

Oral Testimony of USCP Former Chief of Police Steven A. Sund before the Committee on House Administration.

Tuesday, September 19, 2023

Good afternoon Chairman Loudermilk, Ranking Member Torres, and members of the subcommittee. It is hard to believe that it has been almost three years since January 6, and we are still having congressional hearings trying to identify what contributed to that tragic day. To date there have been four congressional reports, along with several Inspector General and Government Accountability Office reports, and they continue to support what many of us suspected from the very beginning: January 6 was an intelligence failure.

We rely on accurate intelligence to help us develop effective security and operational plans. Accurate intelligence is an essential factor in the decision-making process of the Capitol Police, the Capitol Police Board and the oversight committees. We now know that significant intelligence existed that indicated individuals were plotting to storm the Capitol building, target lawmakers, and discussing shooting my officers, and yet no intel agencies or units sounded the alarm. We were blindsided. Intelligence failed operations.

The January 6 attack at the Capitol was preventable. If the intelligence had been accurately reported, and the FBI and DHS had followed their policies and established practices, I wouldn't be sitting here today. There was a failure to connect the dots on 9/11, and again on Jan 6. I am concerned if we do not identify and correct these issues, we may fail again in the future.

I did everything I could to protect and defend the US Capitol and the members of congress prior to and on January 6. On January 3, I requested the assistance of the National Guard to support my perimeter and was denied by the two Sergeants at Arms over the concerns for politics and optics.

Still concerned for the number of personnel I had on my perimeter, I called MPD earlier on the morning of January 6 and asked if they could stage personnel closer to the Capitol, on Constitution Avenue. Less than two hours later, we were violently attacked on the West Front of the Capitol at 12:53 pm. I immediately followed up on that morning call and contacted MPD Chief Carrol at 12:55 pm to request these resources. MPD was on the scene within minutes and were assisting my officers in holding the line and delaying the breach of the building. It took 81 agonizing minutes for that mob to fight their way through numerous police lines before they broke the first window of the Capitol. The decision to reach out to MPD proved critical in safeguarding the members of congress.

Minutes after the attack began, I made my first call to the House Sergeant at Arms, Paul Irving, at 12:58 pm, to request approval to bring in the National Guard. "Let me run it up the chain and I will get back to you," was his response.

It would be 71 minutes before that approval would finally come. Between 12:58 and when I finally received approval for the National Guard at 2:09 pm, I made thirty-two calls to coordinate support for my officers, including at least eleven frustrating calls to the Sergeants at Arms regarding my request for the National Guard. My calls to my partner law enforcement agencies resulted in hundreds of police officers from around the National Capitol Region and as far away as New Jersey responding to assist.

After I had received approval to call in the National Guard, I had to beg Pentagon officials to send us help. I was repeatedly denied assistance by Army Lt. Gen Piatt citing the concern over the optics of the National Guard on Capitol Hill. The DC National Guard, many of

whom were standing within eyesight of the Capitol and whose motto is “Capital Guardians,” would not arrive until almost 6pm, after the fighting was over and the Capitol grounds secured. The New Jersey State Police arrived before they did. To add insult to injury, the Inspector General for the Department of Defense considered the response “appropriate.”

Besides the MPD, the National Guard was the next largest cadre of personnel that could be deployed to assist my officers. We desperately needed those boots on the ground. The fact that the Chief of Police responsible for the entire legislative branch of government was repeatedly denied assistance by the Pentagon is indefensible. The fact that an experienced law enforcement official was constrained by federal law from bringing in lifesaving resources for his officers is unfathomable. This type of politicized control and oversight was and continues to be detrimental to the mission. Why bring in an experienced Police Chief if you are not going to allow him to do his job?

In December 2021, Congress amended 2 USC 1970, the law that restricted my ability to bring in federal resources. While the amendment now grants the chief the authority to call in federal resources only during an emergency, it does not grant the Chief the authority to request federal assistance in advance of an event, which means the request can still be denied. In other words, the law still requires the Chief to seek advance approval from the Capitol Police Board and congressional leadership. This is exactly what I faced on January 3. It should also be noted that the new amendment makes the chief’s emergency authorization revocable.

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. Despite bureaucratic issues on the Hill and a no-show by the military, it was law enforcement that saved the day and not a single member of congress was injured. Thanks to the assisting law enforcement, the men and women of the United States Capitol Police did not fail in their mission.

In conclusion, I ask that this committee address the institutional failures that contributed to January 6. I also implore the committee to have an independent entity investigate the complaints and allegations of retaliation against intel analyst whistleblowers following January 6, and to review any of the personnel actions, to include disciplinary actions that occurred following January 6, to ensure they were properly investigated and not subjected to any inappropriate actions, coercion, influences, or predetermined outcomes.

Thank you for your time and I look forward to your questions.