vehicles.

Senator LANKFORD. They were in the vehicle, and my understanding is those were not military vehicles. They were unmarked vehicles rather than government vehicles. Is that accurate?

General WALKER. Yes, sir, they were U.S. General Services Administration (GSA) vehicles.

Senator LANKFORD. Got it. Then there was no overhead for your folks that were out that day. My understanding is there was a request from the Mayor to not have military vehicles, to not have helicopters up in the air that day in support. Would that have typically been something that you would have asked for in the past to be able to have some kind of overhead for a day like that?

General WALKER. No, sir, we would not have needed helicopters or any kind of air support for a mission like that, just simple traffic control. The Quick Reaction Force was available to support them if they needed it.

Senator LANKFORD. But they are physically how far away, as far as minutes? You do not have to say where they were exactly.

General WALKER. About 25 minutes away.

Senator LANKFORD. The Quick Reaction Force was 25 minutes away. Even if it was a go, we need you to be able to respond, it is 25 minutes on a good traffic situation to be able to get there, barring what is happening with the crowd.

General WALKER. We would have had a police escort. The District of Columbia has military police and security forces. Both have marked police vehicles with the emergency equipment, lights, sirens.

Senator LANKFORD. Right. To clarify, that is 40 individuals on that Quick Reaction Force. Is that correct?

General WALKER. Yes, sir.

Senator LANKFORD. OK. Thank you. Thank you all.

Chairwoman KLOBUCHAR. Thank you, Senator Lankford.

Next up, Senator King from the Rules Committee.

OPENING STATEMENT OF SENATOR KING

Senator KING. Thank you very much, Madam Chair, and thanks for holding this hearing.

A quick question for Mr. Salesses. I know the Defense Department has its own intelligence service, the Defense Intelligence Agency (DIA), and this is a question for the record. I would appreciate it if you would check and provide to the Committee whatever there are in the way of intelligence products that were available to the Department of Defense in the week prior to and particularly the day prior to January 6th. They can be submitted in a classified setting if there are issues of sources and methods. I do not know if there is any such material, but if there is, I hope you will make it available to the Committee.

General Walker, you are a very important witness today because you were in the midst of all of this, and you were in touch, and what we are really struggling with here is why that long delay. You testified earlier that in the summer the delay was a matter of minutes. This time it was a matter of three hours and 19 minutes, I think as Senator Portman said.

The question is: Was the delay caused in your judgment, from being on the various phone calls, by anything remotely resembling politics and a desire not to interfere with this particular group? Or was it because of—I think the word “blowback” has been used—the concerns about what had happened in the summer and the criticism that the Guard had taken for its actions at Lafayette Square or in other parts of the protests of the summer? What do you think was going on here in terms of why this matter took so long to respond to?

Mr. SALESSES. Senator King, I think it was a combination of both. In my judgment it was two factors. I had the benefit and comfort of having the Secretary of the Army collocated with me during the summer, so he was right next to me for pretty much that entire week, the first week of June, and I was in constant communication with him. I had his phone number, he had mine, and we communicated regularly. I did not have that benefit for January 6th, so there was some concern. I do not think it was so much of what the District of Columbia National Guard and Guard Nation did for June. I think it was more—the word that I kept hearing was the “optics” of it. There was concern that it could inflame the protesters. A uniformed presence of Guardsmen, U.S. Army, U.S. Air Force uniforms could inflame the protesters. That was a concern as well. That was a thought by Army senior leaders.

Senator KING. The optics that you mentioned, that has sort of in this context become a bit of a pejorative term. But what they were really worried about, in my understanding, is the visuals of armed troops and military vehicles and barriers surrounding the United States Capitol. Ironically, that is what we ended up with. But was that the concern that you discerned in those conversations?

General WALKER. Senator, nobody was talking about being armed on January 6th. We were talking about physical presence, civil disturbance, equipped Guardsmen to form a line with the United States Capitol Police and the Metropolitan Police to restore order and prevent the Capitol from being breached.

Senator KING. But there is no question that the day before or the days before, the city made it clear that they did not want the National Guard at the Capitol. Is that accurate?

General WALKER. No, sir. The city does not have standing at the Capitol. The Mayor’s request and the Director of Homeland Security Dr. Rodriguez’s request did not talk about the Capitol at all.

Senator KING. OK. The request from the city was directed toward the traffic control and those kinds of things, away from the Capitol?

General WALKER. Yes, sir.

Senator KING. Let us move from history to what we learned from this. In your view, should there be changes in the process or changes in the chain of command in an emergency situation to enable the National Guard, whether it is you here in the District of Columbia or a National Guard unit in New York or San Francisco or Austin, Texas, should this be something that we are concerned about? The three hours of reaction in a true emergency situation seems to be something we need to figure out how to avoid.

General WALKER. If I can answer it two ways, I think you should be concerned that Chief Sund was not allowed to contact me and

ask for help in advance. Then we could have had the right forces positioned to support the Capitol Police and protect the Capitol. That is one.

No. 2, the request did take too long—the response to the request took too long, so I think there needs to be a study done to make sure that that never happens again. It should not take three hours to either say yes or no to an urgent request from either the Capitol Police, the Park Police, the Metropolitan Police Department. In an event like that where everybody saw it, it should not take three hours. But before that would have happened, I think the Capitol Police should have been empowered to request National Guard assistance in enough time that we would have been there ready, to have a large Quick Reaction Force sitting possibly at the Armory, possibly closer, to be ready to respond and not be late to any—

Senator KING. The limitation on the Capitol Police ability to liaise with you prior to the event was an issue, but I want to get to the larger issue of being able to react, and should we have contingency plans, should there be an after-action assessment within the Department of Defense about those three hours and how to empower the local leadership such as yourself to react in an extraordinary emergency so that you do not have to go through whatever it was that caused the delay, whether it was communication or chain of command or consultation? But clearly, again, this could be an emergency in another city under entirely different circumstances. Don't you think it would be prudent for us to have a contingency plan that would be—

General WALKER. Of course. Yes, sir.

Senator KING [continuing]. More expeditious?

General WALKER. So emergency authority, to act in an emergency, to witness what occurred and to be able to respond, yes, I think going forward the Department of Defense should consider how the District of Columbia National Guard is able to respond in a much more expeditious manner.

Senator KING. Or the National Guard in other parts of the country. Thank you very much, General, for your testimony.

General WALKER. Yes, sir.

Senator KING. Thanks to all of you, and thank you, Madam Chair, again, for this important hearing.

Chairman PETERS. Thank you. During today's testimony, two memos have been discussed, one on January 4th and one on January 5th from Ryan McCarthy to Major General William Walker. One of those documents has already been entered into the record. Without objection, I would like to enter the memo dated the January 5, 2021 from Ryan McCarthy to General Walker. Without objection, that will be entered.¹

With that, Senator Carper, you are recognized for your questions.

OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Thanks. Can you hear me, Mr. Chairman?

Chairman PETERS. I can, loud and clear.

Senator CARPER. Thanks so much. Thanks to our witnesses for joining us today and for your input. I have been a Member of this

¹The memo referenced by Senator Peters appear in the Appendix on page 297.

Committee, Homeland Security and Governmental Affairs, for 20 years, and one of my favorite memories of serving on this Committee came at the end of a tragedy, and that was the attack on 9/11, and the bipartisan commission we created, the co-Chairs were Lee Hamilton, one of my mentors in the House of Representatives, Congressman from Indiana, as I recall, who chaired the Senate Foreign Relations Committee (SFRC), and a fellow who was a Governor from our neighboring State of New Jersey, Tom Kean, a Republican. The two of them provided great leadership. The panel included former Secretary of the Navy John Lehman. They worked together on the heels of 9/11 and produced unanimously I think something like 41 recommendations to the Congress and the President at the time, George W. Bush. And we enacted I think about 36 of them, which is pretty amazing when you think about how hard it is to get stuff done around here today.

I have a question. I think we should create a 9/11 style commission to look at the failures that led to the devastating attack on our Capitol on January 6th just like we needed one 19 years ago.

A question, if I can, for Ms. Sanborn. Do you agree with the need for a commission like the 9/11 Commission, nonpartisan, led by just terrific citizens that would be—do you agree with the need for a commission to analyze what went wrong?

Ms. SANBORN. Sorry, you broke up a little bit, but I think you are asking me if I agree that something similar to the—

Senator CARPER. I can barely hear you.

Ms. SANBORN. I think you asked me—you were breaking up a little bit and hard to hear—do I agree that something similar to a 9/11 Commission is worth having in this instance, and I think I would—

Senator CARPER. That was my question, yes.

Ms. SANBORN. I think I would just say it this way: I have been involved in numerous after-action lessons learned, and I cannot think of a time where we have not learned and improved. I think anytime we can reflect back and learn, it is value-added.

Senator CARPER. A follow-up question, if I could. How can we ensure that a new 9/11 style commission examines the root causes, not just the symptoms or problems—I am a big root cause guy. But how can we make sure that if we were to establish a 9/11 style commission it would examine the root causes? That includes the threats posed by domestic terrorists.

Ms. SANBORN. If I understand your question, you are asking me how do we ensure we have a 9/11 Commission that is set up to do a good job, and I do not know that I—

Senator CARPER. Something not just looking at the symptoms of the problem but the root causes of the problem.

Ms. SANBORN. The root cause. I do not have any specific examples of how best to set that up. I have never been necessarily involved in picking sort of the road ahead and picking and selecting the team that does the review, but I have always benefited from the review.

Senator CARPER. Maybe part of it is for Members of Congress to make clear if there were to be a commission, our efforts should certainly include focusing on the root causes of the threat posed by do-

mestic terrorism and make sure that the leaders of that bipartisan commission are committed to examine the root causes.

A second question, if I can, for Ms. Sanborn. This is a question related to the intelligence failure. A large part of our conversation from last week's hearing focused on raw intelligence from the FBI that was shared I believe by email just the evening before, on January 5th, with a lower-level person at the Metropolitan Police Department, and it was not shared with any senior official, even though we had seen in the actual intelligence that something awful was going to happen the next day that could lead to murder and mayhem.

Chairwoman KLOBUCHAR. Senator Carper, it is a little hard to hear you. You might want to speak a little louder and slower. Yes, it is not you.

Senator CARPER. Usually it is me, but this time I think it is not. But I guess my question is: What happened? Somebody knew something awful could happen. Somebody knew. They sent an email the evening before the event. Why wouldn't somebody pick up the phone and call a senior official and say, "We have this information," and we were like 12 hours away, we need to do something. Somebody sent an email. Ms. Sanborn, could you just shed some light on how exactly we missed some of the grave warning signs until like the very last minute?

Ms. SANBORN. Thank you for the question, sir. I think I will start with the piece of information we received, again, was a nonattributable posting to a message board, and so very raw, very unvetted. We actually did not receive that information until very late in the afternoon on the 5th and almost into the evening. Because of our emphasis on we need any intelligence, even though it was raw, unattributed, and unvetted, the Norfolk office quickly wrote that up specifically in a document following our processes to disseminate that. A Situational Information Report is for the intentional purpose of sharing that with State and local partners. Not only did they write that up, because they knew how important it was to get that information out into hands of folks that might need it, our State and local partners, within 40 minutes they sent an email to the Washington Field Office with that information, and Washington Field Office also then followed up with an email to all task force officers. Several different mechanisms happened here, and, we like to use the phrase "belt and suspenders." We did not want to make sure that one method of communication failed, so we wrote it up in the document for dissemination. We sent it in an email to all task force officers in the National Capital Region, and that does include Washington Metro as well as Capitol. But, again, not wanting to rely on those two mechanisms only, it was then briefed verbally in a command post, an interagency command post that we were doing briefings every couple of hours so that every agency in that command post had what we call a "common operating picture," knowing what all of us knew at any given time. It was briefed at 8 p.m. on the evening of the 5th.

Then taking it one step further, because we did not want to limit our aperture to just the National Capital Region, because there is collection opportunity for all State and local partners and Federal partners to help us, we loaded that suspicious information report

into what we call the “LEEP portal,” and that is accessible by all State and local partners.

We really tried in various ways to make sure that we did not rely on one communication mechanism and really tried to rely on several so that the information would get to the right people.

Senator CARPER. I will close with this. I do not know if anybody picked up the phone and called somebody in charge and said, “We have a problem here, and we are 12 hours away from seeing that problem up front and in person. We need to do something.” All well and good about sending out emails and copying people and that sort of thing, but somebody should have just picked up the phone and said, “We need to do something. This is urgent.” I am not sure that that happened.

Thank you.

Chairwoman KLOBUCHAR. Thank you very much, Senator Carper.

OPENING STATEMENT OF SENATOR OSSOFF

Next, Senator Ossoff.

Senator OSSOFF. Thank you, Madam Chair. Thank you to the panel. General, thank you for your service.

In response to Senator King a moment ago, he noted your testimony from earlier today that you had seen the requisite authorities granted for the D.C. Guard in a matter of minutes in the past. In this case, it took over three hours. You stated you believed it was a combination of political concerns and optical concerns that led to that delay. Can you please break down which concerns you believe were political, which you believe were optical? What is the basis for your assessment that the three-hour delay was a function of political and optical concerns?

General WALKER. I do not think it was so much political. It was let me focus on the optics, because that is what I heard, the word “optics,” and the word that having uniformed presence at the Capitol could inflame the protesters.

Senator OSSOFF. Who made that statement?

General WALKER. That was senior leaders in the United States Army, General Piatt, General Flynn, and others. They got back to me saying—and that was on the phone call with District of Columbia senior leaders that it would not be their best military advice to send uniformed Guardsmen to the Capitol because they did not like the optics. They had also said that they thought it could inflame—what they wanted to do was send Guardsmen to relieve police officers in the city so more policemen could get to the Capitol.

Senator OSSOFF. That was the call at 2:30 p.m. following the Chief’s call to you. Is that correct, General?

General WALKER. Yes, sir.

Senator OSSOFF. You conveyed to those on that call, who included the Mayor of the District of Columbia, the Secretary of the Army, the Acting Secretary of Defense, and the Chairman of the Joint Chiefs, the fact that the U.S. Capitol Police Chief’s tone had been, as you describe in your testimony, “frantic,” that he had informed you at 1:49 p.m. that the security perimeter at the Capitol had been breached by hostile rioters, that the Joint Session of Con-

gress had been interrupted, that the Vice President was still on the premises?

General WALKER. No, I never said all that. What I relayed—and it was not to the Chairman. What I relayed to the Army leadership was the call that Chief Sund had with me at 1349, at 1:49 p.m., and that it was an urgent plea, and his voice was cracking, and he was serious. He needed help right then and there, every available Guardsman.

At the 2:32 p.m. call, that is when the Deputy Mayor was on the call, the Director of Homeland Security, Acting Chief Contee, Chief Sund, and others to include the Chief of the United States Secret Service Uniformed Division was on that call as well. We dialed in trying to get the Secretary of the Army on the call, but he was not available, the G3 or the Director of Plans, Operations, and Training (DPOT) for the Army, General Flynn, joined the call, and the Director of the Army Staff, General Piatt, joined the call, and there were others on the call as well. During that call Chief Sund pleaded to have National Guard support at the Capitol immediately. That was reinforced by Chief Contee: “We need them there right now. The Capitol will be breached.”

Senator OSSOFF. Thank you for the clarification, General. I appreciate that.

Mr. Salesses, between 2:30 p.m. and 4:32 p.m., what were the internal deliberations of the Department of Defense to determine whether or not to grant the request?

Mr. SALESSES. Senator, there was discussion. Secretary McCarthy, who was the Secretary of the Army at the time, asked what was the National Guard going to do on the Capitol.

Secretary McCarthy wanted to understand exactly how the National Guard was going to be employed coming to the Capitol. Because they had heard that gunshots had been fired, there was explosives, obviously a pretty dynamic environment. What he was trying to understand was what was the National Guard going to do when they came up here? Were they going to be asked to go into the building and clear the building? Were they going to be part of the outside perimeter? He was trying to understand that. He went as far as going to the Metro Police Department at 4:10 p.m. to sit down with them and make a clear understanding of how they were going to be employed.

After that meeting at 4:10 p.m., he went back to the Acting Secretary of Defense, and at 4:32 p.m. he approved the deployment of the National Guard.

Senator OSSOFF. Thank you. He was aware, was he not, while he was conducting this analysis, that the nature of the Chief’s request as relayed through the general had been frantic, that the perimeter of the Capitol had already been breached, that Members of Congress’ lives were at risk, that the Vice President’s life was at risk?

Mr. SALESSES. I would assume he knew that, Senator.

Senator OSSOFF. He was of that during that time. Thank you so much.

I do have to reflect for a moment that ultimately responsibility for securing this conflict falls to the U.S. Congress, which is responsible for these premises. I was dispirited speaking with the former Chief in our last hearing when he described that there was

no individual responsible for the security of the United States Capitol, that an urgent request for support from the Guard required concurrence with the two Sergeant at Arms, an unwieldy command structure, and then there was an unwieldy command structure imposed within the Executive Branch as well.

General, based upon your military experience, is there any reason why the United States Capitol Police could not generate the capabilities to independently provide the kind of Quick Reaction Force that the troops under your command would have so that this institution, the U.S. Congress, is not dependent upon swift decisionmaking by the Secretary of the Army or concurrence between civilian and military leadership when the lives of Members of Congress and the Vice President are at risk?

General WALKER. Yes, Senator, the United States Capitol Police could develop that capability. I mean, they certainly could.

Senator OSSOFF. Thank you, General, and a final question for you. Had you conducted any exercises that included simulations of civilian-military joint decisionmaking, simulations of command decisions involving contingencies that threatened the functioning of the U.S. Congress, the lives of Members of Congress, Joint Sessions of Congress, outside of the context of specific preparations for specific National Special Security Events?

General WALKER. No, sir.

Senator OSSOFF. Might exercises such as those have improved the capacity of the overall command to respond to an event like this.

General WALKER. We were prepared to come to the Capitol and help the United States Capitol Police secure the Capitol. Here is what we do. We practice and rehearse civil disturbance. I think we are well exercised in that capability. It is a mandate that all National Guard practices civil disturbance. We are equipped for it, we train for it, and we are prepared to do it when called upon. If we had been approved to do it, we would have there and helped the United States Capitol Police.

Senator OSSOFF. Understood, General, and I have no doubt that the forces under your command were appropriately trained and qualified.

General WALKER. And equipped.

Senator OSSOFF. Equipped. My question is whether any exercises had been undertaken that simulated the command decisions that would need to be made, the requests that you would need to make, for example, at the Secretary level in order to allow your troops, which were properly trained and equipped and had those capabilities—

General WALKER. Senator, they are already there. That is a process that is well rehearsed, well practiced. We do it most of all with the Metropolitan Police Department. They are our primary customer. But if you recall when the monuments were attacked in the summer, the Department of Interior, on behalf of the United States Park Police, exercised that same request. The Secretary of Defense authorized the District of Columbia National Guard to respond to monuments in the city and help the Park Police protect those monuments.

Senator OSSOFF. Thank you, General.

General WALKER. It was the same process.
 Senator OSSOFF. Thank you for your testimony.
 Thank you, Madam Chair.
 Chairman PETERS. Thank you, Senator.
 Senator Paul, you are recognized for your questions.

OPENING STATEMENT OF SENATOR PAUL

Senator PAUL. I think there is a danger in analyzing this of spending too much time on January 6th and not enough time on the days and weeks and months leading up to this. I think on that day it would probably be superhuman to have gotten the National Guard there in 20 minutes or 30 minutes. You might have, but really I think the Capitol would have been breached, and we would have been coming in after the fact, no matter how good you were.

I think really there is a judgment question about whether or not we should have had more people there. In retrospect, we all agree there should have been more people there. But, really, this is the judgment that should call into question predating that. Should we have had more Capitol Hill Police there? My understanding is there were over a thousand Capitol Police that were either off duty or not here, that could have and probably in retrospect better judgment would have had them in there, and we would have had riot lines, and we might have prevented this from happening.

I think we can talk all we want about January 6th but, really, it is the decisionmaking leading up to that. Someone made a bad judgment call, and we need to be better prepared. If we are going to fix this in the future, it is not about calling the National Guard out quicker. It is about having a thousand people standing there before the riot happens so the riot does not happen. That is where the real mistake is, and I think we can get too bogged down on the details of January 6th and forget about what could have actually fixed this.

Ms. Sanborn, in the investigation afterwards, did the FBI or any intelligence-gathering entity of Government subpoena requests or issue a warrant for non-individualized phone and credit card records for anyone on Capitol Hill on January 6th?

Ms. SANBORN. I do not have the specific answer to a specific subpoena, but I do know that we have issued lots of subpoenas and lots of search warrants as a result of each of those—

Senator PAUL. My question is not toward individuals. Like if you see John Smith on a video, I am fine with looking at his records. My question is: Did you have a generalized collection of data about people who were on the Hill on January 6th?

Ms. SANBORN. Not that I am aware of. I do know that we have used data—and this is reflected in some of the charging documents—that had geolocation data. I do not know the background for what the underlying predicate was for that search warrant, but I do know that we obtained geolocation data. I just do not have the predication—

Senator PAUL. Do you understand the potential problem here if you gather everybody's data—

Ms. SANBORN. I do.

Senator PAUL [continuing]. Then start searching through it and looking for people who might have done something wrong as op-

posed to the traditional law enforcement where we think John Smith is on a video breaking into the Capitol, now we want to look at his records and see if he was there to help prove he was there. I think that is a reasonable request. But we have had articles written about the Bank of America sharing all of people's credit card information. What I need to know is: Did you request it? Did you subpoena it? Did the Bank of America just decide they do not care about the privacy of their customers and just upload everybody's data? These are important questions.

The Fourth Amendment is out there to protect against generalized searches, and I think you know the importance. Most people in law enforcement know the importance of you individualize. We are all fine with that. But there are even reports that elected Members of Congress' phone calls, records, as well as credit card records are in some of this data. Have you heard of that or seen any of that?

Ms. SANBORN. I do not have any specifics on that, sir. I would be happy to follow up.

Senator PAUL. All right. If we want to get the answer, we just need to direct it to the Director of the FBI?

Ms. SANBORN. I mean, you can direct it—I am happy to follow up and answer the question for you.

Senator PAUL. All right, but you have not personally seen any of that or seen any cross-referencing of records between a general category to try to find individuals as opposed to have an individual and then looking at data?

Ms. SANBORN. No, again, sir, I do not know what went into the background for the application for the search warrant, so I would like to follow up and get you that detail. I do know that we did receive information from private partners. I would also like to follow up on that specific detail about Bank of America for you as well.

Senator PAUL. But you do not know the answer?

Ms. SANBORN. I do not.

[The information referred to follows:]

Senator PAUL. OK. I think it is very important. Everybody wants to get to the bottom of this, but it also very important that we not have some huge dragnet that everybody that went shopping on January 6th in D.C. is now a suspect and going to be charged with some kind of conspiracy that could be 20 years in prison. As we do the investigation, it is important that those who committed violence are treated accordingly and given significant penalties. But I think it is also important that those of us who have been for criminal justice reform, for poor, underrepresented people in our cities, also want the same kind of justice here that we are not charging people with crimes that are 20 years for doing something that was admittedly wrong and they should be punished for. But there is a difference between assaulting a policeman and causing bodily harm, which I think requires jail time, and, being present at the Capitol. I worry that if we are going to look at everybody's phone shopping records and 20,000 people were here, I hope that is not what is going on, is that we are looking for anybody in D.C. and we are going to just develop a case out of nothing without having seen them actually commit some sort of crime.

Ms. SANBORN. Yes, sir, I totally understand. I would like to follow up on both of those. Again, I am not clear on what went into the application for the phone data. I do know we have phone data. I am aware of the Bank of America situation and would like to follow up in detail with you on that.

Senator PAUL. My suspicion is it was gotten in a generalized way because we have very little concern for individual privacy anymore, and the warrant requirements and some of the court precedents allow the FBI to gather this, which is something I object to, but gathering things in a large way, not specific to an individual, not specific to probable cause, and not specific to someone alleged to have found a crime, but more a dragnet of, hey, let us just look at all the phone data on Capitol Hill. I want you to know that there are at least some of us in this country who do not like that.

Chairman PETERS. Senator Hawley, you are recognized for your questions.

OPENING STATEMENT OF SENATOR HAWLEY

Senator HAWLEY. Thank you, Mr. Chairman and Madam Chair. Thank you, witnesses, for being here.

General Walker, let me start with you, if I could. You have testified to several Senators today that you faced restrictions for the deployment of the Quick Reaction Force that you had assembled, and those are restrictions that you had not had to deal with before. Is that broadly correct?

General WALKER. That is correct.

Senator HAWLEY. What is your understanding for why those restrictions were put in place?

General WALKER. Senator, it was never really explained to me. I am a major general. I do not question the people above me. The Secretary of the Army is the Secretary of the Army; the Secretary of Defense is the Secretary of Defense. I had restrictions that were unusual to me. I had not had them in the past.

Senator HAWLEY. Mr. Salesses, let me ask you about your response to this. You said something earlier to Senator Portman that caught my attention. You said to him, when he was asking about this same issue, you said, and I am quoting you now, "several things happened in the spring" that may have led to these changes. What are you referring to there?

Mr. SALESSES. Senator, what I am referring to is there were a number of incidents in the spring where we helicopters flying above U.S. citizens; we had spy planes, RC-26, flying over folks who were protesting. We also had law enforcement officers that were in military uniforms, which sometimes confused people. When the new Secretary came in, he wanted to make sure that he had guidance on making decisions.

Now, I will point out, Senator, that the Secretary of Defense is the only authority to order military personnel into civil disturbance operations. That is the Secretary of Defense. This is more clarifying information because it talks about not just civil disturbance; it talks about using helicopters, using planes, using types of equipment. That is why the memo was published, was for that reason, because of the events in the spring. The Secretary of Defense wanted to have that authority vested in him. It was a very clear chain

of command. It went from the Secretary of Defense to the Secretary of the Army to General Walker.

Senator HAWLEY. Thank you for that answer. If I understand you correctly, the events of the spring, which we are all familiar with—I mean, we had the attack on the White House where 60 Secret Service officers were injured. The President had to be evacuated into a bunker. The church across the street was lit on fire. We had the incidents in Portland, Oregon, where 277 Federal officers were injured at the Federal courthouse there. We had rioting in various other cities across the country, including Washington. This, of course, was politically controversial, the use of the National Guard in some of those incidents, the use of the National Guard here in Washington, DC.

The Washington Post even reported on this. For instance, June 4, 2020, “Humvees, helicopters, and the National Guard: D.C. officials push back on show of Federal force on city streets.”

Then from January 4th—this is still the Post: “National Guard activated for D.C. protest with more restraints than in June.”

Is the picture here, Mr. Salesses, if I have this right, that we had these—we had riots. We had civil unrest in the summer. The National Guard was involved in some of these to some extent. That was politically controversial, as journalists at the time documented, I am sure people watching this are very familiar with. That then led in some way to this reaction, well, we are going to be careful, we are going to be more careful, we are going to put some restraints on how we deploy the Guard that we previously have not before. Have I got that correct?

General WALKER. You do, Senator. That is exactly what happened, Senator.

Senator HAWLEY. OK.

General WALKER. Just to call into mind that we had a new Secretary, too. Secretary Esper had left. Secretary Miller came in. He was aware of the events, and he wanted to make the decisions at his level.

Senator HAWLEY. Right. Got it. I think that is helpful. I think that is very helpful clarifying testimony. I think that is something that this Committee—or Committees and Congress is going to have to grapple with as we go forward, that there was a political reaction to events from over the summer, and that political reaction resulted in restraints being put on Guard deployment that ultimately ended up being dangerous on the day here, on January the 6th.

Ms. Sanborn, can I come to you for a second and just follow up on something that Senator Paul was asking about? I had the chance to talk with Director Wray yesterday in the Judiciary Committee in a wide-ranging hearing there, and one of the things I asked him about were these reports about private companies who have conducted broad searches of their customer databases and according to reports, turned over this information voluntarily. He said he did not know one way or the other. I heard you give a similar response to Senator Paul. You said you would follow up with him. Can I ask you to do the same with me with specifics about that?

Ms. SANBORN. Absolutely.

Senator HAWLEY. Thank you. Let me just ask you a little more broadly, to your knowledge, has the FBI requested or required private companies to turn over metadata in order to identify individuals who may have been present in the Capital Region or engaged in violence on the 6th?

Ms. SANBORN. Anything we would have requested from any of those companies would have been via subpoena or search warrant, so via lawful process. I would have to get you the background of when we may have asked for that or not. I am not positive of the situation, but I just would reiterate that if we obtain that, it would be from a lawful court order or a subpoena.

Senator HAWLEY. Director Wray gave me a similar answer yesterday, but he similarly said he did not know of the specifics. That was his language, he did not actually know if there had been any such requests or not. I think he also went on to say he would not be surprised, but he just did not know. You are telling me you do not have any additional knowledge of the specifics?

Ms. SANBORN. I am definitely not aware of a situation where we requested it. Whether or not somebody offered it, both of those are things I would like to follow up. Any request would have come with legal process. Whether it was offered to us voluntarily, that is where I would like to follow up. I know you specifically mentioned Bank of America to him yesterday. I am aware of that situation and would like to follow up with you on it.

Senator HAWLEY. OK, great. But you are not aware of any request made by the Bureau?

Ms. SANBORN. Not outside legal process.

Senator HAWLEY. OK. Got it. Are you aware if any of these methods that have been reported using metadata, cell phone location data, financial data, were any of these used by the FBI during Operation Legend or any other investigations over the summer related to civil violence then?

Ms. SANBORN. I am not aware, sir. That would be my counterpart, but happy to follow up and have him follow up with you.

Senator HAWLEY. That would be great. I would appreciate that. Thank you all for being here and for your service.

Thank you, Mr. Chairman.

Chairwoman KLOBUCHAR. Senator Cruz from the Rules Committee.

OPENING STATEMENT OF SENATOR CRUZ

Senator CRUZ. Thank you, Madam Chair. Thank you to each of the witnesses for being here. Thank you for your service helping keep this country safe.

As we look back on the terror attack that played out in the Capitol on January 6th, it is apparent that far more should have been done to keep the Capitol safe and to stop the attack beforehand. There were multiple factors that led to that not being done and to there not being a sufficient law enforcement presence to prevent violent criminals from carrying out that terror attack.

On January 5th, the day before the attack, D.C. Mayor Muriel Bowser sent out a tweet. That tweet read, "To be clear, the District of Columbia is not requesting other Federal law enforcement personnel and discourages any additional deployment without imme-

diate notification to and consultation with MPD if such plans are underway.”

The tweet that she sent attached a letter that she sent to the Department of Justice and the Department of Defense. That letter in turn reads as follows: “As the law enforcement agency charged with protecting residents and visitors throughout the District of Columbia, the Metropolitan Police Department is prepared for this week’s First Amendment activities. MPD has coordinated with its Federal partners, namely, the U.S. Park Police, U.S. Capitol Police, and U.S. Secret Service, all of whom regularly have uniformed personnel protecting Federal assets in the District of Columbia.”

“This week MPD has additional logistical support of unarmed members of the D.C. National Guard who will work at the direction of and in coordination with MPD. The District of Columbia Government has not requested personnel from any other Federal law enforcement agencies. To avoid confusion, we ask that any request for additional assistance be coordinating using the same process and procedures. We are mindful that in 2020 MPD was expected to perform the demanding tasks of policing large crowds while working around unidentifiable personnel deployed in the District of Columbia without proper coordination. Unidentifiable personnel, in many cases armed, cause confusion among residents and visitors and could become a national security threat in no way for MPD and Federal law enforcement to decipher armed groups.”

“To be clear, the District of Columbia is not requesting other Federal law enforcement personnel and discourages any additional deployment without immediate notification to and consultation with MPD if such plans are underway. The protections of persons and property is our utmost concern and responsibility. MPD is well trained and prepared to lead the law enforcement coordination and response to allow for the peaceful demonstration of First Amendment rights in the District of Columbia.”

Signed, “Muriel Bowser, Mayor.”

So in hindsight, that letter seems incredibly ill advised. Now, hindsight is always 20/20. But to what extent did the District of Columbia’s explicitly asking for no additional Federal personnel impact the decisionmaking of your respective agencies?

Mr. SALESSES. Senator, I will go first. In my oral statement this morning, I mentioned that letter because it did—it was a communication that they were looking for no more support. On top of that, Senator, we also contacted all the Federal law enforcement organizations—Secret Service, Park Police, Marshals, FBI, and Capitol Police—over the weekend of the 2nd and 3rd of January, just to make sure that the Department of Defense, if additional support was going to be needed, that we would obviously provide that support. We did that over the weekend. Then we receive that letter on the 5th, and based on that it was clear that there was no additional support needed for our law enforcement partners or the city—the District, rather.

Senator CRUZ. Let me follow up on that, Mr. Saleses. Mr. Sund, who testified before the Senate last week, said that he had requested the support of the D.C. National Guard on January 6th, but that the Army Secretary denied his request saying, “I do not

like the visual of the National Guard standing aligned with the Capitol in the background.” Is that accurate?

Mr. SALESSES. Senator, I am not aware of the Secretary of the Army talking to Chief Sund about the D.C. National Guard and the Capitol. It has been reported by others that there were other folks that made that contention to the D.C.—I mean the Capitol Police, but I am not aware of the Secretary of the Army doing that. In fact, nobody in the chain of command disapproved the request on the 6th of January from the Capitol Police. Nobody disapproved it.

Senator CRUZ. The various authorizing memoranda from January 4th and January 5th suggest that the National Guard was significantly restricted on the 6th. While Ryan McCarthy, the former Secretary of the Army, approved the D.C. National Guard to support MPD in some ways, he expressly withheld authority to employ the Quick Reaction Force, and he lacked authority to authorize the issuance of weapons and riot gear, among other things.

Could you please explain what you understand to be the restrictions placed on the Guard?

Mr. SALESSES. Senator, again, there is a very strict chain of command for the D.C. National Guard. It runs from the Secretary of Defense to the Secretary of the Army to the D.C. Guard Commanding General, General Walker. Anytime the military is going to deploy the civil disturbance operations, it requires the Secretary of Defense’s approval. The memos that were published on the 4th of January and respectively on the 5th of January, those were to provide additional guidance to, number one, the memo on the 4th from the Secretary of Defense to the Secretary of the Army. He wanted to make decisions if the National Guard was going to be employed in any kind of operation that required helicopters, bayonets, the things that are on the letter.

Subsequently, the Secretary of the Army published the memo on the 5th stating that this is how he expected the D.C. National Guard to be employed at the traffic stops, the Metro stations, and if the QRF that was positioned at Andrews Air Force Base was going to be used, he wanted to understand exactly how that was going to be used through a concept of operations. That is what those documents—

Senator CRUZ. General Walker, could you answer the same question and, in particular, whether you had the authority to employ a Quick Reaction Force prior to January 6th? Would that have potentially made a difference on January 6th if you had been able to do so?

General WALKER. Senator Cruz, I would have had that authority prior to January 6th to employ, direct a Quick Reaction Force. The Secretary of Defense, his letter authorizes me to use the Quick Reaction Force and it says “only as a last resort,” where the Secretary of the Army, his direction to me withholds the authority to use the Quick Reaction Force, and he will only authorize that and only after he has a concept of operations sent to him, a CONOP sent to him. That was a restriction that was unusual to me. I had never seen that before.

Senator CRUZ. Madam Chair, I would ask unanimous consent that both the tweet and the letter from D.C. Mayor Muriel Bowser be entered into the record.¹

Chairwoman KLOBUCHAR. Without objection, it will be entered in the record.

Senator CRUZ. Thank you.

Chairman PETERS. I think we are starting to wrap up this hearing, and I want to thank the witnesses again for your testimony. But I have a couple quick questions, and I know Chairwoman Klobuchar has a couple, and then we will have some closing comments.

I guess I will start with these two questions and the preface. I am going to start these questions where I started my questions initially with the events that happened in the summer of 2020 where authorization happened very quickly for the National Guard. There was no delay. You were immediately deployed, General Walker, and yet it happened differently on January 6th. Part of that is some of the surveillance.

My first question for you, Ms. Sanborn, it has been reported that the FBI deployed its state-of-the-art surveillance plane to watch the protests that occurred in Washington, DC, over the summer in response to the death of George Floyd. How do you explain the difference in how the FBI responded to the Black Lives Matter (BLM) protest compared to the pro-Trump protest?

Ms. SANBORN. I do not have any specifics on the plane. It is just not my purview of something that I cover specifically as the Assistant Director of Counterterrorism. But what I can tell you from the Counterterrorism Division's approach to both of those was not different. We go after the violence, and what we saw all summer long was violence and people using the guise of First Amendment-protected activity to conduct violence. We opened hundreds of cases and arrested close to 100 people throughout the summer in their activities.

Our approach to both instances was equal opportunity. If you are going to do violence in the United States and break Federal law, the FBI is going to investigate.

Chairman PETERS. Certainly, and I understand that, and you should. There is no quarrel there. Where would we get the answer on the use of a surveillance plane versus not on January 6th but on other occasions across the country?

Ms. SANBORN. Yes, I will take the question back, and I think it would be best posed for our Critical Incident Response Group (CIRG). But definitely I will find somebody that can follow up with you.

Chairman PETERS. I appreciate that.

General Walker, you were also asked by someone on the panel about the helicopter in relation to January 6th, and you said that is not normally something we would use. I do not want to mischaracterize you—you said it would not be necessary. But what I did get from it is that it is not normally used, but yet it was used in the summer protests. Why was it used there and not on January

¹The information referenced by Senator Cruz appears in the Appendix on page 306.

6th? Was there different circumstances? How do we explain that difference?

General WALKER. It is my understanding one of my Deputy Commanding Generals put the helicopter up. Ultimately it is still me, but I believe the request was to be able to observe and report the crowd size. It was at night, that night, versus a daytime operation. That is why the helicopter was there.

I just want to correct the record regarding the RC-26 that was mentioned. The District of Columbia National Guard never requested an RC-26 fly over the District of Columbia.

The difference between the summer and January 6th was the Secretary of the Army was right next to me, for days at a time. When it came time to respond to the White House, the Secretary of the Army was with me. The monuments, the Secretary of the Army was with me. He either came to my headquarters, he rode in the car with me, or I rode in the car with him. I was present when he called the Secretary of Defense and the Attorney General to request approval for requests that the city made. The city wanted us to conduct additional traffic control points, blocking vehicles. The Secretary gave me a verbal and then contacted the Secretary of Defense and the Attorney General, and it was done.

Those are just some of the differences that occurred, and I did not have the Secretary of the Army with me on January 6th.

Chairman PETERS. The Secretary was with you during the summer. Those were large gatherings. All the evidence pointed that this was going to be a very large gathering, and we know that based on social media the Capitol and Members of Congress was going to be a target.

Is there a reason that you know of that the Secretary of the Army was unable to be with you on that day?

General WALKER. I do not, but the Secretary of the Army is the Secretary of the entire Army, so I do not know what else was going on throughout the Army. We are globally deployed. I do not know why he was not with me on January 6th as he was during the summer.

Chairman PETERS. Very good.

Ms. Sanborn, finally, I will wrap up here. Could you please commit that in the future the FBI will provide any threat reporting, even if it is not yet corroborated or fully analyzed, relating to the security of the Capitol to the U.S. Capitol Police, both Sergeant of Arms, and congressional and committee leadership?

Ms. SANBORN. I believe I can do that, sir, yes.

Chairman PETERS. Great. Thank you.

Chairwoman KLOBUCHAR. Very good. Thank you all, and I know it has been a long day and you probably want some lunch, and I really appreciate your patience today.

I wanted to end with some ideas and constructive ideas, which is why we are doing this hearing on how we can best do that. Any of you can take this, but this is just based on all of the experience you have had.

We have a unique situation here at the Capitol where the Chief is reporting to this Police Review Board. You, General Walker, may be most familiar with it. But they are reporting to the Sergeant at Arms, the two Sergeants at Arms, and the Architect of the Capitol.

It is three of them. In fact, just today Senator Schumer announced a new Sergeant at Arms, Karen Gibson, while you guys were sitting there. There is something about the structure which may work for requesting resources or making decisions, but certainly did not work in this context where the Chief, then-Chief Sund, was leading up to it, asking them, probably not able to do exactly what he may have wanted to do at the time, and then the most ridiculous of situations during the insurrection is actually calling them for their advice and authority while they are individually guarding the Members and safely getting them to other places in this crisis situation. Your views on whether or not that is an ideal situation—this is called a “softball,” General Walker. That is, whether or not this is an ideal situation, and maybe Ms. Sanborn, for trying to make decisions in a crisis as we look at changes that we can suggest and make here at the Capitol.

General WALKER. The Sergeant of Arms, both of them, were briefed by me personally in 2018 on what it takes to request District of Columbia National Guard support. I sat down with both Sergeant of Arms, myself and Brigadier General Dean and others, in their office and explained six-step process and left them with a PowerPoint presentation.

I also briefed Chief Sund and his predecessor. I had them come to the Armory and explain in detail what it takes if you ever need District of Columbia National Guard support.

What I think might be helpful in the future is that that is practiced, that you come up with an event when we need District of Columbia National Guard support. You pick a day and say—and then we exercise it, and then have the District of Columbia National Guard actually come out in an exercise, here is where we would go, here is how we would support the United States Capitol Police. But both Sergeants of Arms understood what it takes to request District of Columbia National Guard support.

Chairwoman KLOBUCHAR. Mr. Saleses, do you want to add anything to that?

Mr. SALESSES. Thank you, Senator. Yes, I do. I work on a regular basis with the Capitol Police Board. I just met with the new team on Monday, in fact. The challenge, quite candidly, is in contingency operations and contingency events, there really needs to be one person in charge making decisions. To have four people that have to either agree or come together and have the same—I just do not think it is a very workable solution.

I also deal with all the Capitol Police requests that come to the Defense Department. Normally we get the requests actually at the last minute most of the time, because it takes all four of them to sign a document to give us the request.

For example, right now we have the National Guard on the Capitol today. It is supposed to end on the 12th. We are trying to figure out would the Capitol Police Board—what is going to happen after the 12th? We need an answer in the Defense Department so that we understand—

Chairwoman KLOBUCHAR. Exactly.

Mr. SALESSES [continuing]. The Secretary can review and make a decision on how that support will either be continued or adjusted.

Chairwoman KLOBUCHAR. Very good. I would agree with that.

Mr. SALESSES. I just would like to add something else, Senator, if I could.

Chairwoman KLOBUCHAR. Sure.

Mr. SALESSES. I do think that all of us now, because of the unique environment that we are in, as we talked about extremism, I know we talked a lot about intelligence assessments and those types of things, and they are critical to this effort, really being able to predict. But I think we also need to anticipate when we see large crowds gathering in the National Capital Region. They are all permitted by the Park Police, so we know when they are going to be here. We need to do a better job anticipating that kind of activity so that we think about the most likely and most dangerous scenarios that we face.

With that, we need to plan together; we need to train together; we need to exercise together. We need to have an integrated security plan here for the NCR. As I mentioned in my opening statement about the number of law enforcement organizations that we have here in the NCR and the different jurisdictional responsibilities, we need to bring them together so we know how we are going to operate in these complex environments that we are facing right now. Then we need to understand the critical capabilities that each of us can bring to that, and we need to make sure that we have prearranged agreements to provide those capabilities in a timely fashion.

The challenge is when you start from zero and you are faced with the challenges that we were faced with on the 6th collectively, that is a very difficult position to start from. I think if we work at some of those things, I think we can be much more effective, and the Department of Defense really looks forward to working with people on that.

Chairwoman KLOBUCHAR. Yes, and I had a very good meeting with the head of the Joint Chiefs. He actually gave one of the highest civilian honors to one of our heroes here, and I was able to talk with him about this. I think that is a moment—I thought that Ms. Sanborn said it best when she said she has always learned and improved. It is hard to do that in an environment like this, and I know it is not easy as we ask these questions, especially when people think, well, yes, OK, maybe we messed up this part of it, but how about those guys? But we know there are things that can be done better, and so I really appreciate that.

I do not know if the two of you want to add anything to my question, and that will be it for me.

Ms. SANBORN. Nothing to add, ma'am.

Chairwoman KLOBUCHAR. OK. Ms. Smislova.

Ms. SMISLOVA. No, nothing.

Chairwoman KLOBUCHAR. OK. Very good.

Chairman PETERS. Once again I would like to thank our witnesses for joining us here today. This was a very long hearing. I appreciate your perseverance in dealing with certainly a number of very tough questions, and we all appreciate your answers.

There is no question from what I have been hearing over these last two hearings that there were serious breakdowns in our intelligence gathering and security planning that resulted in significant violence right here on the Capitol Grounds. The three hour and 19-

minute delay in authorizing the deployment of the National Guard to respond to the Capitol to quell the violence was one that left police, Members of Congress, staff, and the public in danger and is without question completely unacceptable.

The breakdown in communication in the chain of command within the Department of Defense that contributed to this delay, a stark difference from the Department of Defense's response during the summer protests, is concerning and should never, ever happen again.

I remain concerned that our national security agencies are simply not adequately focused on domestic terrorism, which we all agree is the number one terrorist threat to our homeland. The potential for violence was well known and widely disseminated all across social media platforms in the days leading up to January 6th, yet the very agencies responsible for monitoring and evaluating those threats failed to utilize every investigative tool to gather the readily available intelligence warnings of violence and failed to assess this intelligence.

The intelligence community's family directly contributed to law enforcement's inadequate preparation on January 6th, and I understand the FBI and the DHS' commitment today to doing better in their intelligence collection and monitoring this threat, which I appreciate, but we need to actually see these improvements. It has to be demonstrated in a meaningful way.

It is not enough for agencies to simply promise to do better. Congress must make reforming our counterterrorism efforts a top priority.

We need to take a hard look at reforming the DHS Office of Intelligence and Analysis and requiring both DHS and FBI to provide more concrete information to law enforcement so that they can take actions to protect our communities from this violent and deadly threat.

Following today's hearing, I will continue my investigation, and we will continue to interview other officials and experts as we work toward additional problems and potential solutions, and I am committed to working with my colleagues on both sides of the aisle, across multiple committees, to ensure that we are setting policy that will provide the foundation for our national security agencies' threat and treat domestic violence threat with the seriousness that it certainly warrants and help protect Americans all across our country.

With that I close, and thank you again, Chairwoman Klobuchar, for working with me on this hearing today.

Chairwoman KLOBUCHAR. Thank you very much, Chairman Peters. I also thank Ranking Members Blunt and Portman. We have done every part of this hearing together and agreed on witnesses and agreed on how we were going to proceed. We felt that was very important. This is a political environment enough without politicizing this, and we have tried our best to be constructive.

Now we have had two hearings, and we all know we have had some consensus on many things. We have had consensus from our witnesses that there is significant evidence that there was an element of this that was planned and coordinated involving white supremacists and violent extremists, people intent on doing damage

not only just to this building, as we are reminded as we stood on the inaugural stage with now-President Biden, with still spray paint at the bottom of the columns and still surrounded by what had just happened there only two weeks before. They were intent not just on destroying the physical building that we work in, but also our democracy that brought us to that moment.

As an aside, I really was proud of the work that Senator Blunt did in planning that Inauguration, but also the work we did that night when, at 4 a.m., it was just the two of us a Vice President Pence walking with two young pages that had the mahogany box with the remaining ballots in it to go over to the House. People were doing their jobs, just as you do your jobs.

As I said earlier, I thought this was best summed up by Ms. Sanborn when she talked about their after-actions, when they look at, as I know I did when I was a prosecutor—sometimes with law enforcement, sometimes about cases, sometimes about why a domestic violence case—I mean domestic violence as in the home—got to the point that it did. We would look back at decisions that had been made. Now, back then we could do it in rooms just with ourselves, and that is a lot easier than this. I am sure you are doing that in your own agencies. But we have a public duty of oversight and a public duty to get this information out, and sometimes around this place the only way we can get the change and maybe the resources that you need, Ms. Sanborn, that Director Wray was talking about or the work that you were talking about, Mister—the man with the hardest name at this hearing. [Laughter.]

Chairwoman KLOBUCHAR. Mr. Salesses, that you were talking about to be able to bring people together that we need to for the planning ahead of time so we do not get to that moment of chaos—not only chaos at the Capitol but chaos that, of course, General Walker encountered when he was trying to get a decision that day.

A lot of this is stepping back, planning ahead. I personally think that it has been very difficult during the pandemic for people to meet like they used to meet when they were planning ahead. Thankfully, with the recent announcements we have had, we hope to be through that so people can once again be meeting face to face and across jurisdictions. I think that would make a difference.

As we look at the changes which Chairman Peters so well laid out, I think additional ones, again, which I keep harping on, is that the Capitol Police Board, I just think having been in law enforcement myself, this is just a recipe for disaster to have crisis decisions made by a group of people on the scene or even leading up to it.

I also think we know that, as we learned after 9/11, as was pointed out by some of our Senators, you can learn from horrible, horrific events and then do better with sharing intelligence, that maybe old ways that people were getting used to with sending emails or maybe speaking up at a meeting, maybe the right people were not in that room. Or perhaps they are not looking at all the information because they are overloaded, and you have to find a way to triage it so they actually realize something is important.

I personally think with everything that went on in the last year, there was some underestimation of the potential violence of these particular groups, which we now know all too well. I also want to

thank everyone involved in law enforcement, not just for keeping us safe that day but for the work that they are doing all across the country to bring justice to those like Officer Sicknick who lost his life and those who were injured in terms of pursuing these cases, some of which are very straightforward because they put it on their own Facebook page, but some of which are a lot harder to figure out what the coordination is and what happened.

We all know there are still questions coming out of all of this—again, some of them, I am sure, very difficult because a lot of people were trying to do their jobs that day, and mistakes were made. But we do have to get to the bottom of some of this, at the same time not losing track of our intent. There may be longer investigations that go on on all of this, but our intent right now is to make sure that we make smart changes getting the people in place at the Capitol. Senator Peters and I do not control that, but we can give our advice based on what we hear, and also making the structural changes that can make it easier for you all to do your jobs to keep this country safe and for us to do our jobs as well.

Thank you very much, and we will keep the record of this hearing open for two weeks, and the hearing is adjourned. Thank you. [Whereupon, at 2:06 p.m., the Committees were adjourned.]

A P P E N D I X

**Chairman Peters Opening Statement As Prepared for Delivery
Joint Committee Hearing: Examining the January 6 Attack on the U.S. Capitol, Part II
March 3, 2021**

Thank you Chairwoman Klobuchar, Ranking Member Portman, Ranking Member Blunt, and our colleagues from the Rules Committee for once again joining us to convene this second hearing on the January 6 attack on our Capitol building.

Last week's hearing provided the first opportunity for the American people to hear about the attack directly from the security officials on the ground. Today, we'll be seeking answers on the role of federal national security and counterterrorism agencies and officials played in the intelligence gathering, security planning, and response to the attack.

Thank you to each of our witnesses for joining us voluntarily today. I am grateful to all of you and the employees at each of your agencies, including the National Guard units who continue to assist in protecting the Capitol, for your continued efforts to safeguard our national security. While there are still many unanswered questions about January 6th, it's clear that this violent, coordinated attack was the result of a massive and historic intelligence failure.

Today, our committees will once again examine the systemic breakdowns that led to this terrible attack, and particularly, how our intelligence and national security experts failed to see it coming.

This is not a new problem. For years, I have been raising the alarm about the growing domestic terrorism threat with the Department of Homeland Security, FBI and other key agencies, and their continued failures to adequately and effectively align our counterterrorism efforts to address the threats posed by domestic extremists.

But the January 6th attack must mark a turning point. There can be no question that the domestic terrorist threat, including violence driven by white supremacists and anti-government groups, is the gravest terrorist threat to our homeland security.

Moving forward, the FBI, which is tasked with leading our counterterrorism efforts, and the Department of Homeland Security, which ensures that state and local law enforcement understand threats that American communities face, must address this deadly threat with the same focus, resources and analytical rigor they apply to foreign threats such as ISIS and Al Qaeda.

Today's witnesses are uniquely qualified to discuss what intelligence was produced in the days leading up to the attack, what officials missed as they assessed the likelihood of violence that day, and why our intelligence community failed to heed the crystal clear warnings that were broadcast on social media and publicly reported in the days leading up to the 6th, that a violent attack on the Capitol was imminent.

We also need answers about the operational failures that terrible day, especially the response to secure the building once the Capitol was breached.

I'm pleased that we have representatives of both the Department of Defense's civilian leadership, and the National Guard, to help us understand why it took several hours for the National Guard to arrive and offer additional security and support.

The January 6th attack on the citadel of our democracy remains a dark stain on our nation's history. Our committees have a responsibility to carry out our oversight duties in a serious and nonpartisan way.

I look forward to having a productive discussion, and getting the answers the American people deserve, and that we need to make needed reforms to ensure an attack like this never happens again.

**Statement of Amy Klobuchar, Chairwoman Committee on Rules and
Administration**

JOINT FULL COMMITTEE HEARING

EXAMINING THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL, PART II

March 3, 2021

Thank you very much, Mr. Chairman. I want to start by thanking you, and Ranking Member Blunt and Ranking Member Portman for the bipartisan and constructive hearing that we had last week.

I also want to thank the many members of both committees that patiently participated, during votes and all, last week and asked thoughtful questions that will help us move forward.

Importantly, there were a number of areas of agreement. We heard all of our witnesses last week make clear that there is now evidence that the insurrection was deliberate and coordinated, that it involved white supremacists and extremist groups, and it was highly dangerous but could have been so much worse if it was not for the actions of brave law enforcement on the front line.

We also heard consensus – from witnesses who held key leadership positions in charge of the Capitol security on January 6 – how they didn't agree on everything but there was consensus that there were breakdowns in intelligence sharing, delays in bringing in the National Guard, and issues concerning the structure of the Capitol Police Board and the decision making process that is in our unique responsibility to change.

I hope that this spirit of bipartisanship and cooperation will continue today, as we hear testimony from federal agencies on their roles with respect to intelligence gathering and timely sharing of intelligence security preparations, the response, and the request for help from the Defense Department, as well as their perspectives on how the Capitol Police decision making process could be so much better going forward. We know that there were errors made by those in charge of security in the Capitol and it is always easy, of course, to realize that later than when we were in the moment. But that fact alone, to me, isn't enough to not look back. We must look back because we must do better going forward.

We heard last week that the Capitol Police is a "consumer," that was the word of the former Chief of intelligence. It relies on its federal partners, including the FBI and Department of Homeland Security (DHS), who have witnesses here today.

While we are aware of the FBI raw intelligence report that came out the day before out of the Norfolk office, public reporting has indicated that neither agency, DHS or FBI, produced a threat report—that the FBI did not produce a joint intelligence bulletin, and that DHS did not produce a threat assessment—ahead of January 6. And the former police chief has said that representatives from these agencies indicated that they didn't have any new intelligence to share at a meeting the day of the attack.

But the insurrectionists who attacked the Capitol, as we know, “came prepared for war,” as we heard last week. They brought radios, they brought climbing gear, to surmount the Capitol's security features, and they brought weapons.

So we need to hear from the federal agencies about what was known and when, what was done in response to these foreboding online threats, and how information was shared with the law enforcement partners who depend on them.

We also need to understand why, with all the information that was available, the decision to reinforce local police with the National Guard was not made ahead of time. Now, that decision was made – or maybe I should say rather not made – by the former House and Senate Sergeants at Arms, who in fact have resigned.

And nevertheless, despite the clear breakdowns at the Capitol, we must get to the bottom of why that very day it took the Defense Department so long to deploy the National Guard once the need for reinforcements became patently clear on every TV screen in America.

At our hearing last week Acting Chief Contee provided a disturbing account of how, at 2:22 p.m., as the rioters already had broken through police lines, smashed windows at the Capitol, and were breaching the building, all on live television, the initial response from the Defense Department to a request of National Guard support was not to immediately activate the Guard.

As the Acting Chief said to us last week he was “simply just stunned that there was not a more immediate response.”

Last, an issue of critical importance in today's hearing is the threat posed by domestic terrorism and hate groups, and their role in the attack on January 6.

We will never forget the story of the Capitol Police officer who fought against the violent mob for hours, and after it was all over, broke down in tears telling fellow officers how he'd been called the N-Word repeatedly that day and then said: “Is this America?”

We also won't forget the picture of the insurrectionist proudly waving a confederate flag in the Capitol Rotunda, or the images of a rioter in a “Camp Auschwitz” hoodie.

But this rising problem is not just limited to the events of January 6. According to an FBI report, hate crimes in the U.S. rose to the highest level in more than a decade in 2019.

Putting all the dates and the memos aside, there was widespread knowledge of the importance of the date, of the rise of violent extremism, and that the President of the United States had called out his followers to go to the Capitol that day. The warnings were dismissed despite the fact that the Vice President, the future Vice President, and the entire Congress was gathered in one place.

In the end, it was left to front line officers who were severely outnumbered to protect not only those of us in the Capitol, but our democracy itself. They performed heroically under unimaginable circumstances, tragically suffering many injuries and loss of life. That's why we need answers. Thank you.

**OPENING STATEMENT OF SENATOR ROB PORTMAN
RANKING MEMBER
U.S. SENATE COMMITTEE ON HOMELAND SECURITY
& GOVERNMENTAL AFFAIRS**

*“Examining the January 6 Attack on the U.S. Capitol – Part II”
JOINT HEARING WITH THE COMMITTEE ON RULES & ADMINISTRATION
MARCH 3, 2021*

(as prepared for delivery)

Thank you, Chairman Peters, Chairwoman Klobuchar, and Ranking Member Blunt for your continued leadership on this critical, bipartisan review. I appreciate that our review continues to set the politics aside and focus on the facts in this critical investigation of exactly what happened on January 6 and why.

I want to begin again by expressing my gratitude for the men and women of the many law enforcement agencies who put their safety on the line to safeguard democracy on January 6 and in the days since. We cannot thank them enough and we will never forget the sacrifices they have made.

We owe it to them, and to all Americans, to take a hard look at the security failures—both the preparation and response efforts—that allowed the Capitol to be breached and overrun.

We started to get some answers last week at our first joint hearing on the Capitol attack.

- During that hearing, we heard from the Acting Chief of the D.C. Metropolitan Police Department, the former Chief of Capitol Police, and former Sergeants at Arms of the Senate and the House of Representatives.
- Together, these officials were responsible for securing the U.S. Capitol before and on January 6.

At last week's hearing, we learned:

- Capitol Police officers were not prepared to respond to an attack like we experienced on January 6—they were not given the appropriate training or equipment necessary to protect not only the Capitol complex, but also themselves.
- Also, there were breakdowns in communications on January 6 and the days leading up to it.
 - The most concerning breakdown in communication concerned the significant discrepancies between the recollections of the former Chief of Capitol Police and the former Senate and House Sergeants at Arms about requests for National Guard assistance.
 - Each testified, under oath, to a different version of events.
- The witnesses also pointed to lapses in intelligence as a key reason law enforcement was not better prepared for January 6.
 - They all claimed no intelligence warned of a coordinated, violent assault on the U.S. Capitol.
 - However, at least one report from the FBI's Norfolk field office warning of a violent attack was received by the U.S. Capitol Police, but never reached the former Chief, the former Sergeants at Arms, or the incident commanders on the ground.

But many questions still remain unanswered.

- Despite the stated lack of intelligence, there were warning signs.
 - Numerous online posts called for attacking the Capitol. And the previously mentioned FBI Norfolk field office report warned of violence and “war.”

- We need to know what information the Intelligence Community reviewed prior to January 6, how it assessed that intelligence, how it characterized the potential for violence, and when it shared that intelligence with law enforcement partners.
- Second, although last week's witnesses disagreed about *when* the U.S. Capitol Police first requested National Guard assistance, *all* agreed that, once requested, it took far too long for the National Guard to arrive. We will dig further into this today.
 - Based on the Defense Department's public timeline, once requested, it took the National Guard over three hours to arrive at the Capitol. The request came in from Capitol Police Chief Sund at 1:49pm and Capitol Hill deployment did not arrive until after 5pm.
 - It's unclear when senior Defense officials authorized the National Guard to deploy to the Capitol.
 - The Defense Department's public timeline states that Army Secretary McCarthy directed the D.C. National Guard to mobilize at 3:04pm.
 - But according to the timeline the National Guard provided to the Committees—and a briefing from Major General Walker, Commanding General of the D.C. National Guard—the instruction to deploy didn't come until 5:08pm.
 - We need to know why did the Pentagon took so long to deploy the National Guard.
 - According to the former Chief of Capitol Police and Acting Chief of D.C. Police and Major General Walker, the delay

was due, in part, to concerns about the “optics” of the National Guard at the Capitol.

- We need to know what role, if any, optics played in the delay to provide much needed assistance to U.S. Capitol Police and the D.C. Metropolitan Police Department.

By hearing from representatives of the federal agencies responsible for the intelligence and the National Guard, we expect to get clear answers to these open questions.

Answering these questions is critical to our understanding of where breakdowns occurred on and before January 6. And only by understanding *where* those breakdowns occurred can we make the changes necessary to ensure events like January 6 never happen again.

Again, I appreciate the non-partisan nature of our oversight. Thank you to our witnesses for being here today. I look forward to your testimony.

Thank you, Mr. Chairman.



**Ranking Member Blunt's Opening Statement
Joint Full Committee Hearing
Examining the January 6th Attack on the U.S. Capitol, Part II**

Thanks to Chairman Peters and Chairwoman Klobuchar. I join my good friend Senator Portman with my appreciation for where we've headed with this so far and my hope that we continue to look at the facts and see where the facts lead us in as much of a non-partisan way as you can do in an institution like the United States Senate. I'm glad to join my colleagues for today's hearing to learn more about the decisions and the actions of federal agencies on January 6th.

Last week's hearing with the Chief of the Metropolitan Police, the former Chief of the Capitol Police and the former Sergeants at Arms for the House and Senate left me with more questions than answers. The witnesses could not agree on something as basic as a timeline. I believe we learned that the structure and the practices of the Capitol Police Board, which I have previously questioned, delayed the response and proved to be ill-suited for the emergency on the 6th.

Today I hope to learn if the failures of Capitol security leaders were compounded by officials at the Department of Defense who did not act quickly enough or take the situation seriously enough. I also hope to explore if the failure to alert the leadership of the U.S. Capitol Police or the Metropolitan Police Department of the FBI's "Norfolk Situational Information Report", which warned of "war" at the Capitol—and I understand that the information was raw and unverified—should make us consider changes in the information sharing process and structure.

All of the agencies participating in these hearings, at the most fundamental level, exist to uphold and protect the rights of Americans and to protect our form of government. January 6th revealed weaknesses in our intelligence agencies, our law enforcement agencies, and elements of our defense agencies. It would be a mistake for the leadership of these agencies to think this was only a failure of USCP leadership or the Capitol Police Board.

I look forward to the testimony of our witnesses.

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Statement by
Mr. Robert G. Salesses
Senior Official Performing the Duties of
Assistant Secretary of Defense for Homeland Defense and Global Security
Office of the Secretary of Defense

Before the 117th Congress
Committee on Homeland Security and Governmental Affairs

and

Committee on Rules and Administration

United States Senate

March 3, 2021

Introduction

Chairman Peters, Chairwoman Klobuchar, Ranking Member Portman, Ranking Member Blunt, and distinguished Members of the Committees: Thank you for the opportunity to testify before you today on the Department of Defense's (DoD's) support of civilian law enforcement agencies in their efforts to secure the U.S. Capitol on January 6, 2021. The peaceful transition of power is a hallmark of our nation and our democracy. The violence at the Capitol on the 6th of January was reprehensible and contrary to the tenets of the United States Constitution. Our thoughts and prayers also remain with the families of the fallen law enforcement officers who fought to protect the Congress on January 6th.

Defense Support of Civilian Law Enforcement

DoD's enduring mission is to provide military forces to deter war and protect the security of our nation. Domestically, one of DoD's missions is to support civil authorities, including, support to civilian law enforcement authorities, when requested.

Civilian law enforcement agencies most frequently request DoD provide support for planned major domestic events (e.g., Presidential nomination conventions, Presidential Inaugurations, international summits, and major sporting events). The safety and security of these planned major events are responsibilities shared by local, State, and Federal authorities. Due to the unique nature of the District of Columbia (DC), in which many governmental organizations exercise a range of authorities, the provision of safety and security, maintenance of civil order, and the protection of lives and property are vested in the DC Government, the U.S. Secret Service, the U.S. Park Police, the U.S. Marshals Service, the U.S. Capitol Police, the Federal Protective Service, and other civilian law enforcement organizations. During these planned events, DoD may be requested to provide support to multiple law enforcement agencies to execute different public safety and security functions.

DoD regularly provides such support to planned events that occur in the District of Columbia and has established processes to work with lead law enforcement agencies to arrange for military support in advance. For example, in planning for Presidential Inaugurations, civilian law enforcement agencies regularly make requests in advance for DoD to provide both Active

Duty personnel and National Guard personnel to support civilian safety and security operations. Similarly, for other events at the Capitol, like the President's State of the Union Address or any major address to a Joint Session of Congress, DoD often provides a mix of Active Duty and National Guard personnel to support specific missions, at the request of the Capitol Police Board and the U.S. Secret Service.

Unique Nature of the DC National Guard

The District of Columbia is also unique due to the fact that, unlike other National Guard units, the DC National Guard is a Federal militia. By law, the President is the Commander-in-Chief of the DC National Guard. In Executive Order 11485, "Supervision and control of the National Guard of the District of Columbia" (October 1, 1969), the President authorized and directed the Secretary of Defense to supervise, administer, and control the DC National Guard while in militia status. In an October 10, 1969, memorandum titled "Supervision and control of the National Guard of the District of Columbia," the Secretary of Defense directed the Secretary of the Army to command, through the Commanding General, DC National Guard, the DC National Guard when used to provide support to the civil authorities of the District of Columbia. The unique nature of the DC National Guard affects the manner by which National Guard support is provided in the District of Columbia, which requires either Secretary of Defense or Secretary of the Army approval depending on the civil authority to which support is provided.

Department of Defense Support Prior to 6 January 2021

Federal and local civilian law enforcement in the District of Columbia (DC) were tracking planned protests on January 5-6, 2021. In letters to the Commanding General of the DC National Guard, dated December 31, 2020, the Mayor of DC and the Director of the DC Homeland Security and Emergency Management Agency requested that the DC National Guard support the DC MPD at 30 traffic control points (intersections) and 6 Metro stations and make available the DC National Guard's Civil Support Team to support DC Fire and Emergency Medical Services. Over the weekend, January 1-3, 2021, the DC National Guard staff conducted a mission analysis, and the Commanding General of the DC National Guard made a recommendation to the Secretary of the Army as to how to support this request for assistance.

After consultation with the Department of Justice, the Secretary of the Army, the Chairman of the Joint Chiefs of Staff, the DoD General Counsel, and the Assistant Secretary of Defense for Homeland Defense and Global Security, the Acting Secretary of Defense approved the DC Government request for 340 DC National Guard personnel to provide support from January 5-6, 2021. This approval included an additional authorization for the Secretary of the Army to employ a 40-person DC National Guard Quick Reaction Force (QRF), staged at Joint Base Andrews, Maryland, to provide additional traffic-control personnel or additional support if requested by civil authorities.

Over the weekend of January 2-3, 2021, Office of the Secretary of Defense staff, contacted the U.S. Secret Service, the U.S. Park Police, the U.S. Marshals Service, the FBI, and the U.S. Capitol Police to determine if they planned to request assistance. None of these other law enforcement agencies indicated a need for DoD or National Guard support. The Acting Secretary of Defense met with select Cabinet Members on January 3 to discuss potential requirements for DoD support, and none were raised.

On January 5, 2021, DoD received a letter from the Mayor of the District of Columbia addressed to the Acting Attorney General, the Acting Secretary of Defense, and the Secretary of the Army. In this letter, the Mayor informed the addressees --“The MPD is prepared for this week’s First Amendment activities. MPD has coordinated with its federal partners, namely the U.S. Park Police, U.S. Capitol Police and U.S. Secret Service – all of whom regularly have uniformed personnel protecting federal assets in the District of Columbia. To be clear, the District of Columbia is not requesting other federal law enforcement personnel and discourages any additional deployment without immediate notification to and consultation with, MPD if such plans are underway. The protection of persons and property is our utmost concern and responsibility. MPD is well trained and prepared to lead the law enforcement, coordination and response to allow for the peaceful demonstration of First Amendment rights in the District of Columbia”.

In approving the DC Government’s request for assistance, the Acting Secretary of Defense also provided additional guidance to the Secretary of the Army on use of the DC National Guard,

mindful of observations and lessons learned from DoD after-action reviews of events in May and June 2020, which included investigations of issues that drew public concern, such as the use of helicopters and reconnaissance aircraft by National Guard forces. Specifically, the Acting Secretary of Defense directed the Secretary of the Army to obtain his approval before approving requests for DC National Guard to:

- be issued weapons, ammunition, bayonets, batons, or ballistic protection equipment such as helmets and body armor;
- interact physically with protestors, except when necessary in self-defense or the defense of others, consistent with the DC National Guard Rules for the Use of Force;
- employ any riot control agents;
- share equipment with civilian law enforcement agencies;
- use DoD aircraft for incident, awareness, and assessment activities;
- employ helicopters or any other air assets;
- conduct searches, seizures, arrests, or other similar direct law enforcement activities; or
- seek support from any non-DC National Guard units.

The Acting Secretary of Defense also directed that the Secretary of the Army could employ the DC National Guard QRF only as a last resort and in response to a request from an appropriate civil authority, and that the QRF be clearly marked and distinguishable from civilian law enforcement personnel.

Department of Defense Support to the U.S. Capitol 6 January 2021

The Department of Defense has detailed the events of January 6, 2021, in a memorandum published on the DoD public affairs website; I provide here a summary of certain events of the day.¹

¹ <https://www.defense.gov/Newsroom/Releases/Release/Article/2467051/planning-and-execution-timeline-for-the-national-guards-involvement-in-the-janu/>.

After the U.S. Capitol Police ordered the evacuation of the U.S. Capitol Complex, the Mayor of DC called the Secretary of the Army to request an unspecified number of additional DC National Guard personnel.

Approximately ten minutes later, the Chief of the U.S. Capitol Police called the Commanding General, DC National Guard, to request immediate assistance (1:49 p.m.). Following a call with the Mayor of DC and her staff, the Secretary of the Army met with the Acting Secretary of Defense and the Chairman of the Joint Chiefs of Staff to discuss the requests of the U.S. Capitol Police and the Mayor of DC (at approximately 2:30 p.m.).

The Acting Secretary of Defense determined that all available forces of the DC National Guard were required to be re-missioned to reinforce DC MPD and U.S. Capitol Police positions to support efforts to reestablish security of the U.S. Capitol Complex. The Acting Secretary of Defense approved full activation of the DC National Guard to provide support, and the Secretary of the Army directed DC National Guard personnel to initiate movement and full mobilization (3:04 p.m.).

During this period, MG Walker was also recalling and making ready DC National Guard forces at the DC National Guard Armory for deployment to the Capitol Complex.

After reviewing the DC National Guard forces' missions, equipping, and responsibilities to be performed at the Capitol Complex in support of DC MPD and U.S. Capitol Police, and conferring with the DC MPD at their headquarters at 4:10 p.m., the Secretary of the Army received the Acting Secretary of Defense's approval at 4:32 p.m., and ordered the DC National Guard forces to depart the Armory for the Capitol. Upon arrival at the Capitol, DC National Guard personnel were deputized by, and began supporting, the U.S. Capitol Police.

While the full mobilization of the DC National Guard was ongoing, the Acting Secretary of Defense, the Secretary of the Army, the Chairman of the Joint Chiefs of Staff, and the Chief of the National Guard Bureau discussed the sourcing of National Guard personnel from other States in the National Capital Region to support expected requests for assistance from Federal

law enforcement agencies. The Acting Secretary of Defense directed the Chief of the National Guard Bureau to work with States in the vicinity of DC to identify National Guard units that could be called upon to conduct civil disturbance response/support to civilian law enforcement operations. The Acting Secretary initially authorized additional training for the identified units to ensure those units were prepared to conduct civil disturbance operations, including by incorporating lessons learned from recent events, as appropriate, and to muster them more quickly pending the receipt of requests from civilian law enforcement agencies in the District of Columbia.

By 6:14 p.m., the U.S. Capitol Police and DC MPD, supported by the DC National Guard, established a perimeter on the west side of the U.S. Capitol.

DoD continued to flow National Guard forces into the Capitol to support the U.S. Capitol Police. By 9:00 a.m. on January 7, 1,140 National Guard personnel had arrived at the Capitol; by 9:00 a.m. on January 8, more than 1,800 National Guard personnel were providing support in the Capitol; and by January 10, more than 6,000 National Guard personnel were providing support in the Capitol.

Department of Defense Support After January 6, 2021

Based on further requests from Federal civilian law enforcement agencies and the DC Government, DoD has continued to support efforts to ensure the safety and security of the U.S. Capitol and provide support to other civilian law enforcement agencies.

Support of U.S. Capitol Security Through the Inauguration

From January 6, 2021, through January 24, 2021, at the request of the U.S. Capitol Police, approximately 13,700 National Guard personnel helped secure the U.S. Capitol building and perimeter. These personnel conducted presence patrols along the perimeter of the Capitol grounds, assisted with vehicle access control, and maintained substantial QRFs on the Capitol grounds and at the DC National Guard Armory. These National Guard personnel were armed with individual weapons for self-defense and equipped with full civil disturbance gear, including

helmets, shields, and batons. DoD also maintained Chemical, Biological, Radiological, and Nuclear detection and response capabilities, and various helicopters and vehicles for medical evacuation. Additionally, the U.S. Secret Service communicated a request for 1,290 Active Duty and 11,876 National Guard personnel to provide security and safety support during Inauguration events from January 19, 2021, through January 21, 2021.

Other DoD Support to Civilian Law Enforcement Authorities in the District of Columbia

After the Inauguration, on January 24, 2021, the U.S. Capitol Police reduced the requested number of National Guard personnel to provide support to approximately 4,960, with 30 light military tactical vehicles. Since January 24, 2021, National Guard support missions have included presence patrols along the perimeter of the Capitol grounds and at the Capitol Power Plant, vehicle access control, and maintaining a QRF. These National Guard personnel are armed with individual weapons for self-defense and equipped with civil disturbance gear. This support has been approved through March 12, 2021.

From January 8, 2021, through February 7, 2021, the U.S. Park Police requested 550 National Guard personnel to provide a QRF.

From January 21, 2021, through February 3, 2021, the U.S. Secret Service requested 125 National Guard personnel on standby at the White House and 125 National Guard personnel on standby at the Naval Observatory. Personnel were to work 12 hour shifts to provide civil disturbance support, as needed. From February 4, 2021, through February 20, 2021, the U.S. Secret Service reduced the requirement to 75 personnel at the White House and 25 personnel at the Naval Observatory due to staffing shortages within the National Guard. These National Guard personnel were not armed, but they were equipped with civil disturbance gear (e.g., helmets, shields, and batons).

From January 25, 2021, to the present, the DC MPD has requested 500 DC National Guard personnel to serve as a "response force" to support traffic management, presence, and security. These National Guard personnel are not armed. This support is approved until March 12, 2021.

Conclusion

Going forward, the Department is committed to working closely with our Federal, State, and local law enforcement partners, the DC Government, and the Congress to ensure we learn from this event and take all necessary actions to respond and ensure an attack on our nation's capital never happens again. I also want to express my deepest sympathy to you and all Members of Congress for the tragic events of January 6th.

Chairman Peters, Chairwoman Klobuchar, Ranking Member Portman, Ranking Member Blunt, and distinguished Members of the Committees: Thank you for the opportunity to testify before you today. And thank you for your continued support of the men and women of the Department of Defense.



Testimony

**Melissa Smislova
Acting Under Secretary
Office of Intelligence and Analysis
U.S. Department of Homeland Security**

FOR A HEARING ON

Examining the January 6 Attack on the U.S. Capitol

**BEFORE THE
UNITED STATES SENATE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
and
COMMITTEE ON RULES AND ADMINISTRATION**

March 3, 2021

Washington, DC

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Chairman Peters, Chairwoman Klobuchar, Ranking Member Portman, Ranking Member Blunt, and distinguished Senators, thank you for the invitation to testify on behalf of the Department of Homeland Security (DHS) regarding the attack that occurred on January 6, 2021 at the U.S. Capitol. Let me begin by saying that I am deeply saddened by the horrifying events that you, your staff, your loved ones, and many others experienced on that day. The country, myself included, watched in horror as domestic violent extremists carried out an assault on our Capitol – a symbol of democracy and freedom across the world.

I have been an intelligence officer for 35 years and have spent 17 of those years at DHS. I am here today to testify as the Department's Acting Under Secretary for Intelligence and Analysis (I&A). I have great faith in the I&A workforce and our mission, and want to underscore that the Department of Homeland Security is committed to strengthening our efforts to prevent acts of domestic violent extremism. That includes a commitment by DHS to ensure that our partners across every level of government and critical infrastructure sector have timely access to the most comprehensive threat assessments we can provide.

As you heard from previous witnesses, concerning information was gathered and evaluated in the weeks prior to the attack on the U.S. Capitol. We must review how and with whom that information was shared. I also believe it is fair to say that more should have been done to understand the correlation between that information and the threat of violence, and what actions were warranted as a result. I&A – and DHS more broadly – will carefully examine how we can provide more information and intelligence that enables our partners to prepare for and respond to the collective uncertainty we face in this evolving threat environment. As part of this review, DHS will also assess what resources we need to better address this threat moving forward.

I&A has a unique mission to provide intelligence and information to the Homeland Security Enterprise – especially our state, local, tribal, territorial, and private sector partners – to enable better decision-making and keep our communities safe. I&A executes its mission in an objective and neutral manner, while protecting privacy, civil rights, and civil liberties and without regard for the ideological motivation of threat actors. I&A is authorized to (1) collect intelligence overtly or from publicly available (open) sources; and (2) report on publicly-available social media information only when that information meets an intelligence collection requirement that corresponds to an authorized national or departmental mission, and the dissemination of that information is reasonably believed to further that mission.

Throughout the 2020 election period and during the presidential transition, I&A provided numerous strategic warnings about election-related violence and threats from domestic violent extremists. Through I&A intelligence products, we issued over 15 unclassified, strategic warnings about the heightened threat environment and the potential for domestic violent extremists to mobilize quickly with little to no warning. These products were disseminated broadly to federal, state, local, tribal, and territorial government and law enforcement partners via the Homeland Security Information Network (HSIN) – technology platform used to disseminate intelligence to key stakeholders – and through our field officers at Fusion Centers across the country. These products, which were also made available to Congress, were intended to increase awareness about the volatile threat environment and enhance both policy and operational planning. More specifically:

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- In August 2020, I&A published an assessment for law enforcement and other partners on physical threats stemming from the 2020 election, which assessed that ideologically-motivated violent extremists and other violent actors could quickly mobilize to threaten or engage in violence against election or campaign-related targets in response to perceived partisan and policy-based grievances.¹
- In October 2020, I&A published an assessment noting that “domestic violent extremists often act as lone offenders or in small cells of individuals, and that such actors could mobilize quickly to threaten or engage in violence.”² I&A’s analysis was incorporated into the publicly-available 2020 Homeland Threat Assessment, which was released by DHS that same month and emphasized the breadth of the domestic violent extremism threat, including risks posed by white supremacist extremists and heightened threats from election-related violence.³
- Just over a week before the attack on the U.S. Capitol, on December 30, 2020, I&A published a joint intelligence product with the FBI and National Counterterrorism Center (NCTC) highlighting persistent threats to government facilities and law enforcement, and noting that perceptions of the outcome of the election could mobilize some extremists to commit violence in the coming months.⁴
- Further, I&A proactively conducted briefings and stakeholder calls through the national network of Fusion Centers to share timely information about the threat environment that could inform their operations. I&A conducted direct outreach to the Director of Intelligence for the U.S. Capitol Police – which had access to the HSIN – and the National Capital Region’s National Threat Intelligence Center.

As the events of January 6th unfolded, I&A immediately established a crisis action team to monitor the situation, augment our intelligence posture, and facilitate information sharing with critical partners and DHS leadership. I&A also increased its footprint in the Washington, DC Fusion Center to ensure direct engagement with those partners.

The Department has already taken a number of steps to improve our ability to combat domestic violent extremism. Of note:

- On January 27, 2021, DHS issued a National Terrorism Advisory System (NTAS) Bulletin highlighting our assessment that domestic violent extremists may be emboldened to act in the wake of the U.S. Capitol breach, and that this threat environment will persist through the near future.⁵ This NTAS Bulletin was not only the first issued in over a year,

¹ The Department of Homeland Security, Office of Intelligence and Analysis, Counterterrorism Mission Center, “Physical Threats to the 2020 Election Season,” August 17, 2020

² The Department of Homeland Security, Office of Intelligence and Analysis, “Key Threats to the Homeland Through 2021,” October 1, 2020

³ The Department of Homeland Security, “Homeland Threat Assessment,” October 6, 2020, <https://www.dhs.gov/publication/2020-homeland-threat-assessment>,

⁴ The Department of Homeland Security, Office of Intelligence and Analysis, Counterterrorism Mission Center, “Diverse Domestic Violent Extremist Landscape Probably Will Persist Due to Enduring Grievances,” December 30, 2020

⁵ The Department of Homeland Security, “National Terrorism Advisory System Bulletin,” January 27, 2020, <https://www.dhs.gov/national-terrorism-advisory-system>,

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but also the first to warn of a threat to the homeland from a solely domestic actor. The NTAS, which is a public and broadly-disseminated product, is a critical tool that DHS will continue to leverage to communicate with the American public and our partners.

- Also, for the first time, Secretary Mayorkas designated domestic violent extremism as a National Priority Area within the Department's Homeland Security Grant Program. This means that in Fiscal Year 2021, state, local, tribal, and territorial governments will spend at least \$77 million to prevent, prepare for, protect against, and respond to domestic violent extremism.
- Further, at the Direction of Secretary Mayorkas, DHS is redoubling its efforts to augment intelligence analysis and information sharing capabilities – particularly with state, local, tribal, and territorial partners – and determine how we can better access and use publicly-available information to inform our analysis of extremist use of social media and other online platforms. We must bolster our resources, capabilities, and expertise in this area.
- We are also working with our privacy, civil liberties, and civil rights colleagues in the Department to ensure that this new scope of intelligence collection and analysis respects constitutional rights, consistent with the law. Producing intelligence in a purely domestic context is rightly limited by law and creates complexities for intelligence collection. We are mindful of our duty to respect privacy, civil rights, and civil liberties and to act within the authorities granted to DHS. We are also mindful that actual intent to carry out violence can be difficult to discern from the angry, hyperbolic – and constitutionally protected – speech and information commonly found on social media and other online platforms.

A lesson learned from the events of January 6th is that distinguishing between those engaged in constitutionally-protected activities from those involved in destructive, violent, and threat-related behavior is a complex challenge. For example, domestic violent extremists may filter or disguise online communications with vague innuendo to protect operational security, avoid violating social media platforms' terms of service, and appeal to a broader pool of potential recruits. Under the guise of the First Amendment, domestic violent extremists recruit supporters, and incite and engage in violence. Further complicating the challenge, these groups migrate to private or closed social media platforms, and encrypted channels to obfuscate their activity. We must develop the tools to overcome this challenge if we are to effectively address the rising levels of violence perpetrated by those who are inspired by domestic extremist ideological beliefs.

I will close my statement by reiterating that I&A continues to assess that domestic violent extremists – which span a diverse set of ideological actors, including racially-and ethnically-motivated extremists such as white supremacist and anti-government extremists – will continue to exploit lawful, constitutionally-protected protests and other events to pursue criminal behavior and commit acts of violence. These ideological actors are motivated by a range of violent anti-government and anti-authority narratives, periods of prolonged civil unrest, and conspiracy theories, which are largely spread through social media and other online platforms.

My colleagues at I&A – and across the Department of Homeland Security – and I understand the complexity of the threat our country currently faces. We are unwaveringly committed to ensuring

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that the Department is well positioned to combat this evolving threat and protect the American people, including through innovative approaches and continued collaboration with our partners across every level of government, law enforcement, and in the private sector.

Thank you for the opportunity to appear before your Committees today. I look forward to your questions.



Department of Justice

STATEMENT OF

JILL SANBORN
ASSISTANT DIRECTOR
COUNTERTERRORISM DIVISION
FEDERAL BUREAU OF INVESTIGATION

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
AND THE
COMMITTEE ON RULES AND ADMINISTRATION
UNITED STATES SENATE

AT A HEARING ENTITLED

“EXAMINING THE JANUARY 6 ATTACK ON THE U.S. CAPITOL”

PRESENTED

MARCH 3, 2021

**STATEMENT OF
JILL SANBORN
ASSISTANT DIRECTOR
COUNTERTERRORISM DIVISION
FEDERAL BUREAU OF INVESTIGATION**

**BEFORE THE
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
AND THE
COMMITTEE ON RULES AND ADMINISTRATION
UNITED STATES SENATE**

**AT A HEARING ENTITLED
“EXAMINING THE JANUARY 6 ATTACK ON THE CAPITOL”**

MARCH 3, 2021

Good afternoon, Chairman Peters, Chairwoman Klobuchar, Ranking Member Portman, Ranking Member Blunt, and Members of the Committees. Thank you for the opportunity to appear before you today to discuss the FBI's role and efforts leading up to and in response to the January 6, 2021 attack on the U.S. Capitol Building. I am pleased to be here representing the dedicated men and women of the FBI's Counterterrorism Division.

The violence and destruction of property at the U.S. Capitol Building on January 6th showed a blatant and appalling disregard for our institutions of government and the orderly administration of the democratic process. The FBI does not tolerate violent extremists who use the guise of First Amendment-protected activity to engage in violent criminal activity. The destruction of property and violent assaults on law enforcement officers betray the values of our democracy.

On a more personal note, I want to acknowledge the men and women who put their lives on the line to protect Members of Congress and others present inside the U.S. Capitol Complex on January 6th. The men and women of the FBI, and our partners, are working non-stop with federal prosecutors to bring charges against those who participated in the siege of the U.S. Capitol. Those of us in public service, to include Members of Congress and the U.S. Capitol Police, all take the same oath to protect and defend the Constitution. We feel strongly about the horrible events that transpired on the January 6th.

FBI Efforts Leading up to January 6, 2021

It is not possible to examine the January 6th attack on the U.S. Capitol without an understanding of the overall terrorism threat picture leading up to that day. In 2020, the FBI assessed the greatest terrorism threat to the Homeland was from lone actors or small cells who typically radicalize online and look to attack soft targets with easily accessible weapons; we

remain confident in that assessment today. The FBI sees two distinct sets of individuals within this threat: homegrown violent extremists and domestic violent extremists. Both sets of individuals seek to engage in violent, criminal acts, but homegrown violent extremists are inspired by, or associated with, designated foreign terrorist organizations, while domestic violent extremists are motivated by domestic influences, such as long-standing DVE drivers to include racism, anti-Semitism, perceived government or law enforcement overreach, socio-political conditions, and personal grievances.

Throughout 2020, the FBI authored approximately 12 intelligence products for our federal, State, local, Tribal, and territorial law enforcement partners disseminating trends we saw in threat reporting and criminal activity involving domestic violent extremism. Over the last year, we observed activity that led us to assess there was potential for increased violent extremist activity at lawful protests taking place in communities across the United States. As such, in June 2020, we, with our partners at the Department of Homeland Security (“DHS”), issued two separate Joint Intelligence Bulletins highlighting the potential for increased violent extremist activity at such demonstrations and noting that likely targets would include law enforcement and government personnel. More recently, in late August 2020, we published an analytical report informing our partners that domestic violent extremists with partisan political grievances likely posed an increased threat related to the 2020 election. In that product, we noted that domestic violent extremist responses to the election outcome might not occur until after the election and could be based on potential or anticipated policy changes. In December 2020, we participated in a DHS Intelligence In-Depth product, which advised our partners the threat posed by the diverse domestic violent extremist landscape would probably persist due to enduring grievances.

In the weeks and months leading up to Electoral Certification, the FBI collected and shared intelligence; coordinated and communicated among federal, State, and local law enforcement partners; and positioned federal resources for potential deployment. Through these measures, the FBI worked in close coordination with the U.S. Capitol Police, the Metropolitan Police Department of Washington D.C., and other law enforcement partners leading up to the Joint Session of Congress and the planned demonstrations scheduled for January 6, 2021. The FBI and our federal, State, and local partners collected and shared intelligence and relevant public safety-related information in preparation for the various planned events.

FBI's Response to Events on January 6, 2021

Throughout the course of the day on January 6, 2021, the FBI was in constant communication with federal, State, and local partners, including through the FBI WFO Command Post and the National Crisis Coordination Center (“NC3”) at FBI Headquarters. Prior to the breach of the U.S. Capitol, FBI Special Agents, including bomb technicians, responded to assist the U.S. Capitol Police with securing two nearby locations where potential explosive devices had been found. While the FBI and the U.S. Capitol Police were responding to, and rendering safe, the devices, it became clear that some individuals had breached security barricades and were entering the U.S. Capitol Complex. In response to requests from the U.S. Capitol Police, the FBI immediately deployed additional assistance.

FBI tactical teams partnered with other responding law enforcement agencies to gain control of the area and offer protection to Congressional Members and staff. One of the FBI tactical teams coordinated with the U.S. Capitol Police and the U.S. Secret Service to provide additional protection to a U.S. Secret Service protectee still in the building. FBI Special Agents on Special Weapons and Tactics (“SWAT”) teams were deployed to secure nearby Congressional office buildings. The FBI Hostage Rescue Team deployed, FBI Evidence Response Teams arrived to collect evidence, and other FBI Special Agents provided perimeter security around the U.S. Capitol and the areas where the explosive devices were found.

Beginning on the evening of January 6, the FBI surged substantial resources to help ensure the safety and security of the U.S. Capitol Complex, Members of Congress and their staff, and the public. Since then, the FBI has deployed our full investigative resources and is working closely with our federal, State, local, Tribal, and territorial partners to aggressively pursue those involved in criminal activity during the events of January 6, 2021. FBI Special Agents, Intelligence Analysts, and professional staff have been hard at work gathering evidence, sharing intelligence, and working with federal prosecutors to bring charges against the individuals involved.

We have active tip lines and web resources for members of the public to provide information that will assist in identifying individuals who were involved in the violence and criminal activity. These resources also allow the public to submit any images, videos, or other multimedia files related to possible violations of federal law. The FBI has received more than 200,000 Digital Media Tips and more than 30,000 tips through our National Threat Operations Center, which continues to receive tips from the public and generate actionable leads for our investigators. The FBI has opened hundreds of subject investigations with regards to acts of terrorism, rioting, assault on a federal officer, and property crimes violations.

Conclusion

Looking forward, the FBI assesses there is an elevated threat of violence from domestic violent extremists, and some of these actors have been emboldened in the aftermath of the breach of the U.S. Capitol. We expect racially or ethnically motivated violent extremists, anti-government or anti-authority violent extremists, and other domestic violent extremists citing partisan political grievances will very likely pose the greatest domestic terrorism threats in 2021 and likely into 2022. The FBI urges federal, State, local, Tribal, and territorial government counterterrorism and law enforcement officials and private sector security partners to remain vigilant in light of the persistent threat posed by domestic violent extremists and their unpredictable target selection in order to effectively detect, prevent, preempt, or respond to incidents and terrorist attacks in the United States.

Chairman Peters, Chairwoman Klobuchar, Ranking Member Portman, Ranking Member Blunt, and Members of the Committees, thank you for the opportunity to testify today. As I hope I will make clear to you, the FBI takes very seriously the threat of domestic violent extremism in any place, by any actor, against any individual or group, and we will continue to follow all the leads, identify those responsible, and hold them accountable. Regardless of a case classification or indictment category, we work daily to carry out the FBI mission to protect the American people and uphold the Constitution of the United States. We are grateful for the support that you and these Committees have provided to the FBI, and I look forward to answering any questions you might have.

**Testimony
of
William J. Walker
Commanding General
District of Columbia National Guard
before
Senate Homeland Security and
Governmental Affairs Committee and Senate Rules
and Administration Committee
3 MAR 21**

Good morning, Chairman Peters and Chairwoman Klobuchar, Ranking Members Portman and Blunt, and members of the Committees. I am Major General William J. Walker and I serve as the Commanding General for the District of Columbia National Guard, affectionately known as the Capital Guardians. I appreciate the opportunity to appear before you today to discuss the events of January 6 - a dark chapter in our nation's history.

I was sickened by the violence and destruction I witnessed that fateful day and the physical and mental harm that came to the U.S. Capitol Police officers and MPD, some of whom I met with later that evening and I could see the injuries they sustained. It is my hope that my recollection of events and presentation of the facts as I know them, will help your Committees in its investigation and prevent such tragic events from ever occurring again.

First, I think it is critical to understand what the DC National Guard's mission was on January 6th, to include what civilian agency we were supporting and how requests for support of other civilian authorities were handled.

On December 31, 2020, the DC National Guard received written requests from District of Columbia Mayor, Muriel Bowser, and her Director of DC Homeland Security and Emergency Management Agency, Dr. Christopher Rodriguez. The requests sought DC National Guard support for traffic control and crowd management for planned demonstrations in DC from January 5th thru the 6th.

After conducting mission analysis to support the District request, I sent a letter to then Secretary of the Army, Ryan McCarthy, dated January 1, requesting approval. I received approval in a letter dated January 5th from Secretary McCarthy granting support of the MPD with 340 total personnel to include 40 personnel assigned to a Quick Reaction Force.

The DCNG provides support to MPD, the U.S. Park Police, U.S. Secret Service and other District and federal law enforcement agencies in response to planned rallies, marches, protests and other large scale first amendment activity on a routine basis.

A standard component of such support is the stand up of an offsite Quick Reaction Force (QRF), an element of guardsmen held in reserve equipped with civil disturbance response equipment (helmets, shields, batons, etc..) and postured to quickly respond to an urgent and immediate need for assistance by civilian authorities. The Secretary of the Army's Jan. 5th letter withheld authority for me to employ the Quick Reaction Force.

In addition, the Secretary of the Army's memorandum to me required that a "concept of operation" (CONOP) be submitted to him before any employment of the QRF. I found that requirement to be unusual as was the requirement to seek approval to move Guardsmen supporting MPD to move from one traffic control point to another.

Beginning at 1:30pm, we watched as MPD began to deploy all available resources in support of the Capitol Police. In doing so, the officers began to withdraw from the traffic control points that were jointly manned with DC Guardsmen.

At 1:49pm I received a frantic call from then Chief of U.S. Capitol Police, Steven Sund, where he informed me that the security perimeter at the Capitol had been breached by hostile rioters. Chief Sund, his voice cracking with emotion, indicated that there was a dire emergency on Capitol Hill and requested the immediate assistance of as many Guardsmen as I could muster.

Immediately after the 1:49pm call with Chief Sund, I alerted the Army Senior Leadership of the request. The approval for Chief Sund's request would

eventually come from the Acting Secretary of Defense and be relayed to me by Army Senior Leaders at 5:08pm – 3 hours and 19 minutes later. We already had Guardsmen on buses ready to move to the Capitol. Consequently, at 5:20pm (in under 20 minutes) the District of Columbia National Guard arrived at the Capitol. We helped to re-establish the security perimeter at the east side of the Capitol to facilitate the resumption of the Joint Session of Congress.

In conclusion, I am grateful for the Guardsmen from the 53 states and territories who supported DC National Guard's OPERATION CAPITOL RESPONSE and ensured a peaceful transition of power on January 20th. In particular, I am grateful for the timely assistance of our close neighbors from the Virginia, Delaware, and Maryland National Guard who augmented our DC National Guard forces in establishing a security perimeter.

I am honored to lead these citizen Soldiers and Airmen – your constituents - many of whom have left behind their families, careers, education and businesses, to ensure the protection and safety of the U.S. Capitol and those who serve in it.

Thank you again for the opportunity to brief you today. I look forward to any questions you may have.

---end---



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JAN - 4 2021

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: Employment Guidance for the District of Columbia National Guard

This memorandum responds to your January 4, 2021 memorandum regarding the District of Columbia request for District of Columbia National Guard (DCNG) support in response to planned demonstrations from January 5-6, 2021. You are authorized to approve the requested support, subject to my guidance below and subject to consultation with the Attorney General, as required by Executive Order 11485.

Without my subsequent, personal authorization, the DCNG is not authorized the following:

- To be issued weapons, ammunition, bayonets, batons, or ballistic protection equipment such as helmets and body armor.
- To interact physically with protestors, except when necessary in self-defense or defense of others, consistent with the DCNG Rules for the Use of Force.
- To employ any riot control agents.
- To share equipment with law enforcement agencies.
- To use Intelligence, Surveillance, and Reconnaissance (ISR) assets or to conduct ISR or Incident, Awareness, and Assessment activities.
- To employ helicopters or any other air assets.
- To conduct searches, seizures, arrests, or other similar direct law enforcement activity.
- To seek support from any non-DCNG National Guard units.

At all times, the DCNG will remain under the operational and administrative command and control of the Commanding General of the DCNG, who reports to the Secretary of Defense through the Secretary of the Army.

You may employ the DCNG Quick Reaction Force (QRF) only as a last resort and in response to a request from an appropriate civil authority. If the QRF is so employed, DCNG personnel will be clearly marked and/or distinguished from civilian law enforcement personnel, and you will notify me immediately upon your authorization.

Christopher C. Miller

Christopher C. Miller
Acting





SECRETARY OF THE ARMY
WASHINGTON

05 JAN 2021

Major General William J. Walker
Commanding General
District of Columbia National Guard
2001 East Capitol Street SE
Washington, DC 20003-1719

Dear General Walker:

This responds to your letter dated January 1, 2021 recommending approval of the request of Mr. Christopher Rodriguez, Director of District of Columbia Homeland Security and Emergency Management Agency (DCHSEMA), on behalf of the District of Columbia Fire and Emergency Service (DCFEMS) and DC Metropolitan Police Department (MPD) dated December 31, 2020, requesting the District of Columbia National Guard (DCNG) 33rd Civil Support Team (CST) and traffic management and crowd control for planned demonstrations in DC from 5-7 January 2021.

Support to the Civil Authorities of the District of Columbia

DCHSEMA requested that the DCNG CST conduct the following tasks, upon request, for each event: (1) Chemical, Biological, Radiological, and Nuclear (CBRN) monitoring and hazardous material (HAZMAT) on-site support; (2) liaisons at all required locations; (3) technical decontamination support (on call);¹ (4) Analytical Laboratory Suite (ALS) support (on call); and (5) CST operations and communications capability support. The CST personnel will be partnered with personnel from DCFEMS throughout the course of these missions and will serve solely in a support role to emergency fire and medical first responders.

DCHSEMA also requested six crowd management teams at specified Metro stations and to prevent overcrowding on Metro platforms; and teams to assist at 30 designated traffic posts.

Your mission analysis determined that the DCNG could provide all of the requested support. I approve the DCNG to support the MPD with 340 total personnel. DCNG Disposition will include:

- a. Traffic Control Points: 90 personnel (180 total/2 shifts) operating in non-tactical vehicles
- b. Metro station support: 24 personnel (48 total/2 shifts)

¹ The requested technical decontamination support will be limited to first responders working with the CST. It will not include the mass decontamination of civilians.

- c. CST Support: 20 personnel
- d. Quick Reaction Support: 40 personnel staged at Joint Base Andrews
- e. Internal C2 and Support: 52 personnel

DCNG are not authorized to perform any additional tasks or duties not authorized in this memorandum. In addition, without my personal authorization, the DCNG is not authorized the following:

- a. To be issued weapons, ammunition, bayonets, and batons.
- b. To interact physically with protestors, except when necessary in self-defense or defense of others, consistent with the DCNG Rules for the Use of Force other than those who pose an immediate threat of physical harm to Federal personnel or destruction of Federal facilities.
- c. To employ any riot control agents.
- d. To share equipment with law enforcement agencies.
- e. To use Intelligence, Surveillance, and Reconnaissance (ISR) assets or to conduct ISR or Incident, Awareness, and Assessment (IAA) activities.
- f. To employ helicopters or any other air assets.
- g. To conduct searches, seizures, arrests, or other similar direct law enforcement activity.
- h. To seek support from any non-DCNG National Guard units.

DCNG Soldiers have the inherent right to self-defense. DCNG Soldiers will store their helmets and body armor within vehicles or buildings in close proximity to their positions. In the event of an elevation of the threat requiring immediate donning of this equipment for self-defense, DCNG leadership will immediately notify the Secretary of Army.

At all times, the DCNG will remain under the operational and administrative command and control of the Commanding General of the DCNG, who reports to the Secretary of Defense through the Secretary of the Army.

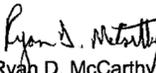
I withhold authority to approve employment of the DCNG Quick Reaction Force (QRF) and will do so only as a last resort, in response to a request from an appropriate civil authority. I will require a concept of operation prior to authorizing employment of the QRF. If the QRF is employed, DCNG personnel will be clearly marked and/or distinguished from civilian law enforcement personnel. You will notify me immediately of any requests for QFR employment.

The support mission for the CST will begin at approximately 0700 hours on January 5, 2021, and will end on January 7, 2021 when DCHSEMA, in coordination with DCFEMS, determines that the mission is complete. Finally, your mission analysis determined that the requested support constitutes valid military training; is within the current capabilities of the DCNG, and will not detract from the readiness of the DCNG.

Approval

Pursuant to my request, the Deputy Attorney General reviewed and concurred with your plan for support to the civil authorities of the District of Columbia.

All DCNG personnel associated with this support mission will serve under the provisions of Title 32, U.S.C., Section 502(f). They will serve solely in a support role to the named civil authorities and remain under the command and control of DCNG leadership at all times. DCNG will not be armed for this event however, MPD requests that DCNG members be equipped with safety vests and lighted traffic wands to assist with this mission. Further, MPD requests DCNG personnel supporting the mission be appointed as "Special Police" pursuant to D.C. Code § 5-129.03. They will not engage in the domestic surveillance of U.S. persons.


Ryan D. McCarthy

CF:
Office of the Assistant Secretary of Defense (Homeland Defense and Global Security)
Office of the Department of Defense General Counsel
Department of Defense Executive Secretary
Chief, National Guard Bureau
Deputy Chief of Staff, G-3/5/7
Office of the Army General Counsel

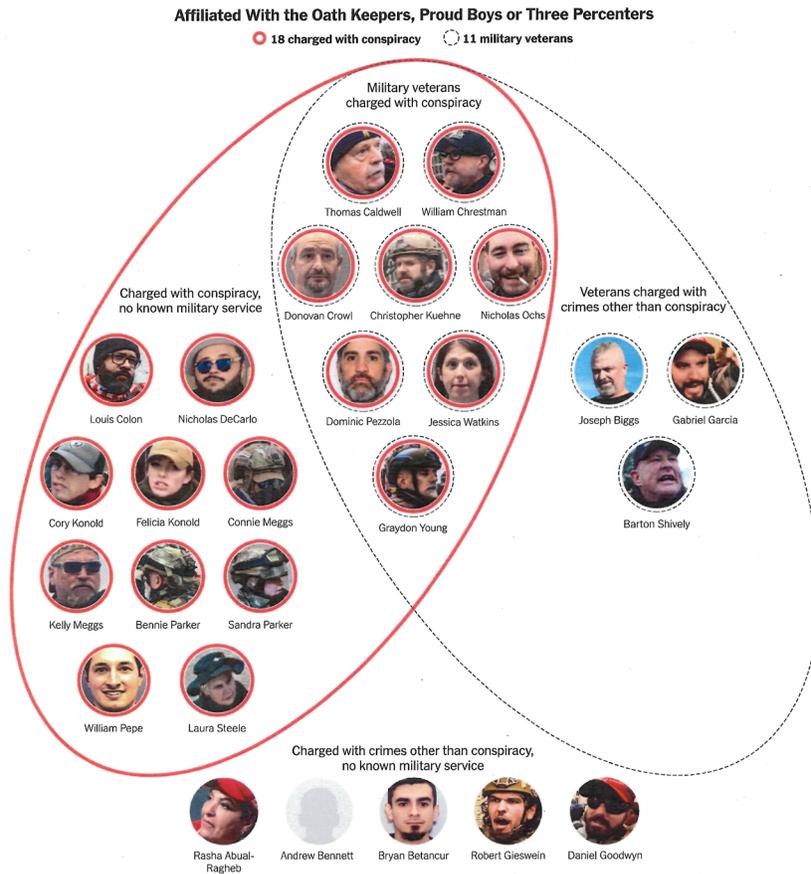
3/3/2021

A Small Group of Militants' Outsize Role in the Capitol Attack - The New York Times

The New York Times <https://nyti.ms/2NigrdX>

A Small Group of Militants' Outsize Role in the Capitol Attack

By Jennifer Valentino-DeVries, Denise Lu, Eleanor Lutz and Alex Leeds Matthews Feb. 21, 2021



<https://www.nytimes.com/interactive/2021/02/21/us/capitol-riot-attack-militants.html>

3/3/2021

A Small Group of Militants' Outsize Role in the Capitol Attack - The New York Times



Notes: The people shown here include those identified by law enforcement, family members or themselves as being affiliated with the militant group. Those wearing their group's paraphernalia are also included. People who only briefly referenced support for or awareness of the group are excluded.

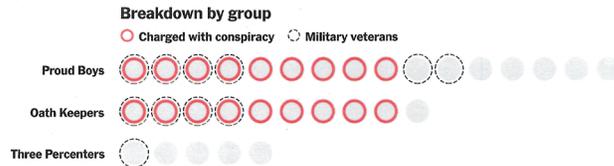
As federal prosecutors unveil charges in the assault on the Capitol last month, they have repeatedly highlighted two militant groups — the Oath Keepers and the Proud Boys — as being the most organized, accusing them of planning their strategy ahead of time and in some cases helping escalate a rally into an attack.

The two organizations stand in contrast to a majority of the mob. Of the more than 230 people charged so far, only 31 are known to have ties to a militant extremist group. And at least 26 of those are affiliated with the Oath Keepers or the Proud Boys.

The groups differ in their focus and tactics: The Oath Keepers are part of an anti-government militia movement that emphasizes military-style training, while the Proud Boys espouse an ideology of male and Western superiority, with members often expressing white-supremacist and anti-immigrant views. But the groups have been united in their allegiance to former President Donald J. Trump.

Conspiracy charges, among the most serious levied so far, indicate that members of these groups may have worked together and planned their activities, potentially in ways that made them more dangerous than other rioters. Federal prosecutors have said that some members used teamwork to help people escape arrest and to direct and provoke protesters to overwhelm police defenses.

Of the 22 people charged with conspiracy crimes by mid-February, 18 were known to have ties to one of those two groups.



Another likely factor in the groups' activities: More than a third of the militants were also known to have military experience, a far higher proportion than in the crowd as a whole.

“Right-wing groups targeted military veterans for having the skill sets that they were looking for,” said Peter D. Feaver, a political science professor at Duke University who specializes in military-civilian relations. “They weren’t recruiting from among the Columbia Journalism School.”

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A Small Group of Militants' Outsize Role in the Capitol Attack - The New York Times

Although militants were a small part of the mob, their organizational tactics could have influenced others' behavior and made the riot more violent, said Cynthia Miller-Idriss, the director of the Polarization and Extremism Research and Innovation Lab at American University. Some extremist far-right groups, particularly in Europe, have recently used larger protests as cover for more violent activities, she said.

The groups' role in the Capitol riots helps shed light on their tactics, and it also highlights important differences among elements of the sprawling far-right landscape.

A group of nine that 'put into motion the violence'

Federal prosecutors have said members of the Oath Keepers militia group planned and organized their attack and "put into motion the violence that overwhelmed the Capitol."

Ten people affiliated with the group have faced federal charges so far, and the F.B.I. has said it is seeking information about others seen on video wearing tactical gear and moving in formation with other members.

On Friday, the federal government announced conspiracy charges against six people prosecutors said were members of the group who stormed the Capitol in a military-style "stack." Earlier, prosecutors had charged three other people they said conspired with those six.

Affiliated With Oath Keepers

○ Charged with conspiracy together ○ Military veterans



Unlike the Proud Boys, the Oath Keepers are a more traditional militia group, focused on military-style training and with a largely anti-government stance. Federal prosecutors said members of the group

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A Small Group of Militants' Outsize Role in the Capitol Attack - The New York Times

"believe that the federal government has been co-opted by a shadowy conspiracy that is trying to strip American citizens of their rights."

They focus more than other militant groups on recruiting people with military and law enforcement experience; of the nine people affiliated with Oath Keepers and charged with conspiracy crimes, four were military veterans.

Typically, such right-wing extremists are more likely to be involved in protests against what they view as federal overreach. Mr. Trump's presidency turned that on its head, leading the Oath Keepers to support at least one aspect of the federal government: Donald J. Trump himself.

According to court documents, Oath Keepers members discussed bringing "heavy weapons" to Washington after the election. Jessica Watkins, who described herself as leader of an Oath Keepers contingent called the Ohio State Regular Militia, said the group was "awaiting direction" after the election from Mr. Trump, then the president.

Other members said they planned to bring mace, gas masks, batons and armor to the Capitol but were not bringing guns because of local laws. Instead, they would have a "quick reaction force" with weapons several minutes away, according to court documents.

Three sets of conspiracy charges among Trump's most vocal supporters

Of all the militant groups on the far right, the Proud Boys is perhaps the one most associated with Mr. Trump, and thus it is not surprising that it appears to have had a large role in the siege at the Capitol, which grew out of his false claims that he won re-election. At least 16 people with ties to the organization are facing federal charges in the attacks. That's the most of any known entity.

As of mid-February, three separate groups of Proud Boys members faced conspiracy crime charges, with the government saying they worked together during different parts of the riot. In each of these groups, former military members played a prominent role, including in leading other members of the mob, prosecutors said.

Affiliated With Proud Boys

○ Charged with conspiracy together ○ Military veterans



These four led a large group of Proud Boys during the Capitol riot. Mr. Pezzola was filmed using a police shield to smash through a window to breach the Capitol.

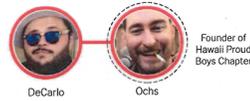


3/3/2021



A Small Group of Militants' Outsize Role in the Capitol Attack - The New York Times

The group tried to prevent the arrest of a rioter and stopped the police from closing barriers under the Capitol.



The pair defaced government property by scrawling the words "Murder the Media" on the Memorial Door of the Capitol.



Others have been arrested on charges like trespassing but are not known to have worked together.

Note: The Proud Boys has long prohibited membership by women, but Felicia Konold, Cory Konold's sister, said she had been recruited by a chapter of the organization, according to court documents.

The Proud Boys, a far-right nationalist organization with several chapters across the United States, vocally tied itself to Mr. Trump's presidency and has attempted to influence mainstream Republican politics, even as it has regularly engaged in violent skirmishes with left-wing activists.

"The Proud Boys believe the way you change a society is through its culture," said William Braniff, a professor at the University of Maryland and director of the National Consortium for the Study of Terrorism and Responses to Terrorism. "They are less disciplined than militia groups but more emotive."

The group was recently designated a terrorist organization in Canada, where the government said its members "espouse misogynistic, Islamophobic, anti-Semitic, anti-immigrant, and/or white supremacist ideologies and associate with white supremacist groups."

"They are a group that will get in people's face because they want to get attention, and they want to be provocative," Mr. Braniff said.

On the day of the riots, Proud Boys leaders used megaphones to lead a group of at least 100 people from Mr. Trump's speech to the Capitol, prosecutors said. Dominic Pezzola, a Proud Boys member, was among the first people to break into the Capitol building, using a stolen police riot shield to bust out a window and allow members of the mob to flood in, according to video footage and court documents.

Militants not charged with conspiracy

Members of other far-right extremist groups, including the anti-government Three Percenters militia, as well as neo-Confederate and white supremacist entities, were also present at the Capitol on Jan. 6. So

3/3/2021

A Small Group of Militants' Outsize Role in the Capitol Attack - The New York Times

far, these people have not been charged with conspiracy crimes, and their numbers indicate they are unlikely to have had an organized role in the attack.

Affiliated With Three Percenters

○ Military veterans



Of the 31 people with militant ties who have been charged so far, at least 11 had a military record. Although people with extremist ideologies represent a small fraction of military veterans, far-right organizations heavily recruit them because of their skills, Dr. Feaver said.

Going forward, the military and federal law enforcement seem poised to take far-right extremism more seriously, domestic terrorism experts said. To do so, they will need to deal not only with the groups that played an important role in the events of Jan. 6, but also with organizations that were not involved, and even more loose affiliations of like-minded people.

“The traditional way of interrupting extremism is by infiltrating groups and interrupting plots,” Dr. Miller-Idriss said. “We see that with some organizations it is possible to do this. But in many cases, it is not.”

Notes: The people reviewed in this article had federal charges filed and unsealed as of Feb. 19. Charges are current as of the most recent criminal complaint or indictment.

Sources: Court documents in federal cases identified by the U.S. Department of Justice as being related to events at the U.S. Capitol on Jan. 6; Seamus Hughes, deputy director of the Program on Extremism at George Washington University; public video, images, documents and social media | Photo sources: Court documents; Montgomery County Jail via Associated Press; Montgomery Jail via Associated Press; Sam Thomas/Orlando Sentinel, via Associated Press; Jasper Colt/USA Today; and the Federal Bureau of Investigation

Additional reporting was contributed by Grace Ashford, Stella Cooper, Ben Decker, Cora Engelbrecht, Alan Feuer, Ben Protess, Rebecca Ruiz, Robin Stein, Christiaan Triebert and Karen Yourish. Photo production by Amanda Cordero, Andrew Rodriguez and Jessica White.

← **Tweet**



Mayor Muriel Bowser ✓
@MayorBowser



To be clear, the District of Columbia is not requesting other federal law enforcement personnel and discourages any additional deployment without immediate notification to, and consultation with, MPD if such plans are underway.



MURIEL BOWSER
MAYOR

January 5, 2021

The Honorable Jeffery Rosen
Acting United States Attorney General
950 Pennsylvania Ave, NW
Washington, DC 20530

The Honorable Ryan D. McCarthy
Secretary of the Army
101 Army Pentagon
Washington, DC 20310

The Honorable Chris Miller
Acting Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301

Dear Acting Attorney General Rosen, Secretary McCarthy, and Acting Secretary Miller:

As the law enforcement agency charged with protecting residents and visitors throughout the District of Columbia, the Metropolitan Police Department (MPD) is prepared for this week's First Amendment activities. MPD has coordinated with its federal partners, namely the US Park Police, US Capitol Police and the US Secret Service—all of whom regularly have uniformed personnel protecting federal assets in the District of Columbia. This week, MPD has additional logistical support of unarmed members of the DC National Guard, who will work under the direction of, and in coordination with, MPD.

The District of Columbia Government has not requested personnel from any other federal law enforcement agencies. To avoid confusion, we ask that any request for additional assistance be coordinated using the same process and procedures.

We are mindful that in 2020, MPD was expected to perform the demanding tasks of policing large crowds while working around unidentifiable personnel deployed in the District of Columbia without proper coordination. Unidentifiable personnel—in many cases, armed—caused confusion among residents and visitors and could become a national security threat with no way for MPD and federal law enforcement to decipher armed groups.

To be clear, the District of Columbia is not requesting other federal law enforcement personnel and



MURIEL BOWSER
MAYOR

January 5, 2021

The Honorable Jeffery Rosen
Acting United States Attorney General
950 Pennsylvania Ave, NW
Washington, DC 20530

The Honorable Ryan D. McCarthy
Secretary of the Army
101 Army Pentagon
Washington, DC 20310

The Honorable Chris Miller
Acting Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301

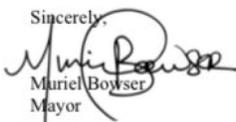
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To be clear, the District of Columbia is not requesting other federal law enforcement personnel and discourages any additional deployment without immediate notification to, and consultation with, MPD if such plans are underway. The protection of persons and property is our utmost concern and responsibility. MPD is well trained and prepared to lead the law enforcement, coordination and response to allow for the peaceful demonstration of First Amendment rights in the District of Columbia.

Sincerely,

Muriel Bowser
Mayor

Cc: Congresswoman Eleanor Holmes Norton

Senate Committee on Homeland Security and Governmental Affairs
and the Committee on Rules and Administration
Joint Hearing
Examining the January 6th Attack on the U.S. Capitol, Part II
March 3, 2021

Questions for the Record
Mr. Robert G. Salesses

Chairwoman Klobuchar

1. In your view, should the structure of the Capitol Police Board be reformed to provide the Capitol Police chief or any other officials greater flexibility to respond quickly to emergency situations?

- Are there any specific reforms that you recommend?

Response: The Department of Defense remains committed to working closely with our Federal, State, and local law enforcement partners, the District of Columbia Government, and the Congress to ensure we learn from this event and take all necessary actions to respond and ensure an attack on our nation's capital never happens again.

2. We have previously heard testimony that the former Capitol Police chief and former Senate and House Sergeants at Arms did not receive the raw intelligence included in the January 5 report issued by the FBI's Norfolk field office prior to the January 6 attack on the Capitol.

- What changes do you believe should be made to intelligence sharing policies and practices to ensure that important intelligence makes it to decision makers charged with Capitol security in a timely manner?

Response: The Department of Defense does not monitor the general U.S. population for domestic criminal threats, and the Department therefore relies upon civilian law enforcement agencies to provide warning of potential domestic threats, including civil unrest, in planning for potential support. Department of Defense support is contingent on the requests of its Federal law enforcement partners, including the U.S. Capitol Police and District of Columbia government, which is informed by their threat assessments.

Due to the unique nature of the District of Columbia, in which many governmental organizations exercise a range of authorities, the provision of safety and security, maintenance of civil order, and the protection of lives and property are vested in the District of Columbia Government, the U.S. Secret Service, the U.S. Park Police, the U.S. Marshals Service, the U.S. Capitol Police, the Federal Protective Service, and other civilian law enforcement organizations. As such, the Department of Defense defers to these entities to address their intelligence needs and how improvements in law enforcement intelligence-sharing policies and practices could have made them more effective on January 6, 2021.

Senator Capito

1. Was the delay in approval of the National Guard deployment the result of a long and difficult formal request process, or was it a delay within the Department of Defense?

Response: District of Columbia National Guard personnel were approved to provide support, equipped, and moved to the U.S. Capitol Complex as quickly and safely as possible, given the circumstances. It was our responsibility to our men and women in uniform to ensure they were prepared to undertake this significant change of mission in a dangerous circumstance.

Here are a few factors to consider:

- No Federal law enforcement or District of Columbia Government agency had requested that the Department of Defense posture a District of Columbia National Guard contingency force for quick response to violent protests at the U.S. Capitol.
- Because no Federal law enforcement or District of Columbia Government agency anticipated a need for National Guard civil disturbance support, District of Columbia National Guard personnel who redeployed from ongoing support or who were mobilized to provide support had to go to the District of Columbia Armory to get civil disturbance gear and otherwise prepare to provide civil disturbance support.
- Further work was necessary to turn these requests into actionable tasks with specific mission parameters, particularly in light of the fact that: (a) the District of Columbia National Guard would be supporting law enforcement officials engaging with U.S. citizens; (b) several thousand District of Columbia, State, and Federal law enforcement personnel were deployed, or deploying, to the U.S. Capitol Complex; and (c) no law enforcement agency had developed a concept of operations in advance for District of Columbia National Guard support at the Capitol.
- Because the U.S. Capitol Police and District of Columbia Government were requesting that District of Columbia National Guard personnel support law enforcement civil disturbance activities, these requests had to be approved by the Acting Secretary of Defense, who was briefed on these requests at approximately 2:30 pm. About a half-hour later, the Acting Secretary determined that all available forces of the District of Columbia National Guard were required to reinforce District of Columbia Metropolitan Police Department and U.S. Capitol Police positions to support efforts to reestablish the security of the U.S. Capitol Complex.

Senator Scott

There have been nearly 5,000 National Guardsmen deployed in the Capitol Complex through March 12. Our National Guardsmen have been working day and night at the Capitol, and they have families, jobs and lives back home. I still am waiting on answers from my questions from the previous hearing regarding the rationale for keeping the National Guard at the Capitol. We need a defined mission to justify keeping the National Guard in D.C. long-term. It was announced on March 4, 2021, that Capitol Police has requested a 60-day extension of National Guard presence at the Capitol.

- *Can you explain what threats the Capitol currently faces?*

Response: National Guard personnel are deployed around the U.S. Capitol at the request of the U.S. Capitol Police Board. The Department of Defense does not monitor the general U.S. population for domestic criminal threats, and the Department therefore relies upon civilian law enforcement agencies to provide warning of potential domestic threats, including civil unrest, in planning for potential support. Department of Defense support is contingent on the requests of its Federal law enforcement partners, including the U.S. Capitol Police and District of Columbia government, which is informed by their threat assessments.

- *Is there a certain size of the threat that warrants this continued and long-term National Guard presence?*

Response: Please see the previous response. National Guard support is currently scheduled to end by March 12, 2021.

- *How big is this threat? Too big to be handled by Capitol Police and local forces?*

Response: Please see the first response above.

- *Can you tell us how large this National Guard presence will be in order to combat the threat?*

Response: Based on District of Columbia Metropolitan Police Department and U.S. Capitol Police requests for assistance, approximately 5,500 National Guard personnel are providing support in the District of Columbia.

- *Can you please tell us in general, what type of threats justify a National Guard presence?*

Response: Please see the first response above.

- *If the National Guard is to be present, what is their mission/ what is the goal?*

Response: National Guard personnel are supporting U.S. Capitol Police efforts to secure the U.S. Capitol Complex, and District of Columbia National Guard personnel are supporting the District of Columbia Metropolitan Police Department by providing a mobile force for crowd/traffic management, presence, and security.

- *How does having the National Guard at the Capitol impact the readiness of the National Guard to respond to natural disasters and other emergencies?*

Response: Because this is temporary support, the Department is able to manage this National Guard support and mitigate potential negative impacts on readiness to conduct Department of Defense missions.

Non-District of Columbia National Guard personnel deployed to provide support in the District of Columbia are made available by their State Governors, who are responsible for ensuring State forces, including the National Guard, are prepared to respond to disasters and other emergencies effectively..

**Post-Hearing Questions for the Record
Submitted to Melissa Smislova
From Chairman Gary C. Peters**

“Examining the January 6 Attack on the U.S. Capitol, Part II”

March 3, 2021

Question#:	1
Topic:	I&A Collection Authorities
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Gary C. Peters
Committee:	HOMELAND SECURITY (SENATE)

Question: Please comprehensively describe the Department of Homeland Security Office of Intelligence and Analysis's (DHS I&A) collection authorities in regards to monitoring social media. Do these authorities differ when tracking and analyzing domestic terrorism as opposed to other threats?

Response: The U.S. Department of Homeland Security (DHS) Office of Intelligence and Analysis (I&A) is authorized by the Homeland Security Act to engage in intelligence activities designed to identify and counter threats posed by terrorism, both international or domestic. The Secretary of Homeland Security, acting through I&A, is authorized to access, receive, and analyze law enforcement information, intelligence information, and other information from federal, state, and local agencies, as well as private sector entities, to identify and assess the nature and scope of terrorist threats to the homeland. The Homeland Security Act also authorizes I&A to integrate information, analysis, and vulnerability assessments to identify priorities for protective and support measures, and to coordinate with federal, non-federal, and private sector entities to ensure information on terrorism is shared with those who have responsibilities relating to homeland security. All such collection is subject to the dictates of Executive Order 12333, which specify that any such collection be done in a manner that protects fully the legal rights of all United States persons, including freedoms, civil liberties, and privacy rights guaranteed by Federal law.

I&A may collect information overtly or from publicly available information in furtherance of national and departmental missions, including its counterterrorism mission. These provisions, among others, authorize I&A to execute a counterterrorism intelligence mission that is further implemented through its U.S. Attorney General-approved Intelligence Oversight Guidelines (“Guidelines”). Importantly, I&A personnel do not broadly monitor social media. Instead, I&A personnel perform targeted collection in accordance with I&A’s authorities. As such, I&A personnel may engage in collection of publicly available information, including social media information, when they have a reasonable belief that doing so furthers one or more national or

Question#:	1
Topic:	I&A Collection Authorities
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Gary C. Peters
Committee:	HOMELAND SECURITY (SENATE)

departmental missions, including the mission to counter terrorism, both domestic and international. Any such collection must be done in a manner that protects fully the legal rights of all United States persons, including freedoms, civil liberties, and privacy rights guaranteed by Federal law.

Question: Please comprehensively describe the differences between the collection authorities of the Federal Bureau of Investigation and of DHS I&A when tracking and analyzing domestic terrorism.

Response: As described in our response to Question No. 1, I&A is authorized by Executive Order 12,333 and its Guidelines to engage in overt collection and the collection of publicly available information where doing so furthers one or more national or departmental missions, including the mission to counter domestic terrorism. I&A is not authorized to engage in covert or clandestine collection of non-public information, which may differ from some of our law enforcement or intelligence partners. Further, any collection by I&A must be done in a manner that protects fully the legal rights of all United States persons, including freedoms, civil liberties, and privacy rights guaranteed by Federal law.

I&A defers to the U.S. Department of Justice and the Federal Bureau of Investigation (FBI) to describe their collection authorities.

Question#:	2
Topic:	Use of Authorities
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Gary C. Peters
Committee:	HOMELAND SECURITY (SENATE)

Question: Please describe trends in DHS I&A's use of various collection authorities in analyzing domestic terrorism. How has DHS I&A's use of these authorities to analyze domestic terrorism changed over time in the past 10 years?

Response: DHS I&A is authorized by the Homeland Security Act to engage in intelligence activities aimed at countering terrorism, regardless of whether it is international or domestic. The Secretary of Homeland Security, acting through I&A, is authorized to access, receive, and analyze law enforcement information, intelligence information, and other information from federal, state, and local agencies, as well as private-sector entities, to identify and assess the nature and scope of terrorist threats to the homeland, among other purposes. I&A also is authorized to integrate information, analysis, and vulnerability assessments to identify priorities for protective and support measures, and to coordinate with federal, non-federal, and private sector entities to ensure information on terrorism is shared with those who have responsibilities relating to homeland security. Executive Order 12333 dictates that I&A may collect information overtly or from publicly available information in furtherance of national and departmental missions, including its counterterrorism mission. Any such collection be done in a manner that protects fully the legal rights of all United States persons, including freedoms, civil liberties, and privacy rights guaranteed by Federal law. These provisions, among others, authorize I&A to execute a broad counterterrorism intelligence mission that is further implemented through its Guidelines.

I&A implements its collection programs—overt HUMINT and open source—through its Guidelines. In recent years, I&A has attempted to increase its ability to leverage social media and other publicly available information to better understand the threat of domestic violent extremism. Generally, this has resulted in an increase in open source reporting on threats to homeland security, although production numbers are subject to volatility from year to year based on a variety of variables.

Question#:	3
Topic:	Changes Made
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Gary C. Peters
Committee:	HOMELAND SECURITY (SENATE)

Question: What changes is DHS I&A implementing to make sure threats expressed online are not missed like they were on January 6?

Response: I&A understands that more can and should be done, and is committed to improving our access to information, analysis and sharing of information, and the amount of analytical expertise we can expend on the domestic violent extremism threat. I&A is presently working to expand the organization's depth of knowledge and expertise on domestic terrorism. It also is working to improve its ability to analyze publicly available sources, consistent with protections for privacy and civil liberties.

In addition, I&A is constructing information technology infrastructure that will support the unclassified analysis of domestic terrorism-related data and information. This includes establishing an unclassified cloud infrastructure, accompanied by appropriate policy and oversight frameworks, as well as the ability to move data to classified systems for further enrichment with Intelligence Community holdings. I&A is also working with federal entities, as well as our State, local, Tribal, and territorial (SLTT) customers to improve DHS's intelligence dissemination, including ensuring that customers are able to consume DHS information across multiple media applications. I&A is currently working with the National Fusion Center Association and the Office of the Director of National Intelligence to explore capabilities that will significantly enhance I&A's communication and dissemination tools, including mobile applications, modernizing the Homeland Security Information Network (HSIN)-Intelligence community of interest, and stabilizing and expanding access to certain classified systems.

**Post-Hearing Questions for the Record
Submitted to Melissa Smislova
From Chairman Amy Klobuchar**

“Examining the January 6 Attack on the U.S. Capitol, Part II”

March 3, 2021

Question#:	4
Topic:	Intelligence Sharing Policies
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Amy Klobuchar
Committee:	HOMELAND SECURITY (SENATE)

Question: We have previously heard testimony that the former Capitol Police chief and former Senate and House Sergeants at Arms did not receive the raw intelligence included in the January 5 report issued by the FBI's Norfolk field office prior to the January 6 attack on the Capitol.

What changes do you believe should be made to intelligence sharing policies and practices to ensure that important intelligence makes it to decision makers charged with Capitol security in a timely manner?

Response: I&A defers to the FBI regarding the dissemination of any specific FBI field office reports.

That said, I&A is examining the potential capability to apply technology to improve access to and dissemination of intelligence--although we are still in the early planning stages of exploring avenues to improve this process.

With respect to access, I&A is exploring developing an access model that automates data policies and information sharing. The acquisition and application of advanced technology may enable faster and easier access to data while maintaining appropriate security and oversight controls.

With respect to dissemination, I&A is reviewing ways to acquire or develop easy-to-use applications that would leverage machine learning and other automation technologies. This could help ensure the community is able to maximize the benefits of its products in a timely manner.

**Post-Hearing Questions for the Record
Submitted to Melissa Smislova
From Senator Thomas R. Carper**

“Examining the January 6 Attack on the U.S. Capitol, Part II”

March 3, 2021

Question#:	5
Topic:	Plan for an Attack
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Thomas Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: Ms. Smislova, in your testimony, you stated that just over a week before the attack on the U.S. Capitol, the Office of Intelligence and Analysis issued a joint intelligence product with the FBI and National Counterterrorism Center. This intelligence product warned that the outcome of the election could mobilize extremists to commit violence.

In fact, you state that the Office issued numerous strategic warnings throughout the 2020 election period about election-related violence and threats from domestic violent extremists.

Given these strategic warnings, why did the Department not take the threat more seriously and plan for a potential coordinated and planned attack?

Response: I&A did, and continues to, take seriously the threat of domestic terrorism. During the 2020 general election season and throughout the transition period, I&A provided over 15 unclassified strategic warnings, including providing input to the Department’s publicly available 2020 Homeland Threat Assessment and the dissemination of I&A’s related intelligence assessments.

However, despite our understanding of the threat, DHS lacked specific, credible threat reporting that domestic violent extremists (DVEs) would target the counting of the Electoral College ballots on January 6, 2021 at the U.S. Capitol. I&A remains concerned that the strategic warnings provided throughout the general election were ineffective in preparing operators for the heightened threat environment, and continues to evaluate our analytic products and dissemination methods to enhance the utility of the intelligence we provide to our federal, state, local, Tribal, territorial, and private sector partners every day.

Question: Did you have any discussions with the Federal Bureau of Investigation about planning for a coordinated attack?

Question#:	5
Topic:	Plan for an Attack
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Thomas Carper
Committee:	HOMELAND SECURITY (SENATE)

Response: I&A was in constant contact with the FBI; however, I&A did not possess any specific or credible information regarding the planning or coordination of an attack on the U.S. Capitol on January 6, 2021.

Question#:	6
Topic:	NSSE Designation
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Thomas Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: Following up on Senator Hassan's line of questions about a lack of a National Special Security Event (NSSE) designation for the 6th, you said the Office of Intelligence and Analysis does not play much of a role in that designation. Do you think it should, given your office is the intelligence arm of the Department?

Response: Presidential Policy Directive 22 (PPD 22) describes the National Special Security Events (NSSE) designation process and makes the Secretary of Homeland Security the responsible official for designating events as NSSEs. PPD 22 also requires the Secretary to consult with the National Security Staff and establishes the NSSE Working Group to assist the Secretary in NSSE designation decisions. The NSSE Working Group is made up of the United States Secret Service, the FBI, and the Federal Emergency Management Agency. Since I&A is not part of the NSSE Working Group, it would not have a role in NSSE designation process. Further, PPD 22 describes the role the FBI plays in the NSSE designation process and in any eventual NSSE security plan. Pursuant to PPD 22, since the FBI has the lead responsibility for domestic terrorism and counterterrorism, as those topics pertain to NSSEs, any advice to the Secretary regarding intelligence related to any potential event's NSSE designation would come from the FBI through its membership on the NSSE Working Group.

As previously mentioned, I&A works closely with the FBI on intelligence-related matters concerning potential attacks to the homeland. I&A is not aware of any request for the Joint Session on January 6th to be designated a NSSE; therefore, the process outlined in PPD 22 was never triggered.

Question: And if your Office had more of a role in a NSSE designation, do you think it would have made a difference on the 6th?

Response: It is unclear if a formal role by I&A in the NSSE designation process would have made a difference on January 6, 2021.

Question#:	7
Topic:	Delivering Intelligence
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Thomas Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: Ms. Smislova, the Office of Intelligence and Analysis has a unique and critical role because it is the only Intelligence Community agency that is statutorily charged with developing and delivering intelligence to state, local, and tribal partners.

Can you walk us through exactly how the DHS Office of Intelligence and Analysis decides when intelligence needs to be widely and urgently shared with state, local, and tribal partners?

Response: I&A relies on its subject matter experts in the field and at headquarters to identify and analyze information and intelligence on threats to the Homeland. Working with partners from across the Intelligence Community, and from the state, local, and private sector, these experts inform the necessary stakeholders on threats through a variety of mechanisms—including raw and finished intelligence reporting, briefings, and engagements. Depending on the immediacy and specificity of the threat, phone calls may also be conducted, and intelligence may be disseminated through HSIN to our state, local Tribal, and territorial partners.

In cases where I&A has made a determination of a credible threat with a specific victim—which includes credible information indicating an impending threat of intentional killing, serious bodily injury, or kidnapping directed at an intended victim—I&A will inform/coordinate with FBI to ensure timely and effective warning is disseminated to the affected individuals or organizations. This is consistent with Intelligence Community policy as it relates to Duty to Warn.

I&A has enhanced the rigor with which we publish collection requirements for reporting against authorized domestic intelligence collection activities. We are ensuring that each requirement is specific and addresses applicable intelligence gaps with precisely scoped essential elements of information. Further, we are conducting a systematic check to ensure that the collection requirements reflect the prioritization of the threat; are consistent with our authorities; and comply with legal, privacy, civil rights and civil liberties protections for First Amendment-protected activities.

Question#:	8
Topic:	Dissemination Failure
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Thomas Carper
Committee:	HOMELAND SECURITY (SENATE)

Question: What do you think caused the failure to disseminate timely and adequate intelligence to state and local authorities leading up to the January 6th attack?

Response: I&A produced timely, strategic warnings that communicated our assessment that the United States was in a heightened threat environment and that domestic violent extremists could target government facilities, government personnel, and election-related events during the 2020 general election season and throughout the political transition period. I&A repeatedly warned of the heightened threat environment prior to the January 6th attack. Yet it recognizes that these warnings were insufficient and more can be done. I&A is committed to improving our access to information, our sharing of information and analytical expertise. I&A is also committed to improving the way we communicate threats to decision makers, specifically our non-federal partners (e.g., SLTT homeland security and law enforcement personnel).

**Post-Hearing Questions for the Record
Submitted to Melissa Smislova
From Senator Shelley Moore Capito**

“Examining the January 6 Attack on the U.S. Capitol, Part II”

March 3, 2021

Question#:	9
Topic:	Communication with Partners
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Shelley Moore Capito
Committee:	HOMELAND SECURITY (SENATE)

Question: How did the Office of Intelligence and Analysis communicate the severity of the threat to state and local partners in advance of the January 6th uprising?

In hindsight, what could have been done better to communicate the severity of the threat to on-the-ground partners?

Response: Throughout the 2020 general election and the presidential transition period, I&A produced numerous analytic assessments on the heightened threat environment.

Each of I&A’s products and briefings highlighted our assessment that the United States was in a heightened threat environment throughout the election time period, including through the political transition period. Additionally, I&A repeatedly highlighted, including in the publicly available Homeland Threat Assessment, that racially or ethnically motivated violent extremists who believe in the superiority of the white race presented the most persistent, lethal threat to the homeland.

In August 2020, I&A published an assessment for law enforcement and other partners on physical threats stemming from the 2020 election, which assessed that ideologically-motivated violent extremists and other violent actors could quickly mobilize to threaten or engage in violence against election or campaign-related targets in response to perceived partisan and policy-based grievances. Later that month, I&A published an intelligence product jointly with the FBI assessing that violent extremist responses to the election could occur long after Election Day.

In October 2020, I&A published an assessment noting that “domestic violent extremists often act as lone offenders or in small cells of individuals, and that such actors could mobilize quickly to threaten or engage in violence.” I&A’s analysis was incorporated into the publicly available 2020 Homeland Threat Assessment, which was released by DHS that same month and

Question#:	9
Topic:	Communication with Partners
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Shelley Moore Capito
Committee:	HOMELAND SECURITY (SENATE)

emphasized the breadth of the domestic violent extremism threat, including risks posed by white supremacist extremists and heightened threats from election-related violence.

Just over a week before the attack on the U.S. Capitol, on December 30, 2020, I&A published a joint intelligence product with the FBI and National Counterterrorism Center highlighting persistent threats to government facilities and law enforcement, and noting that perceptions of the outcome of the election could mobilize some extremists to commit violence in the coming months.

Further, I&A proactively conducted briefings and stakeholder calls through the National Network of Fusion Centers to share timely information about the threat environment that could inform their operations. I&A conducted direct outreach to the Director of Intelligence for the U.S. Capitol Police – which had access to the HSIN – and the National Capital Region’s National Threat Intelligence Center.

I&A is committed to improving the way we communicate threats to operational stakeholders and decision makers, specifically our non-federal partners (e.g., SLTT homeland security and law enforcement personnel).

Question: In hindsight, what could have been done better to communicate the severity of the threat to on-the-ground partners?

Response: In hindsight, we could have reiterated our concerns right before January 6th. However, the most significant advancement that can be made to improve our ability to communicate with state and local partners is to invest heavily in the modernization of the platforms DHS uses to disseminate intelligence and share other information. I&A is currently working with the National Fusion Center Association and the Office of the Director of National Intelligence to explore capabilities that will significantly enhance I&A communication and dissemination tools, including mobile applications, modernize the HSIN-Intelligence community of interest, and expand access to the SECRET network, among others.

Question#:	10
Topic:	Terrorist Group Designations
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Shelley Moore Capito
Committee:	HOMELAND SECURITY (SENATE)

Question: Who makes the decision to designate a terrorist group, and what does this mean once a group is designated?

Response: The U.S. Government does not maintain a list designating domestic organizations as “terrorist groups,” but based on the activities of specific actors or groups of actors, I&A may analyze and report on them as domestic terrorists. Foreign organizations can be designated as such under applicable federal laws, and the U.S. State Department executes and maintains a publicly available list of these designations.

Question: Would terrorist designations for some white supremacy groups who were involved in the riot, such as the Proud Boys, allow you to better prepare for future security threats?

Response: It is unclear if designating purely domestic groups as terrorist organizations would enhance I&A or DHS’s ability to prepare for future security threats, as the designation of these groups would not enhance I&A’s ability to collect information or analyze the threat. Presently, I&A is authorized to and does collect, analyze, and report on persons or groups engaging in domestic terrorist/domestic violent extremist activities -- allowing I&A to communicate information about the threat to a broad set of homeland security stakeholders. Moreover, designating purely domestic groups as terrorist organizations could raise significant First Amendment concerns, and consequently, the Department would need to carefully evaluate any statutory proposal concerning the designation of domestic groups as terrorist organizations.

**Post-Hearing Questions for the Record
Submitted to Melissa Smislova
From Senator Rick Scott**

“Examining the January 6 Attack on the U.S. Capitol, Part II”

March 3, 2021

Question#:	11
Topic:	Capitol Threat Report
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Rick Scott
Committee:	HOMELAND SECURITY (SENATE)

Question: There have been nearly 5,000 National Guardsmen deployed in the Capitol Complex through March 12. Our National Guardsmen have been working day and night at the Capitol, and they have families, jobs and lives back home.

I still am waiting on answers from my questions from the previous hearing regarding the rationale for keeping the National Guard at the Capitol. We need a defined mission to justify keeping the National Guard in D.C. long-term.

It was announced on March 4, 2021, that Capitol Police has requested a 60-day extension of National Guard presence at the Capitol.

Did the Federal Bureau of Investigation (FBI) or the Department of Homeland Security (DHS) produce a threat report ahead of the Capitol attack to leadership in the House of Representatives and Senate?

Response: DHS and FBI did not produce any joint strategic intelligence pieces specifically examining the threat to the Certification of Electoral College votes. Leading up to January 6, 2021, both organizations produced numerous strategic intelligence products assessing and communicating that the threat from DVEs was at a heightened state due to a range of factors, including grievances stemming from perceptions of government overreach with regard to COVID-19, civil unrest, and the results of the 2020 Presidential Election, including a joint product released on December 30, 2020 highlighting those threats. However, DHS lacked specific, credible threat reporting that DVEs were targeting the certification of the electoral college ballots on January 6, 2021 at the US Capitol.

Question: While the National Guard is still present, does DHS and FBI plan to provide regular weekly briefings to members of Congress regarding the threat level of the U.S. Capitol?

Question#:	11
Topic:	Capitol Threat Report
Hearing:	Examining the January 6 Attack on the U.S. Capitol, Part II
Primary:	The Honorable Rick Scott
Committee:	HOMELAND SECURITY (SENATE)

Response: DHS is prepared to brief members of Congress on the threat level of the U.S. Capitol and the threat of domestic violent extremism as necessary or as requested.

Question: What information has FBI and DHS provided to the public on the current threat at the U.S. Capitol?

Response: In October 2020, I&A's analysis was incorporated into the publicly available 2020 Homeland Threat Assessment, which emphasized the breadth of the domestic violent extremism threat, including risks posed by white supremacist extremists and heightened threats from election-related violence.

On January 27, 2021, DHS issued a National Threat Advisory System Bulletin (NTAS) addressing the threat from DVEs, which is the first to address a purely domestic threat and stated that a heightened threat environment from DVEs in the Homeland will remain through early 2021.



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Gary C. Peters
Chairman
Committee on Homeland Security and Government Affairs
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed please find responses to questions for the record arising from the appearance of Jill Sanborn, Executive Assistant Director of the National Security Branch of the Federal Bureau of Investigation (FBI), before the Senate Committee on Homeland Security and Government Affairs and Senate Committee on Rules and Administration on March 3, 2021, at a hearing entitled "Examining the January 6th Attack on the U.S. Capitol, Part II." We hope that this information is of assistance to the Committee.

Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter. The Office of Management and Budget has advised us that there is no objection to submission of this letter from the perspective of the Administration's program.

Sincerely,

**PETER
HYUN**

Peter S. Hyun
Acting Assistant Attorney General

Digitally signed by
PETER HYUN
Date: 2022.01.28
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Enclosure

cc: The Honorable Rob Portman
Ranking Member
Committee on Homeland Security and Government Affairs

Senate Committee on Homeland Security and Governmental Affairs
and the Committee on Rules and Administration
Joint Hearing
Examining the January 6th Attack on the U.S. Capitol, Part II
March 3, 2021

Questions for the Record
Ms. Jill Sanborn

Chairman Peters

1. Please comprehensively describe the Federal Bureau of Investigation's (FBI) collection authorities in regards to monitoring social media. Do these authorities differ when tracking and analyzing domestic terrorism as opposed to other threats?

Response: The Attorney General's Guidelines for Domestic FBI Activities (AGG-DOM) establish a set of basic principles that serve as the foundation for all FBI mission-related activities, including online investigation. The AGG-DOM prohibits the FBI from "investigating or collecting or maintaining information on United States persons solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution or laws of the United States." The guidelines are applicable to all threats.

In accordance with those guidelines, the FBI may review, observe, and collect information from open sources as long as the FBI activities are done for a valid law enforcement or national security purpose and in a manner that does not unduly infringe upon the speaker's or author's ability to deliver his or her message. The authorized law enforcement purpose must specifically be tied to the potential violation of a federal criminal statute or national security purposes, usually to further an FBI assessment or predicated investigation, with due regard to the First Amendment.

2. Please comprehensively describe the differences between the collection authorities of the FBI and of the Department of Homeland Security's Office of Intelligence and Analysis when tracking and analyzing domestic terrorism.

Response: The FBI's collection authorities are described in Question 1 (above). The FBI defers to the Department of Homeland Security's Office of Intelligence and Analysis regarding its collection authorities.

3. Please describe trends in the FBI's use of various collection authorities, including covert operations, in investigating domestic terrorism. How has the FBI's use of these authorities to investigate domestic terrorism changed over time since September 11, 2001?

Response: The domestic terrorism (DT) threat is persistent and evolving. The year 2019 marked the deadliest year in the United States for DT since 1995, the year of the Oklahoma City Bombing. The FBI's DT case numbers have grown significantly, and the FBI is seeing DT threat actors blending or adopting different DT ideologies in some of these cases – further increasing the risk the subjects pose and, at times, their unpredictability. Over the years, Domestic Violent Extremists (DVEs) have increased their use of the Internet and online platforms, which often play an important role in an attacker's radicalization and have been used for the creation of violent rhetoric, spreading violent extremist ideology, and recruiting like-minded individuals to DVE causes. Additionally, increased use of encrypted applications affords users anonymity and operational security, while ensuring their material remains widely accessible to online audiences.

As a result, the FBI has adapted its investigative techniques to combat these offenders through increased undercover operations and private sector outreach. Compared to prior years, the FBI has had to employ more advanced investigative techniques, including longer-running undercover operations due to the increased sophistication of actors and their advanced use of technology; increased surveillance coverage of FBI subjects; and increased analysis to review data collected from subjects' social media, financial, and communications platforms.

4. You testified that the FBI does not monitor social media without proper predication. What counts as proper predication when surveilling the social media presence of domestic terrorists?
 - a. Please provide a comprehensive list.
 - b. Is there a difference in the predication required to monitor individuals on social media and the predication required to open a case or investigation?

Response: Under Attorney General Guidelines, implemented through the Domestic Investigations and Operations Guide, the FBI may review, observe, and collect information from open sources as long as the FBI activities are done for a valid law enforcement or national security purpose and in a manner that does not unduly infringe upon the speaker's or author's ability to deliver his or her message. The core requirement is that the authorized purpose must specifically be tied to potential violation of a federal criminal statute or national security purposes, usually to further an FBI assessment or predicated investigation, with due regard to the First Amendment.

Regarding predication – assessments require an authorized purpose but not any particular factual predication. Preliminary investigations may be initiated on the basis of any allegation or information indicative of possible criminal or national security-threatening activity, and full investigations require more substantial factual predication.

5. What changes is the FBI implementing to make sure threats expressed online are not missed like they were on January 6?

Response: The volume of information on the Internet is immense, and much of this information is increasingly embedded in encrypted and often foreign platforms. Part of the FBI's work is to separate aspirational online comments from the intentional. However, leading up to a particular event, the FBI reviews intelligence to identify potential threats to public safety and mitigate them

before they become violent acts and federal crimes. Ahead of the Electoral Certification on January 6, 2021, it was a national priority for all Field Offices to collect and report intelligence related to the event. The intelligence that FBI collected included human source reporting, operational information, and raw intelligence. FBI then shared various intelligence products with its federal, state, and local partners through, for instance, FBI's Joint Terrorism Task Forces (JTTFs) and through its Washington Field Office joint interagency Command Post, which was stood up in anticipation of January 6.

Additionally, throughout 2020, the FBI issued multiple external intelligence products to its federal, state, and local partners on threats posed by Domestic Violent Extremists (DVEs). The FBI had been assessing and warning of credible threats of violence from DVEs over the past year related to the election and the transition process, the elevated threats posed by Anti-Government or Anti-Authority Violent Extremists, and the potential for DVEs to exploit First Amendment-protected activities to achieve violent ends.

Chairwoman Klobuchar

1. You testified that based on what we know now there is evidence that the January 6 attack on the Capitol was coordinated.

- Can you elaborate on the available evidence that supports this point?

Response: According to publicly available court documents, the Department of Justice has charged a number of defendants involved in the siege of the U.S. Capitol with conspiracy, the object of which was either to obstruct a congressional proceeding or to obstruct, impede, or interfere with law enforcement during a civil disorder. In order to protect the integrity of all investigations, as a general practice, the FBI does not comment on the status or existence of any potential investigative matter.

- What can you tell us about what is known about how the rioters who stormed the Capitol may have been supported or financed?

Response: The FBI's investigations into the siege of the U.S. Capitol, including whether the perpetrators may have been supported or financed, are on-going. In order to protect the integrity of all investigations, as a general practice, the FBI does not comment on the status or existence of any potential investigative matter.

2. We have previously heard testimony that the former Capitol Police chief and former Senate and House Sergeants at Arms did not receive the raw intelligence included in the January 5 report issued by the FBI's Norfolk field office prior to the January 6 attack on the Capitol.

- What changes do you believe should be made to intelligence sharing policies and practices to ensure that important intelligence makes it to decision makers charged with Capitol security in a timely manner?

Response: As a member of the FBI Washington Field Office Joint Terrorism Task Force (JTTF), the U.S. Capitol Police are integrated into the JTTF and have access to FBI information. The FBI defers to the U.S. Capitol Police on how FBI intelligence was evaluated, shared internally, and incorporated into joint decision making with the Senate and House Sergeants at Arms.

The Norfolk Situational Information Report (SIR) was disseminated and communicated with the FBI's partners, including the U.S. Capitol Police and the Metropolitan Police Department (MPD), in three different ways. First, the SIR was e-mailed to the FBI Washington Field Office JTTF, which includes task force officers specifically selected by their Chiefs to represent their department and get that department the information in real time. Second, the information was briefed verbally in the joint interagency Command Post at the Washington Field Office, which included representatives of the relevant agencies, like the U.S. Capitol Police and MPD. Third, in addition to the e-mail and verbal briefing at the Command Post, the information was distributed to Virginia state and local law enforcement partners, as well as to certain federal law enforcement partners, through the Virginia Fusion Center.

Senator Carper

Bipartisan Commission

1. In the months after the devastating 9/11 attacks, we established the 9/11 Commission, which endeavored to answer the many painful questions we were asking ourselves in the aftermath of that horrific day.

Led by former New Jersey Governor Tom Kean, a Republican, and former Congressman Lee Hamilton, a Democrat, the bipartisan Commission was charged with two tasks. First, to prepare a full and complete account of the circumstances surrounding the attacks and second, to recommend ways to make our country more secure.

As a member of this Committee during that time, I spent many weeks combing through the 41 recommendations presented by the Commission. I believe Congress enacted over 36 of them – unanimously. And now, I think we need to create a 9/11-style Commission to look at the failures that led to the devastating attack on our Capitol on January 6.

- a) How can we ensure that a new 9/11-style Commission examines the root causes, and not just the symptoms, of the threat posed by domestic terrorists?

Response: The FBI is not in a position to opine on such a Commission, as those decisions are a function of the legislative branch. Four Inspectors General (IG), from the Departments of Justice, Defense, Interior, and Homeland Security, have opened separate investigations into how the agencies prepared for and responded to the events of January 6; the Government Accountability Office (GAO) has initiated an assessment in response to January 6; and several congressional committees, including the Select Committee to Investigate the January 6th Attack on the United States Capitol, have requested information related to the events of January 6. The FBI is committed to fully cooperating with each investigation and review, consistent with our law enforcement and national security obligations to protect ongoing investigations and cases. The FBI must balance its resources to ensure that it remains focused on its core mission of conducting investigations and protecting the American people, while upholding the Constitution.

- b) Can you share what you believe to be the root causes of the rise of domestic terrorism in the country?

Response: The threat posed by domestic terrorism is persistent and evolving.

The FBI is focused on threats or acts of violence or other federal criminal activity, regardless of underlying motivation or socio-political goal. Some Domestic Violent Extremists (DVEs) will continue to be inspired by an individualized mix of various beliefs, picking and choosing themes of different ideologies in an attempt to justify their violent acts. Radicalization of DVEs frequently occurs through self-radicalization online. Social media has increased the speed and accessibility of violent extremist content, while also facilitating greater decentralized connectivity among extremist supporters.

Intelligence Failure

2. A large part of the conversation during the hearing focused on raw intelligence from the Federal Bureau of Investigation (FBI) that was shared just the evening before, on January 5, and not flagged for the most senior officials at the Metropolitan Police Department or the U.S. Capitol Police.

I often say, if you want to go fast, go alone. If you want to go far, go together. And I think that's what we need to do more here—to go together.

Now, with the benefit of hindsight, it is clear that the intelligence in the January 5th report could have helped law enforcement officials better prepare for the events of the 6th.

- a) Ms. Sanborn, can you shed some light on how exactly we missed these grave warning signs until the very last minute?

Response: Leading up to events, the FBI reviews intelligence to identify potential threats to public safety and mitigate them before they become violent acts and federal crimes. Ahead of the Electoral Certification on January 6, 2021, it was a national priority for all Field Offices to collect and report any intelligence related to the event. Specifically, the Counterterrorism Division directed all FBI Field Offices to increase intelligence related to any threats. The intelligence we collected included human source reporting, operational information, and raw intelligence.

The FBI then shared various intelligence products with its federal, state, and local partners through, for instance, FBI's Joint Terrorism Task Forces (JTTFs) and joint interagency Command Posts at the FBI Washington Field Office and at Headquarters, which was stood up in anticipation of January 6. In fact, prior to January 6, the FBI, in coordination with its partners, disrupted several subjects of predicated investigations who were planning to travel to Washington, DC, for January 6 events. Those efforts may have reduced the number and type of individuals who breached the U.S. Capitol and may have kept at bay persons with even more malicious intent or capabilities. Additionally, throughout 2020, the FBI issued multiple external intelligence products to our federal, state, and local partners on threats posed by DVEs. The FBI had been assessing and warning of credible threats of violence from DVEs over the past year

related to the election and the transition process, the elevated threats posed by Anti-Government or Anti-Authority Violent Extremists, and the potential for DVEs to exploit First Amendment-protected activities to achieve violent ends.

However, as the events of January 6 are examined, the FBI welcomes the opportunity to learn from our collective experiences and work to prevent an attack like January 6 from happening again.

- b) When does raw intelligence, some as explicit as ties to extremist groups and an expressed intent to injure others, become actionable intelligence? In other words, where is the threshold between monitoring concerning online activity and acting on that intelligence?

Response: The FBI receives voluminous tips and leads from various sources, and we must evaluate the credibility and viability of the information under the laws and policies that govern our investigations. The volume of information on the Internet is immense and may be of limited specificity and unknown credibility. Part of the FBI's work is to separate the aspirational comments and plots from the intentional. The FBI would describe an "aspirational" comment or plot as one that has not yet moved beyond the discussion phase, whereas the FBI would describe a "credible" comment or plot as one for which targets, tactics, timing, and/or operatives have been identified and confirmed through investigative methods, sources, or tools. However, upon identifying potential threats to public safety, we work closely with our partners to share that information and mitigate the threats before they become violent acts and federal crimes.

Threat of Domestic Extremists and Role of Social Media

3. Months before the attack on the Capitol, intelligence agencies, including the FBI, were sounding the alarms concerning the rising threat of domestic violent extremists to our homeland security. And as we have seen, white supremacists and far-right conspiracy theorists used social media platforms to publicly coordinate the attack on our Capitol. Although this planning was in plain sight for many weeks, law enforcement agencies were still unprepared for the events we witnessed on January 6.

- a) Was the FBI monitoring social media platforms after the November election, and if so, what were you seeing on these platforms, and why was chatter not taken more seriously given the numerous threat assessments the Bureau authored throughout 2020 on the rise of domestic violent extremism?

Response: The FBI proactively reviews, observes, and collects information from open sources when we have a valid law enforcement or national security purpose, and our activities are done in a manner that does not unduly infringe upon the speaker's or author's ability to deliver his or her message. After the election, and in advance of January 6, the FBI performed standard preliminary open source analysis to identify any threats of violence or criminal activity related to potential protest activities in the National Capital Region (NCR). In the weeks leading up to January 6, the FBI Counterterrorism Division engaged with all 56 Field Offices to collect information on threats to the NCR connected to January 6. The FBI also coordinated with federal, state, local, and private sector partners to determine whether any of those entities possessed information regarding potential threats. The FBI assessed there would be significant

demonstrations at several key sites throughout the NCR, including the U.S. Capitol Complex. Additionally, there were online posts that mentioned possible violence; however, these posts were of limited specificity and unknown credibility. A review of the reporting indicated only unsubstantiated threats and did not identify any specific or corroborated threats to the activities planned for January 6.

- b) In order to ensure something like the events on January 6 cannot happen again, what steps should we be taking to counter the rise of online extremism and radicalization perpetuated by white supremacists on social media?

Response: Social media companies play a critical role in spotting and warning of dangers, in order to identify where violent rhetoric or hate speech online has turned to planning. FBI routinely engages with the technology sector to educate them on the threats we face, and many companies are proactively identifying threats and notifying law enforcement. The FBI does not, however, police speech and does not get involved until speech or other conduct crosses the line and becomes a violation of federal criminal law. Up to and until that point, it is up to the private sector companies to craft and enforce their own terms of use on their platforms.

It is important to ensure that technology companies retain the ability to provide electronic evidence to the government in response to legal process and court orders. Like international terrorists have long done, domestic violent extremists are increasingly using end-to-end encrypted communications platforms. Obtaining electronic evidence from social media companies quickly before it disappears is critical to the FBI's success in pursuing these types of crimes.

FBI Intelligence Reports in 2020

4. Ms. Sanborn, in your testimony you stated that throughout 2020, the FBI authored approximately 12 intelligence products related to trends that the Bureau was tracking related to criminal activity involving domestic violent extremism. You go on to say that the Bureau worked with its Department of Homeland Security partners to issue two separate Joint Intelligence Bulletins highlighting that these violent extremists would likely target law enforcement and government personnel.
- a) Given the rising threat of domestic terrorism, and specifically the rise of white supremacist violence in this country – which some would say was exacerbated during the 2020 election year – why wasn't there more action taken to prepare for a planned and coordinated attack ahead of the 6th?

Response: Leading up to the Electoral Certification on January 6, it was a national priority for all Field Offices to collect and report any intelligence related to the event. Specifically, the FBI Counterterrorism Division directed all 56 FBI Field Offices to increase intelligence collection related to any threats. The intelligence FBI collected included human source reporting, operational information, and raw intelligence. The FBI then shared various intelligence products with its federal, state, and local partners through, for instance, FBI's Joint Terrorism Task Forces (JTTFs) and joint interagency Command Posts, which was stood up in anticipation of January 6.

Prior to January 6, the FBI, in coordination with our partners, disrupted several subjects of predicated investigations who were planning to travel to Washington, DC for January 6 events. Those efforts may have reduced the number and type of individuals who breached the U.S. Capitol and may have kept at bay persons with even more malicious intent or capabilities.

The Situational Information Report (SIR) from our Norfolk Field Office is another example of our intelligence collection and information sharing. On January 5, FBI Norfolk received information from an online discussion thread, not linked to any specific person, calling for violence to begin on January 6 in Washington, DC in connection with the planned "Stop the Steal" protest. FBI Norfolk determined that information warranted dissemination and released the SIR to raise law enforcement awareness regarding the potential for violence in the Washington, DC area. Upon receiving the report, the FBI Washington Field Office immediately shared it with our law enforcement partners through the JTTF and Command Post structures, and distributed to Virginia state and local law enforcement partners, as well as to certain federal law enforcement partners, through the Virginia Fusion Center.

Senator Paul

1. It has been reported that Bank of America voluntarily provided the Federal Bureau of Investigation (FBI) with information on clients whose financial activity matched the following profile:

"1. Customers confirmed as transacting, either through bank account debit card or credit card purchases in Washington, D.C. between 1/5 and 1/6. 2. Purchases made for Hotel/Airbnb RSVPs in DC, VA, and MD after 1/6. 3. Any purchase of weapons or at a weapons-related merchant between 1/7 and their upcoming suspected stay in D.C. area around Inauguration Day. 4. Airline related purchases since 1/6." ¹

Question: Did the FBI receive information such as what is described in this report from Bank of America?

Question: If so, was that information provided based upon a request for information from the FBI, or was that information provided on a compulsory basis (i.e. responsive to a warrant)?

Question: If so, was the information requested on a non-individualized basis, or was the information requested specific to a named individual?

Question: Did the FBI request non-individualized information relating to the location, communications, or financial transactions of Americans in the vicinity of the Capitol on January 6, 2021, from any companies or entities other than Bank of America?

¹ <https://www.foxnews.com/opinion/tucker-carlson-bank-of-america-customer-data-feds-capitol-riot>

Question: Is there anything illegal about the financial activities in the profile above that the FBI needs to investigate?

Question: If the information provided was not provided on a compulsory basis, is this the first time the FBI has received information voluntarily from Bank of America? If not, how many times has the FBI received information voluntarily from Bank of America, and under what circumstances was the information provided?

Response: The FBI has deployed a broad range of investigative resources in response to the attack, and one aspect FBI is pursuing is if, and how, the attacks were funded. The FBI cannot comment on anything that could compromise ongoing investigations and prosecutions, but can state that the FBI is using only lawful methods to investigate. There has been no sweeping collection or disclosure of financial records outside established lawful processes.

Financial institutions are regulated by the Bank Secrecy Act (BSA), which legally obligates those institutions to know their customers and report suspicious activity via the Suspicious Activity Report (SAR) process. The USA PATRIOT Act expanded the SAR requirements to help combat domestic and global terrorism. More recently, the National Defense Authorization Act of 2021 expanded the declaration of purpose of the BSA to include the prevention of financing of domestic and international terrorism, and codified that financial institutions must address countering the financing of terrorism when establishing required anti-money-laundering programs. Because of these obligations, and the potential for terrorists and criminals to use and misuse the financial system, the FBI routinely engages with the financial sector to educate them on the threats we face to help them better monitor their data and customer activity for what they determine to be suspicious activity.

2. In your testimony, you stated, “the FBI does not tolerate violent extremists who use the guise of First Amendment-protected activity to engage in violent criminal activity.”² While those who engaged in violence and criminal activity should be investigated and prosecuted, the First and Fourth Amendment rights of those demonstrating peacefully in the area on January 6th must be respected.

Question: Has the FBI opened investigations on individuals who only protested legally? If so, why were investigations opened on them?

Response: The FBI does not investigate anyone based solely on First Amendment-protected activity, to include speech, political affiliation, association, or assembly. Consistent with the FBI’s mission to protect the American people and uphold the Constitution of the United States, no FBI investigation can be opened solely on the basis of First Amendment-protected activity.

Question: How many individuals do you estimate to have been present at Capitol Complex during the events of January 6th?

² <http://www.hsgac.senate.gov/download/testimony-sanborn-2021-03-03>

Response: The FBI has identified more than 1,000 people of interest and arrested more than 500 individuals related to the events of January 6. Our investigations are ongoing, and we continue to review information, including video footage, photos, and other tips and information, to identify and hold accountable those who assaulted law enforcement officers, breached the perimeter of the U.S. Capitol, engaged in violence, and stole or damaged federal property.

Question: How is the FBI minimizing the data collected for its investigation into the January 6th events to prevent innocent bystanders' undue privacy violations? Please describe what privacy controls the FBI implements ensure protection data subjects' privacy.

Response: The FBI has used the appropriate legal process to obtain January 6-related data, including search warrants, grand jury subpoenas, and statutorily authorized emergency disclosures. The FBI handles data in a manner consistent with the applicable statutory or other requirements, for example, the grand jury secrecy obligations under Federal Rule of Criminal Procedure 6(e).

3. In 2018, the Supreme Court held in *Carpenter v. United States* that the bulk collection of location data from Americans' cellphones is a protected search under the Fourth Amendment, and that such searches require a warrant to execute. The Intercept reported in early 2020 that the FBI has a contract with Venntel, Inc. to acquire mobile devices' geolocation data.³

Question: Does the FBI purchase location data from third-party providers such as Venntel? If so, which companies does the FBI purchase from?

Question: Under what circumstances does the FBI access this geolocation data?

Question: Did any of the geolocation data that you acquired contain information connected to the devices possessed by Members of Congress and/or their staff? If so, have those individuals been notified?

Response: The FBI has deployed a broad range of investigative resources in response to the attack, and as part of the investigations, the FBI has used location data. The FBI has used the appropriate legal process to obtain January 6-related location data. As has been disclosed in public charging documents, geolocation data has been cited as a way to corroborate other information – such as a tip from the public based on the FBI's "Seeking Information" posters – about a person's participation in the siege. In the process of obtaining cell tower data, the FBI used what is sometimes referred to as an "exclusion list" to sift out mobile devices authorized to be in a location, such as the Capitol, to allow us to focus on those devices that were unauthorized, and therefore more likely to be related to the breach.

4. In general, Americans should not be subject to warrantless searches from the federal government. The USA PATRIOT Act greatly expanded the FBI's ability to collect

³ <https://theintercept.com/2020/06/24/fbi-surveillance-social-media-cellphone-datamir-venntel/>

personal information relating to the private lives and activities of every American⁴, and I fear the FBI is over-relying on those authorities to conduct investigations when there are other legal avenues to pursue.

Question: To date, how many National Security Letters (NSL) have been written in connection to the events of January 6th? How many responses to these NSLs have the FBI received?

Response: The FBI has not issued National Security Letters (NSL) in relation to the January 6 attack. Pursuant to Section 505(a)(2) of the USA Patriot Act (codified in 18 United States Code § 2709), the FBI may only issue an NSL if the records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, and because the investigations stemming from the January 6 attack on the U.S. Capitol do not constitute international counterterrorism or counterintelligence investigations, the FBI is statutorily barred from issuing NSLs in connection with those particular investigations.

Question: To date, how many National Security Letters (NSL) were written in connection to the Presidential Inauguration? How many responses to these NSLs have the FBI received?

Response: As stated above, the FBI may only issue NSLs to collect records relevant to protect against international terrorism or clandestine intelligence activities. Thus, the FBI could issue an NSL in connection with an authorized investigation connected to the Presidential Inauguration if the records sought were relevant to an international counterterrorism or counterintelligence investigation. However, pursuant to longstanding practice, the FBI does not comment on the status or existence of any investigative matter to protect the integrity of all investigations.

Senator Capito

1. Do you have a standard procedure for preparing intelligence and coordinating with other agencies prior to mass demonstrations?

Response: Leading up to events, the FBI reviews intelligence to identify potential threats to public safety and mitigate them before they become violent acts and federal crimes. The FBI then shares various intelligence products with its federal, state, and local partners through, for instance, the FBI's Joint Terrorism Task Forces (JTTFs) and joint interagency Command Posts. If a threat exists, FBI follows the information and leads to the point of mitigation or conclusion.

For a designated National Special Security Event (NSSE), the FBI participates with the other interagency partners in accordance with established protocols. An NSSE is a significant national or international event determined by the Department of Homeland Security (DHS) to be a potential target for terrorism or criminal activity. Under the designation, the U.S. Secret Service

⁴ <https://www.aclu.org/other/national-security-letters>

is placed in charge of event security and the FBI has the lead on collecting intelligence and, should a crisis occur, managing the response.

2. How do you stress the importance of certain information other intelligence?

Response: The FBI shares various intelligence products with its federal, state, and local partners through, for instance, FBI's Joint Terrorism Task Forces (JTTFs) and joint interagency Command Posts. For example, throughout 2020, the FBI issued multiple external intelligence products to its federal, state, and local partners with our assessment and warning of credible threats of violence from Domestic Violent Extremists (DVEs) related to the election and the transition process, the elevated threats posed by Anti-Government or Anti-Authority Violent Extremists, and the potential for DVEs to exploit First Amendment-protected activities to achieve violent ends. The Situational Information Report (SIR) from our Norfolk Field Office is an example of how FBI shares raw, unevaluated intelligence quickly. On January 5, the FBI Norfolk Field Office received information from an online discussion thread, not linked to any specific person, calling for violence to begin on January 6 in Washington, DC. FBI Norfolk determined that information warranted dissemination and released the SIR to raise law enforcement awareness regarding the potential for violence in the Washington, DC area. Upon receiving the report, the FBI Washington Field Office promptly shared it with our law enforcement partners through the JTTF and Command Post structures, and distributed to Virginia state and local law enforcement partners, as well as to certain federal law enforcement partners, through the Virginia Fusion Center.

3. What role does online chatter have in determining the severity of a threat, since this attack was planned in the open?

Response: The FBI receives tips and leads from various sources, and it must evaluate the credibility and viability of the information under the laws and policies that govern FBI investigations. The volume of information on the Internet is immense and may be of limited specificity and unknown credibility. Part of the FBI's work is to separate the aspirational comments and plots from the intentional. The FBI would describe an "aspirational" comment or plot as one that has not yet moved beyond the discussion phase, whereas the FBI would describe a "credible" comment or plot as one for which targets, tactics, timing, and/or operatives have been identified and confirmed through investigative methods, sources, or tools.

In advance of January 6, the FBI performed standard preliminary open source analysis to identify any threats of violence or criminal activity related to potential protest activities in the National Capital Region (NCR). The FBI assessed there would be significant demonstrations at several key sites throughout the NCR, including the U.S. Capitol Complex. Additionally, there were posts that mentioned possible violence; however, these posts were of limited specificity and unknown credibility. In the weeks leading up to January 6, the FBI Counterterrorism Division engaged with all 56 Field Offices to collect information on threats to the NCR connected to January 6. The FBI also coordinated with federal, state, local, and private sector partners to determine whether any of those entities possessed information regarding potential threats. A review of the reporting indicated only unsubstantiated threats and did not identify any specific or corroborated threats to the activities planned for January 6.

4. Does the ultimate decision for weighing information lie with the intelligence community or on-the-ground law enforcement?

Response: The FBI is the lead federal agency for collecting domestic intelligence, and it uses a variety of means to share that intelligence with its partners in order to make sure they are informed and able to consider FBI information in making or augmenting plans. However, the entity with the responsibility, authority, and jurisdiction makes the ultimate decision on how to act on intelligence. The U.S. Capitol Police have the responsibility and authority to protect the U.S. Capitol Complex and Capitol grounds.

Senator Scott

There have been nearly 5,000 National Guardsmen deployed in the Capitol Complex through March 12. Our National Guardsmen have been working day and night at the Capitol, and they have families, jobs and lives back home. I still am waiting on answers from my questions from the previous hearing regarding the rationale for keeping the National Guard at the Capitol. We need a defined mission to justify keeping the National Guard in D.C. long-term. It was announced on March 4, 2021, that Capitol Police has requested a 60-day extension of National Guard presence at the Capitol.

- *Did the Federal Bureau of Investigation (FBI) or the Department of Homeland Security (DHS) produce a threat report ahead of the Capitol attack to leadership in the House of Representatives and Senate?*

Response: Throughout 2020, the FBI issued multiple external intelligence products to our federal, state, and local partners on the threats posed by Domestic Violent Extremists (DVEs). The FBI had been assessing and warning of credible threats of violence from DVEs over the past year related to the election and the transition process, the elevated threats posed by Anti-Government or Anti-Authority Violent Extremists, and the potential for DVEs to exploit First Amendment-protected activities to achieve violent ends. The FBI has shared these external intelligence products with Congressional intelligence committees.

- *While the National Guard is still present, does DHS and FBI plan to provide regular weekly briefings to members of Congress regarding the threat level of the US Capitol?*

Response: The FBI shares threat information with the relevant Congressional members and/or committees when applicable. FBI also works with the U.S. Capitol Police to issue Duty to Warn notifications when needed. Since January 6, the FBI has provided a number of briefings and testimonies on threats related to the U.S. Capitol and the National Capital Region prior to and following January 6.

- *What information has FBI and DHS provided to the public on the current threat at the US Capitol?*

Response: Since January 6, the FBI has provided a number of public testimonies on threats related to the U.S. Capitol and the National Capital Region prior to and following January 6. The FBI continues to share information and intelligence with its federal, state, and local partners through the Joint Terrorism Task Force structure and more formal intelligence products. The FBI defers to the Department of Homeland Security (DHS) as to what information they have provided to the public.

Senate Committee on Homeland Security and Governmental Affairs
and the Committee on Rules and Administration
Joint Hearing
Examining the January 6th Attack on the U.S. Capitol, Part II
March 3, 2021

Questions for the Record
Major General William J. Walker, USA (Ret)

Chairwoman Klobuchar

1. You testified that you waited three hours and 19 minutes before receiving approval from the Department of Defense to send Guard members to the Capitol on January 6, that you had Guard members waiting to go to the Capitol on buses before you received authorization, and that Guard members arrived within 18 minutes once you received approval.
 - What do you believe the impact would have been if the National Guard had been allowed to prepare to support the Capitol Police on January 6 in advance of that day?

The Secretary of the Army specifically directed that no D.C. National Guard personnel be positioned in the immediate vicinity of the Capitol in advance of the 6 January vote to certify the results of the 2020 Presidential election. The D.C. National Guard mission in advance of January 6, 2021 was strictly to support the D.C. Metropolitan Police Department (MPD) at designated traffic control points around the city. If the D.C. National Guard had been directed to prepare to support the U.S. Capitol Police (USCP) in advance of January 6, 2021, I would have pre-positioned at least 200 D.C. National Guardsmen in civil disturbance kit (helmets, body armor and shields) at the D.C. National Guard Armory which is less than a 10-minute drive from the U.S. Capitol. These Guardsmen, all of whom would have had civil disturbance response training and experience, could have immediately surged to provide additional manpower support and resources to USCP and MPD efforts to secure the perimeter of the Capitol and to protect the Congress.

- What do you believe the impact would have been if the National Guard had received immediate approval to deploy to the Capitol on the 1:49 p.m. phone call on January 6 on which Mr. Sund requested assistance?

If given immediate approval to deploy D.C. National Guard personnel to the Capitol upon receiving the 1:49 request from USCP Chief Steve Sund, our 40 member QRF would have arrived at the Capitol within the hour. Additionally, I would have pulled all D.C. Guardsmen from their assigned traffic control points and directed them to the locations requested by Chief Sund. D.C. Guardsmen at the assigned traffic control points already had helmets, shields and body armor in their vehicles. I would have directed that all available D.C. Guard personnel at the D.C. Guard Armory and at Joint Base Andrews be equipped with riot control gear and be organized in units to support the USCP. While I cannot say for certain that the presence of these additional guardsmen would have prevented the Capitol from being breached, I believe that the

additional trained manpower would have made a difference and certainly buttressed the overstretched USCP and MPD elements at the Capitol and could have led to a more timely restoration of order at the Capitol complex. The mere presence of National Guardsmen in addition to uniformed police personnel may have given some of the insurrectionists pause or even deterred their entry into the Capitol.

2. You testified that you participated in phone calls with Department of Defense officials regarding the possibility of deploying the National Guard to the Capitol on January 6, and that those officials expressed concerns about taking such action.
 - Can you elaborate on which officials from the Department of Defense were present on the calls, and what concerns they expressed?

At roughly 2:30PM on January 6, 2021, Dr. Christopher Rodriguez, Director of the District of Columbia Homeland Security and Emergency Management Agency (DCHSEMA) established a telephone bridge and invited myself, Secretary of the Army, Hon. Ryan McCarthy, MPD Chief Robert Contee, USCP Chief Steve Sund, D.C. Deputy Mayor Dr. Roger Mitchell and U.S. Secret Service Uniformed Division Chief Thomas Sullivan to join. I was informed that Secretary McCarthy was not available for this call and he did not participate. However, Lieutenant General Walter Piatt, Director of the Army Staff and LTG Charles Flynn, the Army's Deputy Chief of Staff for Operations, were both on the call. As was Colonel John Lubas, Executive Officer to the Secretary of the Army. Additionally, Brigadier General Aaron Dean, the Adjutant General of the D.C. National Guard, Colonel Earl Matthews, Staff Judge Advocate of the D.C. National Guard, Command Sergeant Major Michael Brooks, my Senior Enlisted Advisor, and 1st Lieutenant Timothy Nick, my aide-de-camp, all joined my in my office for this 2:30PM telephone call.

During the 2:30PM call, Chief Sund of the USCP pleaded for the immediate support of the D.C. National Guard at the U.S. Capitol as the security perimeter at the Capitol was being breached at that very moment. Chief Contee reinforced Chief Sund's request. Chief Contee asked Chief Sund aloud if he was requesting immediate D.C. National Guard support at the Capitol. Chief Sund replied "Yes". Chief Contee then asked LTG Piatt if the D.C. Guard would be sent to the Capitol. LTG Piatt stated that it would not be his best military advice to recommend to the Secretary of the Army that the D.C. National Guard be allowed to deploy to the Capitol. LTG Piatt stated that the presence of uniformed military personnel could inflame the situation and that the police were best suited to handle the situation. Both LTGs Piatt and Flynn stated that the optics of having uniformed military personnel deployed to the U.S. Capitol would not be good. Chief Contee stated that he would inform the Mayor (D.C. Mayor Muriel Bowser) that the Army was refusing to send the National Guard to the Capitol and that he would ask her to convene a press conference to make this refusal known. LTG Piatt then asked Chief Contee to please not do this. Piatt stated that the request for Guard presence was not being refused and he had no power to deny or approve the request, only that he would not recommend approval to his civilian leadership. Piatt and Flynn recommended that Contee identify locations away from the Capitol where D.C. National Guard personnel could relieve MPD personnel of traffic duties, allowing more MPD personnel to surge to the Capitol. LTG Flynn also stated that the best use of D.C. National Guard personnel would be to free up MPD personnel by performing non-law

enforcement traffic duties away from the Capitol. LTGs Piatt and Flynn recommend the D.C. National Guard develop a plan to support MPD at locations other than the Capitol. The telephone call that began at 2:30PM ended at approximately 14:55. LTG Flynn then directed that a secure video conference be established between the Army Staff and the D.C. National Guard Leadership.

At approximately 3:05PM, I joined a secure videoconference hosted by LTG Charles Flynn. This teleconference would be continuous until around 5:15PM. Personnel all this teleconference included LTG Piatt, LTG Flynn, later General James McConville, Chief of Staff of the Army, LTG Leslie Smith, Inspector General of the Army, BG Matthew D. Smith, Mr. Casey Wardynski, Assistant Secretary of the Army for Manpower and Reserve Affairs, and numerous others who joined and left the call. This teleconference was used to share information that was received from various sources by the D.C. National Guard or Army leadership. Army leaders on the call provided a situational update to GEN McConville. During this call, at 5:08PM, GEN McConville informed me that the Secretary of Defense had authorized the D.C. National Guard to deploy to the Capitol in support of the USCP.

3. In your view, should the structure of the Capitol Police Board be reformed to provide the Capitol Police chief or any other officials greater flexibility to respond quickly to emergency situations?
 - Are there any specific reforms that you recommend?

In in extremis cases where the safety and security of the U.S. Capitol or of the Congress itself is at extreme risk, the Chief of the Capitol Police, or if he or she is unable, some other cognizant official, should have the authority to request the support of the National Guard or of law enforcement entities without jumping through bureaucratic hurdles when speed of action is necessary to save lives or protect the vital functions of our constitutional Republic.

Senator Capito

1. Do you believe that the request process for deployment of the National Guard is too onerous, and impedes response time?

As the Commanding General of the D.C. National Guard, I am directly responsible to the Secretary of the Army. When or where there is no emergency, the approval process has worked. January 6, 2021 was an anomaly and an aberration however, it is incumbent upon us as a government to be prepared for such exigencies. In in extremis situations occurring at the seat of government, I believe the Commanding General of the D.C. National Guard must be afforded the authority to act in the interests of public safety and order. In extraordinary emergency circumstances, where prior authorization by the civilian chain of command is impossible and duly constituted local authorities are unable to control the situation, I believe the Commanding General of the District of Columbia National Guard should be able to respond or engage, at least temporarily in activities that are clearly necessary to quell large-scale, unexpected civil

disturbances because such activities are essential to prevent significant loss of life or wanton destruction of property and are required to restore governmental function and public order. The D.C. National Guard Commanding General would of course use all available means to seek the authorization of the President or other duly appointed civilian leaders while employing emergency authority. It is not impossible to imagine a scenario wherein the President, the Secretary of Defense or the Secretary of the Army are unavailable due to some catastrophic event in the Nation's capital, but large-scale civil unrest threatens the Congress, the White House or the general functioning of the federal government. The Commanding General of the National Guard should be empowered and expected to act and to deploy forces during such a calamity while simultaneously seeking approval and direction from his or her lawful civilian superiors.

Senator Scott

There have been nearly 5,000 National Guardsmen deployed in the Capitol Complex through March 12. Our National Guardsmen have been working day and night at the Capitol, and they have families, jobs and lives back home.

I still am waiting on answers from my questions from the previous hearing regarding the rationale for keeping the National Guard at the Capitol. We need a defined mission to justify keeping the National Guard in D.C. long-term.

It was announced on March 4, 2021, that Capitol Police has requested a 60-day extension of National Guard presence at the Capitol.

- Can you explain what threats the Capitol currently faces?

The National Guard personnel presently deployed to the U.S. Capitol are there pursuant to a request by the U.S. Capitol Police and the approval of the Secretary of Defense. The Capitol Police is privy to specific law enforcement and intelligence information which suggests there is a continuing threat to the Capitol. I refer you to the USCP for a more detailed explanation of the threats posed to the Capitol.

- Is there a certain size of the threat that warrants this continued and long-term National Guard presence?

The U.S. Capitol Police requested a specific number of National Guard personnel to support the protection of the Capitol based on the relevant threat reporting.

- How big is this threat? Too big to be handled by Capitol Police and local forces?

The Capitol Police has represented to me that it believes the continued presence of National Guard personnel is required based on its assessment of the current threat and USCP capacity to respond to potential threats.

- Can you tell us how large this National Guard presence will be in order to combat the threat?

The size of the National Guard presence is based on the specific request of the USCP as approved by the Secretary of Defense.

- Can you please tell us in general, what type of threats justify a National Guard presence?

The National Guard forces deployed to the Capitol are poised to respond to violent threats posed to U.S. Capitol. These threats would typically be outside the scope of peaceful activities conducted pursuant to the First Amendment and involve violent efforts to penetrate the Capitol or to violent efforts to obstruct the functioning of the Congress.

- If the National Guard is to be present, what is their mission/ what is the goal?

Their mission is generally to support USCP efforts to secure the perimeter of the Capitol and to prevent violent entry or intrusion onto Capitol grounds.

- How does having the National Guard at the Capitol impact the readiness of the National Guard to respond to natural disasters and other emergencies?

National Guard elements from all 54 states, territories and the District of Columbia have participated in the mission to ensure the security of the Capitol since the first week of January 2021. As the Commanding General of the District of Columbia National Guard, I can say that the continuing mission has strained the resources of the organization I command and has the potential to negatively impact readiness. As for the impact on the National Guard as a whole, I refer you to the National Guard Bureau to answer this question.

Responses Prepared by

Major General William J. Walker
Commanding General
District of Columbia National Guard
April 12, 2021