

Questions for Lieutenant General Walter E. Piatt
Director of the Army Staff, United States Army

Questions from Chairwoman Carolyn B. Maloney

June 15, 2021, Hearing: “The Capitol Insurrection: Unexplained Delays and Unanswered Questions (Part II)”

According to the Department of Defense’s official account of the events of January 6, at approximately 3:00 p.m. that day, Acting Secretary of Defense Christopher Miller determined that “all available forces of the [D.C. National Guard] are required to reinforce MPD and USCP positions to support efforts to reestablish security of the Capitol complex.”¹

1. When did you become aware of the Secretary of Defense’s determination that “all available forces of the D.C. National Guard [were] required to support the MPD and USCP” at the Capitol?

Answer: I learned of the Acting Secretary of Defense’s approval of the full mobilization of the District of Columbia National Guard at a time after 3:04 p.m. To the best of my recollection, I learned of the approval during the Army planning meeting on a secure teleconference that began before 3:00 p.m.

A D.C. National Guard timeline shows that at 4:20 p.m.—more than an hour after Acting Secretary Miller’s 3:00 p.m. authorization—you advised the head of the D.C. National Guard, Major General William Walker, to “plan and prepare to transition from [traffic control points] and be placed around other federal buildings and monuments.”

2. Is this accurate? At or around 4:20 p.m., did you recommend to Maj. Gen. Walker that the D.C. National Guard prepare to conduct a mission other than helping secure the Capitol?

Answer: I do not believe the D.C. National Guard timeline accurately describes my conversation with MG Walker. I believe the Army’s Report (Report of United States Army Operations on January 6, 2021) more accurately describes the relevant details. I believe the description at page 9 of the Army’s Report to be more accurate where it states that, at 3:04 p.m., “Immediately upon Acting SecDef’s approval, SecArmy directed MG Walker to recall all personnel and to initiate movement to posture forces to support the [Metropolitan Police Department]; SecArmy directed MG Walker to create a hasty plan to employ DCNG personnel and to ensure the Guardsmen were properly equipped for the mission.” It is important to note that, as a staff officer whose role it is

¹ Department of Defense, *Planning and Execution Timeline for the National Guard’s Involvement in the January 6, 2021, Violent Attack at the U.S. Capitol* (Jan. 8, 2021) (online 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>).

to carry out the Secretary of the Army's orders, I would not recommend to the D.C. National Guard's Commander that he carry out preparations that would be inconsistent with the Secretary of the Army's intent.

- a. If this is accurate, at whose direction did you provide this recommendation to Maj. Gen. Walker?

Answer: The statement that I recommended that the D.C. National Guard prepare to conduct a mission other than helping secure the Capitol is not accurate.

- b. What other federal buildings and monuments did you recommend the D.C. National Guard should prepare to protect?

Answer: As I stated above, this is not an accurate description of any recommendation that I made.

- c. If this is not accurate, please explain why you believe the D.C. National Guard timeline is incorrect.

Answer: Unfortunately, I cannot explain why that timeline differs from my recollection and the Department of the Army's timeline. After the Capitol was breached on January 6, 2021, it was a chaotic day. It is possible that some of the reports that were used to put together the D.C. National Guard's timeline came from individuals who misperceived or misremembered the events of that day. For example, many of the participants were distressed and talking over one another during the 2:30 p.m. call that I participated in after the Secretary of the Army directed me to put together a plan to help respond to the attack on the Capitol. During the call, I asked if there were ways we could use the National Guard Soldiers to free up law enforcement personnel to respond immediately to the Capitol, and I also asked if there were other buildings or monuments that needed protection. It is possible that someone who overheard these questions misunderstood them to be recommendations in the confusion of that call. Regardless, the Army staff continued to plan to help support a decision by the Secretary to provide D.C. National Guard personnel directly to the Capitol.

3. At any other time between 3:00 p.m. and 4:32 p.m. on January 6, did you advise anyone in the D.C. National Guard's chain of command that Guard personnel should not deploy directly to clear the Capitol?

Answer: At no point on January 6 did I tell anyone that the D.C. National Guard should not deploy directly to the Capitol. My role that day was to make recommendations and to help guide the Army's planning efforts that ultimately led to the re-taking and re-securing of the Capitol. Between 3:00 p.m. and 4:32 p.m., the Army Staff, which included myself, was assisting with coordinating numerous tasks, including assisting the D.C. National Guard to prepare to conduct their new mission once it was approved by the Acting Secretary of Defense.

When Mr. Miller testified before the Committee on May 12, he stated that at

approximately 3:00 p.m. he “gave full authorization to deploy” the D.C. National Guard. He further testified that this meant that Maj. Gen. Walker had “full authority in my mind” to deploy D.C. National Guard forces as he saw fit.

Other senior Army leaders, however, have stated that this was not the case. According to the joint report issued on June 8, 2021, by the Senate Homeland Security and Government Affairs Committee and the Senate Committee on Rules and Administration, Army Secretary McCarthy “felt he needed to brief and receive Christopher Miller’s approval before [D.C. National Guard] personnel could leave the Armory” and go to the Capitol, which didn’t occur until 4:32 p.m.²

4. On January 6, was it your understanding that Acting Secretary Miller also needed to approve the Army’s plan to deploy to the Capitol after his 3:00 p.m. authorization?

Answer: On January 6th, I was not part of the conversations between the Secretary of the Army and the Acting Secretary of Defense. Based on the Secretary of the Army’s direction, my efforts were in leading the Army Staff’s efforts to develop a plan and in assisting the D.C. National Guard in preparing to respond. My understanding on that day was that Acting Secretary Miller’s 3:00 p.m. approval was to mobilize the entire D.C. National Guard. This meant that all members of the D.C. National Guard were being called to duty and to head to the D.C. National Guard Armory. However, there was still no plan as to how the D.C. National Guard would be employed. I believed that Acting Secretary Miller’s approval was still needed for the actual employment plan. The timeline provided by the Department of Defense indicates that at 4:32 p.m., Acting Secretary Miller verbally provided this authorization for the D.C. National Guard to secure the perimeter and to enable clearance operations in support of the U.S. Capitol Police.

5. How do you account for the confusion over whether the Army and the National Guard needed Acting Secretary Miller’s subsequent approval after his 3:00 p.m. order?

Answer: Based on my role as a staff officer that day, I cannot speak for former Acting Secretary Miller or Secretary McCarthy, and I was not a part of the conversations they had. Therefore, unfortunately, I cannot account for any differences in prior testimony. On January 6, 2021, it was clear to me that, after Acting Secretary Miller’s approval for full mobilization of the D.C. National Guard at 3:00 p.m., the Army still required an actual plan to employ the D.C. National Guard at the U.S. Capitol. Secretary McCarthy personally moved to the D.C. MPD Headquarters at 3:48 p.m. to develop the plan. By 4:32 p.m. (as reflected in the official Department of Defense timeline), Acting Secretary Miller approved the plan for the new mission of the D.C. National Guard.

During the June 15 hearing, you were asked whether you used the term “optics” during the 2:30 p.m. conference call to describe a concern about sending the D.C. National Guard to the Capitol during the January 6 insurrection. In response to questioning by Rep. Quigley, you responded, “At the time, I don’t recall using that word on 6 January, because at the time, the

² *Id.*

Capitol was clearly breached and overrun. It was an ugly sight to look at.”

In February, however, former U.S. Capitol Police Chief Steven Sund testified that on the 2:30 p.m. call you stated, “I don’t like the visual of the National Guard standing a line with the Capitol in the background.”³

In March, Major General Walker confirmed Chief Sund’s testimony and further testified that “who was talking about optics were General Flynn and General Piatt, and they both said it wouldn’t be in their best military advice to advise the Secretary of the Army to have uniformed Guard members at the Capitol during the election confirmation.”⁴

6. Can you please clarify your testimony? At any point on January 6, did you express a concern about the visuals, image, or public perception of sending the D.C. National Guard to the Capitol even if you did not specifically use the term “optics”? What specifically did you state and when?

Answer: I do not recall using the terms optics, visuals, image, public perception or any similar term during the 2:30 p.m. phone call, or in any other conversation on January 6, 2021. I respect and understand that others may recall things differently, but ultimately, on that day, my chief concern was developing a plan to effectively assist D.C. and Federal authorities in regaining control of the U.S. Capitol. This is what I was ordered to do during the 2:30 p.m. phone call by the Secretary of the Army, as he ran to get approval for the use of the D.C. National Guard from the Acting Secretary of the Defense.

During that 2:30 p.m. call, in gathering necessary information to help develop and coordinate a plan, I recall asking those on the call to identify specific tasks that were needed to be performed by the D.C. National Guard. I asked questions to help determine the mission requirements and the best ways to employ the National Guard Soldiers. I asked if there were other buildings or monuments that needed protection to seek ways to free up law enforcement officers so they could immediately respond to the U.S. Capitol. I also asked if there were any additional armed law enforcement personnel conducting missions from which the National Guard Soldiers could relieve them. I knew that the forces that the Army had available were not postured, prepared, or equipped to conduct this type of law enforcement operation.

³ Senate Committee on Homeland Security and Governmental Affairs and Senate Committee on Rules and Administration, Testimony of Steven A. Sund, Former Chief of U.S. Capitol Police, *Hearing on Examining the January 6 Attack on the U.S. Capitol* (Feb. 23, 2021) (www.hsgac.senate.gov/imo/media/doc/Testimony-Sund-2021-02-23.pdf).

⁴ Senate Committee on Homeland Security and Governmental Affairs and Senate Committee on Rules and Administration, *Hearing on Examining the January 6 Attack on the U.S. Capitol, Part II* (Mar. 3, 2021) (online at www.hsgac.senate.gov/examining-the-january-6-attack-on-the-us-capitol-part-ii)

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Questions from Ranking Member James Comer

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1. Rep. Quigley stated during the hearing that the Army “wanted to be spectators” and “wanted to direct traffic” on January 6, 2021. You did not get a chance to respond to this statement at the hearing. What is your response to Rep. Quigley’s statement?

Answer: On January 6, 2021, the D.C. National Guard was prepared and positioned to execute the limited mission requested by Mayor Bowser and the D.C. Homeland Security and Emergency Management Agency. In my opinion, the Mayor and her team had developed a good plan that employed National Guard personnel in order to free up D.C. Metropolitan Police Department (MPD) officers to perform other law enforcement missions. I was shocked and horrified by what I saw happening at the Capitol on January 6, 2021, and I would like to extend my sincere and lasting gratitude to the brave men and women who heroically defended the Capitol on January 6th, and without question, saved many lives. I also wish to extend my deepest sympathy to the families who lost loved ones that day. No one in the Army wanted to be a spectator on that day. As a Soldier who has commanded numerous times in combat, I knew the Army Staff needed to assist Secretary McCarthy’s decision-making by developing a plan to safely and properly redeploy forces from the traffic control mission, equip, arm, remission, and then deploy our Guardsmen to the Capitol from over 37 dispersed locations. In my experience, to have the D.C. National Guard personnel on duty go directly to the Capitol before they were properly prepared or equipped for this new mission would have exposed them to great risk and would not have allowed them to effectively help clear the Capitol.

2. Can you elaborate on your recommendation for how the Army National Guard be employed when the request was received for Army National Guard assistance at the U.S. Capitol? Why was this your recommendation? Did the Army resist sending help?

Answer: The Army did not resist sending help. As Secretary McCarthy worked to gain Acting Secretary Miller’s approval to re-mission the D.C. National Guard, on the 2:30 p.m. call, I asked whether there were other tasks that the D.C. National Guard personnel on duty could perform that would quickly free up law enforcement officers to respond to the Capitol. The D.C. National Guard personnel on traffic control points and Metro station crowd control duty were unarmed, unequipped, and unprepared to confront a violent mob, but if they could free trained and equipped law enforcement officers from traffic or crowd control duties, those professionals could immediately

respond to the violence at the Capitol.

Collectively, we needed to: (1) assist with the redeployment of the DCNG from 37 locations throughout the District, (2) alert and recall Soldiers from their civilian workplace, (3) organize into unit configurations, (4) properly equip these Soldiers, (5) prepare an employment plan (which included communications, specific routes and link up locations, and casualty evacuation), (6) develop and brief the rules for the use of force, and (7) determine how and where the D.C. National Guard would be deputized to support enforce federal law enforcement. All involved, from Secretary McCarthy to the Soldiers and Airmen of the D.C. National Guard, moved as fast as possible. The mission the D.C. National Guard prepared for that day changed drastically and they were simply not positioned nor prepared to support the U.S. Capitol Police when requested during the shocking and rapid developments in the afternoon of January 6th. The D.C. National Guard prepared for the new mission very quickly and, once Secretary McCarthy had a plan to employ them, they were ready.

Rep. Quigley suggested we had lost a battle at the Capitol “for the first time since 1814” and that the Army wasn’t prepared. Would you refer to the events on January 6, 2021, as a battle? Can you explain why the Army wasn’t positioned on January 6, 2021 to conduct operations against American citizens exercising their right to protest?

Answer: As established by 18 U.S.C. § 1385 (the Posse Comitatus Act), the Army does not conduct law enforcement operations against American citizens, subject to a few limited exceptions. Any Department of Defense support to local and federal law enforcement authorities begins with a request from those entities, and support to federal law enforcement agencies requires the approval of the Secretary of Defense. The D.C. National Guard, serving in a militia status, was positioned to conduct the only mission requested of them prior to January 6, 2021. The Mayor and her team had developed a good plan that employed National Guard personnel in a limited manner to free up D.C. MPD officers to perform other law enforcement missions. In accordance with this plan, at approximately 7:00 a.m. on January 6, 90 Guardsmen were on duty partnered with MPD at 30 different traffic control points (TCPs) (3 per TCP); 24 Guardsmen were on duty at 6 different Metro stations (4 per station); 20 Civil Support Team (CST) personnel were on duty; 40 personnel were with the “quick reaction force” (QRF) at Joint Base Andrews; and 52 personnel were performing command and control and support. Based on the plan, the QRF was prepared only to provide back-up for Guardsmen at TCPs and Metro stations. In total, the number of requested and approved personnel on duty at 1:00 p.m. on January 6 to respond to a crisis was 154 personnel. These personnel were distributed at more than 37 different locations, with the QRF located approximately 12 miles away at Joint Base Andrews. No personnel, including the QRF, were armed with lethal weapons, and none of the TCP or Metro station personnel had any equipment beyond their helmets and ballistic vests stored in their vehicles. At the beginning of the day on January 6, 2021, the D.C. National Guard was prepared only to provide the limited support requested by the District of Columbia Homeland Security and Emergency Management Agency (HSEMA) (specifically, traffic control point management, crowd control at Metro stations, and hazardous material monitoring and response).

3. You stated you recommended the National Guard not be used “as a clearing force” at the Capitol. Was this recommendation a resistance to sending help? Can you clarify the context and substance of your recommendation?

Answer: By the time of the 2:30 p.m. phone call on January 6, 2021, the U.S. Capitol was already breached by a violent mob. The Secretary of the Army, prior to leaving to gain approval for

the use of the D.C. National Guard from the Acting Secretary of Defense, directed me to get a plan for the employment of those Soldiers. It was already clear that to re-secure the Capitol, it was necessary to both establish a security perimeter outside the Capitol and to clear the Capitol from inside the building to outside. The 154 D.C. National Guard personnel who were on duty on January 6, 2021, in support of the Mayor's request, were not trained, equipped, or prepared to conduct clearance operations in the U.S. Capitol against a violent mob. At that moment, I understood that we had one option, and that was to develop a new plan to redeploy to the Armory, re-equip the National Guard, and prepare them to conduct a new mission. In the understandable chaos and confusion of the situation, it was very difficult to discuss the details of the plan on the 2:30 p.m. phone call.

4. Rep. Quigley suggested the Army's presence on January 6, 2021, was to act as "perimeter spectators." Did the Army have the most available forces that day? Can you elaborate on what forces the Army had available that day?

Answer: At approximately 7:00 a.m. on January 6, based on Mayor Bowser and the D.C. HSEMA's requests, 90 Guardsmen were on duty partnered with MPD at 30 different traffic control points (TCPs) (3 per TCP); 24 Guardsmen were on duty at 6 different Metro stations (4 per station); 20 Civil Support Team (CST) personnel were on duty; 40 personnel were with the quick reaction force (QRF) at Joint Base Andrews; and 52 personnel were performing command and control and support. The QRF was prepared only to provide back-up for Guardsmen at TCPs and Metro stations. The total number of requested and approved personnel on duty at 1:00 p.m. on January 6 to respond to a crisis was 154 personnel (90 TCP personnel, plus 24 Metro station personnel, plus 40 QRF personnel). These 154 personnel were distributed at more than 37 different locations, with the QRF located approximately 12 miles away at JBA. No personnel, including the QRF, were armed with lethal weapons, and none of the TCP or Metro station personnel had any equipment beyond the helmets and ballistic vests that were stored in their vehicles. The D.C. National Guard had night shift personnel who were off-duty at home or in hotels, and 100 personnel were on 3-hour recall, 250 personnel on 6-hour recall, and 350 personnel on 12-hour recall. At the beginning of the day on January 6, 2021, the D.C. National Guard was well-prepared and postured to provide the limited support requested by HSEMA (specifically, traffic control point management, crowd control at Metro stations, and hazardous material monitoring and response). The mission they prepared for that day changed drastically and the Army was simply not positioned or prepared to support immediately without a new plan and time to re-deploy, re-equip, and move to the Capitol.

5. Chairwoman Maloney stated the Department of Defense "resisted sending help" on January 6, 2021. Can you please elaborate on what the Department was trying to do on that date?

Answer: In my opinion, no one in the Army resisted sending help. On January 6, 2021, the D.C. National Guard was postured to conduct a very specific and limited mission in support of the Mayor's request in support of her well-developed plan. By mid-day, the mission had changed drastically to respond to the attack on the Capitol. That change of mission was unforeseen, and the D.C. National Guard was not positioned to respond with immediate support. As soon as they were notified of the severity of the Capitol situation at approximately 2:30 p.m., the D.C. National Guard and the Army leadership worked to develop an understanding of the situation and plan and prepare to respond to the new situation. At 3:48 p.m., Secretary McCarthy moved to the D.C. MPD Headquarters to accelerate the coordination of the plan to employ the approximately 154 available D.C. National Guard personnel. By 4:32 p.m., the Secretary had an approved plan, and by 5:20 p.m., D.C. National Guard personnel began arriving to the Capitol. Once the D.C. National Guard was

committed to re-establishing a secure perimeter, the Army Staff continued to conduct planning to receive additional forces, identifying the necessary barrier material, and determining how it could be procured and emplaced to enhance the protection of the Capitol. By January 20, 2021, over 26,000 National Guard personnel were on duty to ensure the safe and peaceful inauguration of the President, and support from thousands of Citizen-Soldiers of the National Guard continued through May 23, 2021.