

Testimony of Captain Timothy E. Nick, Army National Guard

Before

**Committee on House Administration
Subcommittee on Oversight**

17 April 2024

Mr. Chairman and members of the subcommittee:

My name is Timothy Nick, and I am a Captain in the Army National Guard. I am here today to aid the Subcommittee in resolving factual errors in the official record of what happened on January 6, 2021, specifically regarding the alleged District of Columbia National Guard delayed response caused by critical Presidentially-appointed, Senate-confirmed Pentagon senior officials.

I was concerned by the events that unfolded that day at the United States Capitol. As a federal officer with the U.S. Secret Service and former State Trooper with the Florida Highway Patrol, my heart goes out to all the law enforcement officers, sisters and brothers, that held the line that day to restore public order to the chaos.

I am here today with my counsels, Lachlan McKinion and Dan Meyer, of the law firm Tully Rinckey PLLC. The Firm has advised me beginning with my role as a confidential source to the Select Committee to Investigate the January 6th Attack on the United States Capitol. When my confidentiality was breached to the national media, it was Dan who intervened to ensure I was protected as a military whistleblower. Also aiding me are counsels from the Department of Defense and the National Guard.

Mr. Meyer knows this Congressional sourcing area well, having blown the whistle at least four (4) times in his former Federal career: to the Senate Armed Services Committee regarding investigative misconduct regarding the death of

47 shipmates on the battleship IOWA; to the Ranking Member, Senate Judiciary Committee regarding investigative misconduct regarding patient abuse at the Dawood Afghan National Military Hospital and legal sufficiency abuses within the Office of General Counsel, Office of the Department of Defense Inspector General; to the Senate Select Committee on Intelligence on classified information spillage during the 2012 Presidential Campaign; and finally, to the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence regarding abuse of authority by Intelligence Community inspectors general and senior staff.

Being a Congressional source is not easy; there is always a sense of ice cracking beneath your boots. As for my own biography, I have been on special assignments throughout my career. For instance, while with the Florida Highway Patrol, I was chosen amongst my peers to be a part of a team of troopers deployed to Puerto Rico in 2017 to assist local police from the devastation of Hurricane Maria. Additionally, while with the Secret Service, I have been assigned to the White House and have worked to support the office of the president. I continue to live by the Secret Service motto, "Worthy of Trust and Confidence."

First, I want to explain my role on January 6th. I was assigned as the aide-de-camp, the personal assistant to Major General William Walker, the Command General of the D.C. National Guard. It was only my second day on the job.

Please focus on alleged facts found in the November 16, 2021, Department of Defense Inspector General's multidisciplinary review into the D.C. National Guard response and the Department of Defense's role that day. I can say unequivocally that the Inspector General's review is riddled with inaccuracies, misstatements, and perhaps false flags and narratives regarding how critical Pentagon senior officials responded when our Republic was under great stress.

For instance, during a conference call at 2:31 PM with members of the United States Army, U.S. Capitol Police, Metropolitan Police Department, District of Columbia Government and U.S. Secret Service – Uniform Division, the U.S. Army's Lieutenant General Walter Piatt, Director of the Army Staff and the Army's Lieutenant General Charles Flynn, Deputy Chief of Staff for Operations, were on the call. As also was Colonel John Lubas, Executive Officer to the

Secretary of the Army. The Army falsely denied that Lieutenant General Flynn was ever on the call. This was false, and material, on its face. Lieutenant General Flynn was also on the call and even participated in discussions. The Defense Inspector General's review also rounds language, papering over the fact that Lieutenant General Piatt and Lieutenant General Flynn, while on the call, discussed how they "did not like the optics" – that is a direct quote -- of sending Guardsmen to the Capitol. They stated it would be in their best military advice to recommend to the Secretary of the Army, Ryan McCarthy, to deny the request from Command General William Walker to deploy the DC National Guard and aid the U.S. Capitol Police in the restoration of ordered liberty on Capitol Hill

In addition, former Secretary of the Army, Ryan McCarthy claims he was on the 2:31 PM call and spoke on that call. This is false. Unless he was in the room shadowing the call, and did not speak nor identify himself, he was not on the call. He was enroute to the Washington D.C. Regional Office of the Federal Bureau of Investigation to support that agency's concept of operations on January 6th. He went on to claim that he called and spoke to Major General Walker at least twice, ordering the deployment of the DC Guard. This is also false. At no time did General Walker take any calls, nor did we ever hear from the Secretary on any of the ongoing conference calls and Secure Video Teleconferencing throughout the day. This I know because I was next to the Command General the entire time, recording events.

Throughout the day, Major General Walker was told by staff officers "to stand by" with respect to deploying to Capitol Hill. Only at 5:09 PM in the early evening--which I wrote down on my wheel book--was the DC Guard given the order to deploy and move to the Capitol to assist Capitol Police. We arrived too late. One American lay dead with other sisters and brothers injured, including federal and local law enforcement officers. We were ready and standing by. I know if we were able to deploy immediately when General Walker made the request, the National Guard could have helped end the civil disturbance and restored public order quickly.

The Army National Guard motto is: "Always Ready, Always There." The DC National Guard was ready to help and assist the Capitol Police, but we were not allowed to do our job due to paralyzed decision-making by the Acting Secretary of Defense Chris Miller and Secretary of the Army Ryan McCarthy. This led to

crisis in Federal leadership at the Pentagon and delayed the DC Guard response by 3 hours and 19 minutes.

Thank you for the opportunity to appear before you today and articulate the facts as they happened.

I look forward to answering any questions you may have.

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