

# **REPORT OF U.S. ARMY OPERATIONS ON JANUARY 6, 2021**

Headquarters, Department of the Army

March 18, 2021

1. Introduction. The purpose of this report is to describe and explain the actions taken by officials in the Army in response to the attack on the U.S. Capitol on January 6, 2021. This paper discusses the Army's actions, from receipt of the Mayor of the District of Columbia's request for National Guard support on December 31, 2020, through January 6, 2021. A detailed timeline of the Army's actions is included at Enclosure 2.

2. Background.

a. **Role of Military/NG in Domestic Law Enforcement.** Since before the American Revolution, there has been a healthy skepticism of using military forces for domestic law enforcement, the origins of which can be traced to the nation's founding documents. The Constitution reflects American disfavor of standing armies and thus purposely divides the power to command, regulate, and fund the military between the executive and legislative branches of government. One purpose of this bifurcation of authority is ensuring that the military itself does not become so powerful that it can threaten the ideals of the country itself. Nowhere can this potential power be more felt—or potentially abused—than in domestic law enforcement. In response to such abuses in the Southern states after the Civil War, and to address concerns military leaders had regarding the use of their forces for law enforcement missions, Congress passed the Posse Comitatus Act (PCA) in 1878.<sup>1</sup> The PCA prohibits direct involvement by Regular Army and Air Force personnel in civilian law enforcement activities, but the PCA does not apply to National Guard forces under the command and control of their States, whether in a State Active Duty or a Title 32 status.<sup>2</sup>

b. **Chain of Command for DCNG.** As provided in D.C. Code § 4-409, the President is the Commander-in-Chief of the District of Columbia National Guard (DCNG); but through Executive Order 11485, dated 1 October 1969, he authorized and directed the Secretary of Defense (SecDef) to “supervise, administer and control” the DCNG. By memorandum dated 10 October 1969, SecDef directed the Secretary of the Army (SecArmy) to act for him in matters related to the District of Columbia (D.C.) Army National Guard, and directed SecArmy “to command, through the Commanding General of the National Guard, all operations of the Army and Air National Guard elements,” and “after consultation with [SecDef] and subject to the direction of the President as Commander-in-Chief, and in accordance with the Interdepartmental Action Plan for Civil Disturbance, may order out the National Guard under Title 39 of the District of Columbia Code to aid the civil authorities of the District of Columbia.” The President appoints and commissions the Commanding General (CG) of the DCNG, and may remove the CG from office at any time.<sup>3</sup>

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<sup>1</sup> 18 U.S.C. § 1385 (2012), Use of the Army and Air Force as a Posse Comitatus. Although amended several times over the years, the current text remains largely unchanged today: “Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.”

<sup>2</sup> Department of Defense Instruction (DoDI) 3025.21, *Defense Support of Civilian Law Enforcement Agencies*, Incorporating Change 1, Effective Feb. 8, 2019, Encl. 3, para 2.b.

<sup>3</sup> D.C. Code § 49-301(a). Of note, § 49-301(c) contemplates that the President may detail any officer of the Armed Forces of the United States, serving on active duty, as the CG of the DCNG.

**c. Requests for Assistance for DCNG Support.** SecDef's 1969 memorandum provides SecArmy authority only to approve requests for assistance (RFA) from the civil authorities of the District of Columbia. This process has become known as the "Seven Step Process," and entails (1) civil authorities make the request to DCNG; (2) DCNG submits the request to SecArmy; (3) SecArmy consults with SecDef, with DoD OGC conducting a legal review; (4) SecArmy consults with the Deputy U.S. Attorney General (DAG); (5) DAG advises SecArmy; (6) SecArmy approves request with parameters; and (7) CG, DCNG informs requester of the approved support. Under DoD Directive 3025.18 (Defense Support of Civil Authorities), and other laws, directives, and instructions, *only SecDef has authority to approve RFAs from federal agencies*. In accordance with (IAW) DoDD 3025.18, para 4.e., all RFAs shall be evaluated for:

- Legality (compliance with laws);
- Lethality (potential use of lethal force by or against DoD Forces);
- Risk (safety of DoD Forces);
- Cost (including the source of funding and the effect on the DoD budget);
- Appropriateness (whether providing the requested support is in the interest of DoD);
- Readiness (impact on DoD's ability to perform its other primary missions).

In addition to being the approval authority for RFAs from federal agencies, under DoD policy, only the SecDef (with Presidential authorization) may approve requests from civil authorities for DoD assistance in responding to civil disturbances.<sup>4</sup>

**d. Lessons Learned from Civil Disturbances in D.C. in June 2020.** The Army's preparations for the events of January 6 were informed by the considerable scrutiny received after the federal response to protests in summer 2020.<sup>5</sup>

(1) On July 9, 2020, then-SecDef Esper and the Chairman of the Joint Chiefs of Staff (CJCS) testified before the House Armed Services Committee regarding the DoD authorities related to civilian law enforcement, the role of the military, the rights of citizens to protest, and the military's involvement during the protests around the country. They identified several lessons learned, including that troops should be used only as a last resort in direct civilian law enforcement roles; police should wear distinct uniform colors during protests when the military is present; and the military must be careful about lending out equipment to civilian law enforcement that is labeled "military."

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<sup>4</sup> See DoDD 3025.18, para. 4.I.(1). The only exception to the SecDef approving DoD responses to civil disturbances is when a federal commander exercises Emergency Authority, which is only permitted when it is impossible to reach the President for approval. On 6 January, Emergency Authority was not available to the CG, DCNG because it was not impossible to reach the President and the President has delegated command and control of the DCNG to the SecDef. Moreover, when the CG notified the SecArmy of the US Capitol Police's request for DCNG support, SecArmy replied that he needed to obtain SecDef approval.

<sup>5</sup> See, e.g., Peter Hermann, Spencer S. Hsu, & Ellen Nakashima, *Humvees, helicopters and the National Guard: D.C. officials push back on show of federal force on city streets*, Wash. Post, (June 4, 2020 7:58 PM), [https://www.washingtonpost.com/local/public-safety/humvees-helicopters-and-the-national-guard-dc-officials-push-back-on-show-of-federal-force-on-city-streets/2020/06/04/235f032c-a5c6-11ea-b473-04905b1af82b\\_story.html](https://www.washingtonpost.com/local/public-safety/humvees-helicopters-and-the-national-guard-dc-officials-push-back-on-show-of-federal-force-on-city-streets/2020/06/04/235f032c-a5c6-11ea-b473-04905b1af82b_story.html).

(2) After the June 2020 civil disturbance, SecDef and SecArmy determined that any future requests from civil authorities for DCNG support during planned protests required thorough scrutiny by both of them to ensure that the use of the National Guard was necessary; and that if so, the mission was narrowly tailored and appropriate for military forces. The SecArmy was particularly troubled with the imprudent use of helicopters by the DCNG near crowds of protestors, and was very concerned for the safety of NG personnel after six NG members were seriously injured during the June 2020 protests. SecDef and SecArmy determined that they would provide carefully crafted employment guidance to ensure that the DCNG stayed within the parameters of its approved mission and used the minimum force possible to execute the mission. In August 2020, in anticipation of large First Amendment demonstrations, SecArmy directed the CG, DCNG to invite DC and federal law enforcement agencies to conduct a table-top exercise (TTX) at the DCNG Armory to ensure proper interagency coordination and rehearsals were conducted prior to the scheduled demonstrations.

(3) Later in the fall of 2020, concerns related to the role of the military in the transition of government after the November election prompted the CJCS to declare publicly that "In the event of a dispute over some aspect of the elections, by law, U.S. courts and the U.S. Congress are required to resolve any disputes, not the U.S. military. I foresee no role for the U.S. armed forces in this process." In this vein, SecDef declined to approve a request from the U.S. Park Police (USPP) for a 150-member DCNG response force from November 1-8, 2020, the purpose of which was to provide support to the USPP during planned demonstrations surrounding Election Day.

### 3. Setting the Stage for January 6, 2021.

a. **Mayor of DC Request / DC Homeland Security and Emergency Management Agency (HSEMA) Request.** On December 31, 2020, Mayor Bowser requested DCNG support of both the Metropolitan Police Department (MPD) and the DC Fire and Emergency Medical Services (FEMS) during planned First Amendment demonstrations on January 5-6. The Mayor explicitly directed that "no DCNG personnel shall be armed during this mission, and at no time, will DCNG personnel or assets be engaged in domestic surveillance, searches, or seizures of US persons." Later that day, the Director of HSEMA requested six crowd management teams to manage crowds at specified Metro stations and a team to assist at 30 designated traffic posts. HSEMA requested personnel from 0730 to 2400 on January 5 and 6, and specified that they were to be equipped with visibility vests and lighted wands. HSEMA also requested support from the Civil Support Team (CST) to conduct five tasks from 0730 January 5 through 0700 hours on January 7. The Director of HSEMA reiterated that no DCNG personnel would be armed.

b. **DCNG Mission Analysis.** On January 1, 2021, the Joint Staff of the DCNG provided the CG, DCNG a mission analysis of HSEMA's request. The analysis identified that 250 Guardsmen could execute the mission, and "additional support, if required, is postured with 100 Guardsmen on 3-hour response and 250 Guardsmen on 6-hour response." DCNG briefing slides, dated December 31, 2020, showed 350 Guardsmen were required for the support to DC civil authorities. If additional forces were needed, the slides stated that an additional 100 Guardsmen could be available in three hours, 250 more could be available

within six hours, and 350 more could be available in 12 hours under the CG's selective encampment order. The slides also stated that the DCNG would place liaison teams at the MPD Emergency Operations Center (EOC), and would designate additional liaison teams if needed to monitor activity at other D.C. or federal agencies.

**c. Approved Support to D.C.** With the lessons from June and the cautions on military involvement in the election at the forefront of his mind, SecArmy carefully reviewed the HSEMA request and the DCNG mission analysis. After several days of discussions about potential requests to support the security of the Capitol, on January 4, 2021, SecArmy formally notified SecDef of the HSEMA request for DCNG support. He stated that 340 total personnel would support the request: 90 personnel (180 total/2 shifts) at traffic control points (TCPs) in non-tactical vehicles (NTVs); 24 personnel (48 total/2 shifts) for Metro station support; 20 personnel for CST support; a Quick Reaction Force (QRF) of 40 personnel staged at Joint Base Andrews (JBA); and internal command and control (C2) and support staff of 52 personnel.

SecArmy recommended SecDef approval of HSEMA's request if three conditions for support were met: (1) establishment of a lead federal agency, other than DoD, to enable enhanced coordination of all entities; (2) the estimated numbers for the demonstrations exceed the local and federal agencies' ability to address the risk; and (3) all other federal agencies have exhausted their assets to support the events. SecArmy also noted that he had directed MG Walker, the CG, DCNG, that: (1) he should prepare to recall the DCNG to support the event, (2) the DCNG should be postured to provide the requested support in the event that it was approved, and (3) the DCNG was not authorized to perform any additional tasks or duties not authorized in the SecArmy's letter to SecDef. As required by Executive Order 11485, SecArmy also formally coordinated the support with the DAG on January 4, 2021.<sup>6</sup> By memorandum of January 4, 2021, Acting SecDef authorized SecArmy to approve support to D.C. and provided explicit employment guidance for the DCNG.

**d. SecDef's Employment Guidance to SecArmy.** Acting SecDef's employment guidance of January 4, 2021 imposed the following restrictions requiring personal approval by the Acting SecDef:

- 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 authorities;
- 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; or

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<sup>6</sup> This letter informed the DAG of the nature of HSEMA's requested support, the plan to provide support, and the limitations on the DCNG in providing the support.

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- to seek support from any non-DCNG National Guard units.

Additionally, Acting SecDef noted that at all times, the DCNG would remain under the operational and administrative command and control of the CG of the DCNG. He also directed SecArmy to employ the QRF only as a last resort and in response to a request from an appropriate civil authority; and that if the QRF was employed, DCNG personnel would be clearly marked and/or distinguished from civilian law enforcement personnel. SecArmy was directed to notify SecDef immediately if he authorized employment of the QRF. It was clear from the SecDef's letter that authority to employ the QRF was withheld to the SecArmy.

**e. SecArmy's Employment Guidance to CG, DCNG.** SecArmy's written employment guidance to the CG, DCNG, dated January 5, 2021, approved the support outlined in his January 4, 2021 memorandum to SecDef and restated the employment guidance from SecDef. SecArmy also stated:

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.

SecArmy provided further guidance on the QRF:

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 QRF employment.

SecArmy imposed the requirement for a concept of operations before employment of the QRF because of concerns with how the DCNG used helicopters, including medical evacuation helicopters, during the June 2020 civil disturbances. During a January 4, 2021 backbrief from MG Walker to SecArmy, MG Walker briefed the commitment criteria for employment of the QRF and expressed no concerns with the guidance for the use of the QRF. When asked by SecArmy if MG Walker had everything he needed, MG Walker replied, "yes."

**f. Other Notable Factors.**

(1) On January 3, during an interagency meeting hosted by the White House, the Department of Justice (DOJ) was designated as the lead federal agency for the planned First Amendment demonstrations on January 5-6. However, unlike in June 2020, the lead federal agency did not establish and man an integrated command post, nor did it take an active role in coordinating with MPD or federal law enforcement agencies. A member of the

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Office of the Secretary of Defense reached out to federal law enforcement agencies on January 3rd and 4th to ask if they anticipated any need for DoD support. Those agencies, including the U.S. Capitol Police (USCP), uniformly stated they did not need, and did not anticipate needing, support from the DCNG.

(2) The Fiscal Year (FY) 2021 National Defense Authorization Act imposed a new requirement for DoD personnel supporting a law enforcement response, specifically requiring that personnel visibly display their name (or other identifying characteristics).<sup>7</sup> This legislation was a direct result of Congressional concern about the use of the NG and federal law enforcement in response to the nationwide protests in 2020. On January 5, 2021, Senator Christopher Murphy (D-CT) wrote to the Acting Attorney General, the Acting Secretary of Defense, and the Secretary of the Army highlighting this new requirement, stating, “The legislation enacted into law last week ensures that no administration has the authority to deploy unidentifiable law enforcement or members of the armed forces in response to a civil disturbance. We must all ensure the safety of Americans who gather to peacefully exercise their constitutional rights...” Although not reflected anywhere in writing, the DCNG provided numerous assurances that personnel would be properly identified and that the CST personnel, who would not be expected to perform law enforcement, would wear their usual subdued civilian “uniforms.”

(3) On January 5, 2021, Mayor Bowser also sent a letter to the Acting U.S. Attorney General, Acting SecDef, and SecArmy. In that letter, she stated that the MPD was prepared for the week’s First Amendment activities, and had “coordinated with its federal partners—all of whom regularly have uniformed personnel protecting federal assets in the District of Columbia.” The letter emphasized the importance of coordination of any additional assets with the D.C. government, and “discourage[d] any additional employment without immediate notification to, and consultation with, MPD if such plans are underway.” Finally, the letter noted, “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.”

#### 4. Response on January 6.

a. **Posture of the DCNG on January 6.** Subsequent to the HSEMA request, the DCNG’s own mission analysis, and the approvals of the Acting SecDef and SecArmy; at approximately 0700 on January 6, 90 Guardsmen were on duty, partnered with MPD at 30 different TCPs; 24 Guardsmen were at 6 different Metro stations; 20 CST personnel were on duty; 40 personnel were with the QRF at JBA; and 52 personnel were performing C2 and support. The QRF was prepared only to provide back-up for Guardsmen at TCPs and Metro stations. Thus, the total number of requested and approved personnel on duty at 1300 on January 6 to respond to a crisis was approximately 154 personnel (90 TCP personnel, plus 24 Metro station personnel, plus 40 QRF personnel). These 154 personnel were distributed between at least 37 different locations, with the QRF approximately 12 miles away at JBA. No personnel, including the QRF, were armed with lethal weapons, and

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<sup>7</sup> William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, H.R. 6395, 116 Cong. § 1064 (2020).

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none of the TCP or Metro station personnel had any equipment beyond their helmets and ballistic vests stored in their NTVs. The DCNG had night shift personnel who were at home or in hotels asleep, and 100 personnel were on 3-hour recall, 250 personnel on 6-hour recall, and 350 personnel on 12-hour recall. The DCNG was prepared to provide the limited support requested by HSEMA and nothing more.

b. **Calls for Assistance.** In this section, after each stated time stamp, a cumulative expired time is stated, with the request at **1349** being treated as 0:00. According to timelines, at **1326** [-0:23], the USCP ordered the evacuation of the Capitol. Enclosure 2 is the entire Army timeline from December 31, 2020 through January 6, 2021.

- **1349** [0:00], USCP Chief Sund communicated a request to MG Walker for immediate assistance.
- **1412** [+0:23], Rioters break a window on the northwest side of the Capitol and the first rioter enters the Capitol through the broken window, opening a door for others.
- **1414** [+0:25], Federal Protective Service officers report that the Capitol has been breached.
- **1420** [+0:31], The House adjourns and begins to evacuate.
- **1420** [+0:31], As the Director of the Army Staff (DAS), LTG Piatt entered SecArmy's office to render a report of suspicious packages found in D.C., SecArmy received a panicked phone call from the DCNG. During this call, SecArmy was informed of multiple explosions in the city. In order to understand the situation, SecArmy made several attempts to elicit additional information from the DCNG. Secretary McCarthy then asked the DCNG to establish a conference call between the USCP, MPD, and DCNG to help the Secretary better understand the situation on the Capitol grounds.
- **~1425** [0:36], SecArmy joined a conference call with MG Walker; Chief Contee, MPD; Mayor Bowser; Chief Sund, USCP; and the Executive Officer to SecArmy. LTG Piatt; Ms. Michelle Pearce, Acting Army General Counsel; and BG LaNeve, Director of Operations, Readiness, and Mobilization (OD); joined the call in SecArmy's office. After hearing a frantic request for assistance, SecArmy asked MG Walker how quickly the 40-member QRF could respond; MG Walker stated the QRF could be ready to move in 20 minutes. SecArmy directed MG Walker to prepare to move the QRF to the Capitol Building and support the USCP, but to remain at the Armory until he confirmed approval from Acting SecDef.
- **~1430** [+0:41], At this point, now understanding the gravity of the situation and knowing that he did not have authority to approve the request to provide DCNG personnel for a civil disturbance operation (CDO) or to support a federal agency, SecArmy directed LTG Piatt to take over the conference call. Sec Army then, along with Chief of Staff of the Army (CSA) and BG LaNeve, sprinted to Acting SecDef's office to brief the situation to Acting SecDef and CJCS, and request that Acting SecDef approve the request for DCNG assistance.
  - After SecArmy departed, LTG Piatt informed the participants on the call that SecArmy had left to meet with Acting SecDef to gain approval to support the USCP. The conference call continued and was at times difficult to follow, as

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multiple participants spoke over one another. Chief Sund again requested immediate assistance. LTG Piatt calmly stated that the Army needed help understanding the situation and needed to clarify what specific task(s) the USCP wanted DCNG to perform. Rather than responding, the USCP and MPD leadership repeatedly asked for the Guard to move immediately. LTG Piatt cautioned that the National Guard was trained for crowd control, not clearing buildings; and suggested that law enforcement and the FBI reaction forces may be a better option for clearing the Capitol Building. LTG Piatt expressed concern about Army Soldiers clearing the Capitol Building, recommending that the National Guard assist with crowd control while law enforcement cleared the Capitol Building.

- The Mayor and Chief Contee interpreted this as a denial of support, and Chief Contee asked LTG Piatt: "for the record, are you denying our request for support?" LTG Piatt immediately responded that the Army was not denying the request for support, that SecArmy was requesting authorization from Acting SecDef, and that SecArmy had directed MG Walker to prepare his QRF to move. LTG Piatt reiterated the need to quickly develop a basic plan before rushing into an unclear and dynamic situation, which included a large number of protestors outside the Capitol Building and another group of violent protestors inside. Chief Contee stated, "you are denying our request and we will go to the media." LTG Piatt stated clearly for the third time that he was not denying their request. Over the course of the call, LTG Piatt stated three times that the Army was not denying the request for support, and explained that the DCNG was preparing to move pending approval from the Acting SecDef.
- LTG Piatt continued to ask the Capitol Police to confirm how they intended to employ the QRF, without success. This information was vital in order to provide the QRF leadership a basic order, ensure their understanding of the situation and anticipated tasks, and enable their own hasty planning and preparations. Moving without this basic planning would, at best, have caused additional confusion; and at worst, could have resulted in serious injury to Guardsmen, law enforcement officers, or the peaceful protestors outside the Capitol. At this point, LTG Piatt realized that the USCP's mission had changed: there was no longer a perimeter to secure around the Capitol, and now the mission was to take back the Capitol.
- During this discussion, the Army Deputy Chief of Staff, G-3/5/7, LTG Flynn, briefly entered SecArmy's office and heard the ongoing discussion, including LTG Piatt being asked twice if he was denying support to the USCP. After a few minutes, recognizing that he needed to move back to the G-3/5/7 offices to begin planning for the deployment of NG forces to the Capitol, LTG Flynn left SecArmy's office. LTG Flynn moved to CSA's office to call his team to tell them to open a secured video teleconference (SVTC) in order to plan and coordinate the DCNG's response.
- At approximately **1445**, one of the participants on the call reported that shots were fired inside the Capitol Building. SecArmy's Executive Officer immediately ran to Acting SecDef's office to inform SecArmy. When he returned to SecArmy's office approximately 10 minutes later, the conference call had ended.

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The Army Staff and the DCNG had left the conference call and joined a SVTC to discuss the situation and begin planning how to deploy the DCNG to the Capitol.

- By approximately **1500**, the SVTC was populated with Army Staff members, and the DCNG dialed in shortly afterwards. LTG Flynn opened the session by reiterating that the Army needed to quickly develop a basic plan before rushing into an unclear and dynamic situation that included a large number of protestors outside the Capitol Building and another group of violent protestors inside. This HQDA SVTC stayed open until approximately **2200** on the evening of January 6 to support planning for the DCNG's new mission, including securing fencing for the Capitol and planning for incoming NG personnel from surrounding states.
- **1500** [+1:11], SecArmy directed MG Walker to begin to prepare to move all available Guardsmen (approximately 150 personnel) to support the USCP. This meant that MG Walker was to prepare to move personnel back from TCPs and Metro stations; task organize for response; ensure proper equipment was issued; and develop a tactical plan for employment of the DCNG.
- **1504** [+1:15], Acting SecDef approved the activation/mobilization of the full DCNG (1100 total personnel). Immediately upon Acting SecDef's approval, SecArmy directed MG Walker to recall all personnel and to initiate movement to posture forces to support the MPD; SecArmy directed MG Walker to create a hasty plan to employ DCNG personnel and to ensure the Guardsmen were properly equipped for the mission. The DCNG began redeploying all Soldiers from positions at Metro stations and mobilizing all available non-support and non-C2 personnel in preparation for the new mission, including bringing in Guardsmen who were scheduled for the night shift.
- **1511** [+1:22], The 40-person QRF departed from JBA to return to the D.C. Armory.
- **1519** [+1:30], SecArmy phone call with Senator Schumer and Speaker Pelosi about the nature of Mayor Bowser's request. SecArmy explained Acting SecDef had already approved full DCNG mobilization.
- **1526** [+1:37], SecArmy phone call with Mayor Bowser and MPD Chief Contee; he relayed there had been no denial of their request and conveyed Acting SecDef approval of the activation of the full DCNG.

c. **Re-Missioning the DCNG.** At approximately **1548** [+1:59], the DCNG had yet to develop a plan for the linkup and employment of DCNG personnel in support of MPD and the USCP, so SecArmy decided to go to MPD Headquarters to personally conduct the coordination with MPD, arriving at **1605**, followed by BG LaNeve at **1610**. Between **1610 and 1630**, SecArmy and BG LaNeve developed the plan to employ the DCNG at the Capitol. A critical planning factor was to specify unit-level tasks to employ the DCNG. This is because, unlike most law enforcement agencies, the Army does not respond to crises as individuals, but instead by small units such as squads and platoons. SecArmy and BG LaNeve coordinated with Mayor Bowser, Chief Contee, and the FBI to discuss task and purpose for the DCNG, identify link-up locations, and confirm key leaders at each site.

- **1615** [+2:26], SecArmy participated in a phone update with Acting SecDef and CJCS, at which time he received confirmation that there were 25-30,000 protesters.

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- **1618** [+2:29]; SecArmy called the Chief, National Guard Bureau (CNGB), to discuss the availability of out-of-state National Guard forces.
- **1625** [+2:36]. SecArmy asked BG LaNeve to direct MG Walker to prepare the DCNG (all available personnel) at the Armory to move to the Capitol in anticipation of Acting SecDef authorization to support the USCP.
- **~1626** [+2:37], SecArmy called the Deputy Director of the FBI, David Bowditch, to discuss the positioning of the DCNG (DCNG would follow MPD and establish perimeter security); and encouraged the FBI to immediately deploy their tactical teams to the Capitol.
- **1632** [+2:43], SecArmy joined phone call with Acting Sec Def and CJCS. SecArmy provided a summary of the plan to deploy, linkup, and employ the DCNG and all additional available forces. Acting SecDef provided verbal authorization to re-mission the DCNG to conduct perimeter and clearance operations in support of USCP. SecArmy agreed to provide public notification of support.
- **1635** [+2:46], SecArmy notified MG Walker of the approval and authorized the DCNG to depart the Armory for the U.S. Capitol. BG LaNeve provided the link up location and name of the lead law enforcement officer to MG Walker.
- **1647** [+2:58], SecArmy conducted a press conference at MPD Headquarters, along with Mayor Bowser and the MPD Chief of Police. At the conference, SecArmy announced the full mobilization of the DCNG.
- **1702** [+3:13], 154 DCNG Soldiers in full riot control gear departed the D.C. Armory.
- **1720** [+3:31], DCNG Soldiers began arriving at the U.S. Capitol.
- **1740** [+3:51], All 154 DCNG Soldiers were in place at the U.S. Capitol, sworn in as U.S. Capitol Special Police officers, and prepared to support operations.
- **1814** [+4:25], The USCP, MPD, and DCNG personnel successfully established a perimeter on the west side of the U.S. Capitol.
- **1952** [+6:03], SecArmy met with MG Walker; ordered no shift change, and linked up with Deputy Chief Carroll (MPD) to discuss disposition and perimeter expansion until fences were in place. At this time, an additional 150 DCNG personnel were enroute to Capitol. SecArmy ordered MG Walker to start working on force flow for incoming National Guardsmen from outside the District of Columbia.
- **2000** [+6:11], The USCP declared the Capitol building secure.
- **2006** [+6:17], The Vice President reopened the Senate.

### 5. Conclusion.

On January 6, 2021, the DCNG was postured to conduct a small traffic and crowd control mission in support of MPD and DC FEMS, and had no indication that anything further would be requested of the DCNG. As soon as they were notified of the severity of the situation Capitol, at approximately 1425 hours, Army senior leaders worked relentlessly

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to develop an understanding of the situation, plan the new mission of the DCNG—which involved inserting the DCNG into a chaotic and dangerous environment—and gain Acting SecDef approval to conduct CDO. This entire process took approximately two hours.

The dispersion of 154 unarmed DCNG personnel across 37 different locations separated by at least 12 miles, prepared and equipped only to reinforce law enforcement at mass transit locations and TCPs, made it incredibly difficult to repurpose, reorganize, and deploy those personnel into uncertain and kinetic circumstances. The inability of law enforcement officials to clearly communicate the task for the QRF further delayed planning and executing a faster response from the DCNG.

To overcome continued friction in communication and coordination, SecArmy physically moved to the MPD headquarters. Within 30 minutes of SecArmy's arrival at MPD headquarters, Acting SecDef—the only individual with authority to approve the employment of the DCNG to conduct CDO in support of the USCP—approved the immediate employment of the DCNG. Because of the unplanned and unrehearsed situation, it took over an hour after Acting SecDef's approval for the DCNG to arrive at the Capitol, link up with the proper coordinating law enforcement officers, become sworn as U.S. Capitol Special Police officers, and begin to conduct operations. In light of the challenges inherent in responding to such unforeseen circumstances, this response time was reasonable. Ultimately, the response by the 154 members of the DCNG is a true testament to Citizen-Soldiers, their dedication to duty, and their devotion to accomplishing any mission.

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### **Enclosure 1: References**

- a. Executive Order 11485, "Supervision and Control of the National Guard of the District of Columbia," Oct. 1, 1969.
- b. Memorandum, Secretary of Defense, subject: Supervision and Control of the National Guard of the District of Columbia, Oct. 10, 1969.
- c. District of Columbia Code § 49-103, "Suppression of riots," Dec. 24, 1973, 87 Stat. 826, Pub. L. 93-198, title VII, § 739(d).
- d. DoD Instruction 3025.21, "Defense Support of Civilian Law Enforcement Agencies," Feb. 27, 2013 (incorporating Change 1, effective Feb. 8, 2019).
- e. DoD Directive (DoDD) 3025.18, "Defense Support of Civil Authorities," Dec. 29, 2010 (Change 2, Mar. 19, 2018).
- f. Letter from Mayor Muriel Bowser, District of Columbia, to MG William Walker, Dec. 31, 2020.
- g. Letter from Dr. Christopher Rodriguez, Director, Homeland Security and Emergency Management Agency (HSEMA), District of Columbia, to MG William Walker, Dec. 31, 2020.
- h. Letter from Secretary of the Army to Secretary of Defense, Jan. 4, 2021.
- i. Acting Secretary of Defense Memorandum for Secretary of the Army, subject: Employment Guidance for the District of Columbia National Guard, Jan. 4, 2021.
- j. Letter from Secretary of the Army to the Deputy Attorney General, Jan. 4, 2021.
- k. Letter from Secretary of the Army to MG William Walker, Support to the Civil Authorities of the District of Columbia, Jan. 5, 2021.
- l. DoD Timeline (Timeline memorializing planning and execution efforts of the Department of Defense to address the Violent Attack at the U.S. Capitol on January 6, 2021).
- m. Seven-Step Process for Requests from DC Civil Authorities.
- n. Modified Seven-Step Process for Requests from Federal Agencies.

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### Enclosure 2: Army Timeline

**Response (Timeline): ALL TIMES EST**

#### **Thursday, December 31, 2020 (New Year's Eve):**

- Mayor Muriel Bowser and Dr. Christopher Rodriguez, D.C. Director of Homeland Security and Emergency Management Agency, deliver a written request for D.C. National Guard (DCNG) support to D.C. Metro Police Department (MPD) and Fire and Emergency Service.

#### **Saturday, January 2, 2021:**

- The Acting Secretary of Defense (A/SD) confers with the Chairman of the Joint Chiefs of Staff (CJCS) and the Secretary of the Army (SecArmy) on the Mayor's written request. No decision made.

#### **Sunday, January 3, 2021:**

- **UNKN:** OSD HD&GS confirms with U.S. Capitol Police (USCP) (USCP Protective Services Bureau Commander) that USCP is not requesting DOD support.
- **1300:** A/SD and CJCS meet with Cabinet Members to discuss DoD support to law enforcement agencies and potential requirements for DoD support; DOJ is designated as the Lead Federal Agency.
- **1530:** SecArmy Phone Call with MPD Chief. Chief Contee reiterates D.C. government does not want federal forces in DC with long weapons.
- **1730:** A/SD and CJCS meet with the President. President concurs with activation of the DCNG to support law enforcement.

#### **Monday, January 4, 2021:**

- USCP confirms to OSD there is no requirement for DoD support in a phone call.
- A/SD, in consultation with CJCS, SecArmy, and DoD General Counsel (GC), reviews the Department's plan to be prepared to provide support to civil authorities, if asked, and approves activation of 340 members of the DCNG to support Mayor Bowser's request.
- Support provided in response to Mayor Bowser's request includes support at:  
Traffic Control Points: 90 personnel (180 total/2 shifts); Metro station support: 24 personnel (48 total/2 shifts); Weapons of Mass Destruction Civil Support Team: 20 personnel; and Internal Command and Control: 52 personnel.
- A/SD also authorizes SecArmy to deploy a Quick Reaction Force (40 personnel staged at Joint Base Andrews) only as a last resort and in response to a request from an appropriate civil authority.
- SecArmy sends coordination letter to Deputy Attorney General which explains the requested support and the parameters of the approved DCNG support.
- MG William J. Walker, Commanding General of the DCNG, conducts backbrief on mission to SecArmy. MG Walker states he has everything he needs from the SecArmy, and does not question the parameters placed on employing the QRF. MG Walker raises concerns

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with Guardsmen deployed to checkpoints not having their helmets or ballistic vests for protection; SecArmy agrees that they should have protective equipment and directs that Guardsmen keep it nearby in vehicles in case it is needed.

- SecArmy notifies Mayor Bowser and Chief Contee of A/SD approval.

### **Tuesday, January 5, 2021:**

- Mayor Bowser delivers a letter addressed to the Acting Attorney General, A/SD, and SecArmy confirming that there are no additional support requirements from the D.C.
- DCNG begins to manage traffic control points alongside local law enforcement.

### **Wednesday, January 6, 2021:**

- **1230:** Crowds of protestors gather outside the U.S. Capitol building.
- **1253:** Rioters overwhelm police along the outer perimeter west of the Capitol building, pushing aside temporary fencing.
- **1326:** USCP orders evacuation of Capitol complex.
- **1334:** SecArmy phone call with Mayor Bowser in which Mayor Bowser communicates request for additional forces and asks whether USCP has requested National Guard personnel.
- **1340:** Reports of potential explosive devices at DNC/RNC headquarters. Cannon Building evacuated.
- **1349:** USCP Chief Sund communicates a request to MG William J. Walker for immediate assistance.
- **1410:** Chief Sund contacts MG Walker again to request immediate assistance and states 200 Guardsmen are needed and to send more if they are available.
- **1412:** Rioters break a window on the northwest side of the Capitol and the first rioter enters the Capitol through the broken window, opening a door for others.
- **1414:** Federal Protective Service officers report that the Capitol has been breached.
- **1420:** The House adjourns and begins to evacuate.
- **1420:** As the Director of the Army Staff (DAS), LTG Piatt, enters the SecArmy's office to render a report of suspicious packages found in DC, SecArmy receives a panicked phone call the DCNG. During this call, the SecArmy is informed of multiple explosions in the city. In order to understand the situation, SecArmy makes several attempts to elicit additional information from the DCNG. SecArmy asks the DCNG to establish a conference call between the USCP, MPD, and DCNG to help the Secretary better understand the situation on the Capitol grounds.
- **1425:** SecArmy joins a conference call with MG Walker; Chief Contee, MPD; Mayor Bowser; Chief Sund, USCP; and the Executive Officer to SecArmy. LTG Piatt, DAS; Ms. Michelle Pearce, Acting Army General Counsel; and BG LaNeve, Director of Operations, Readiness, and Mobilization (OD), join the call in SecArmy's office. After hearing a frantic request for assistance, SecArmy asks MG Walker how quickly the 40-member QRF could respond; MG Walker states the QRF could be ready to move in 20 minutes. SecArmy

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directs MG Walker to prepare to move the QRF to the Capitol Building and support the USCP, but to remain at the Armory until he confirms approval from the Acting SecDef.

- **~1428:** SecArmy, CSA, and BG LaNeve depart and go to A/SD's office.
- **~1428 until approximately 1450:** The conference call continues, and LTG Piatt informs the participants that SecArmy has gone to discuss the situation with the A/SD and seek approval to support the USCP. Chief Sund repeatedly requests immediate assistance; LTG Piatt responds that the Army needs help understanding the situation and clarity on what specific task the USCP wants DCNG to perform. He also cautions that the National Guard is better trained and suited to assist with crowd control while law enforcement clears the Capitol Building. Chief Sund asks "[f]or the record, are you denying our request for support?" a number of times, and at least three times LTG Piatt says no and reiterates that SecArmy is presently requesting A/SD approval of the request. Chief Sund says he needs the National Guard to secure the perimeter of the Capitol; LTG Piatt assesses that the mission has gone beyond support and is now retaking the Capitol. LTG Flynn briefly enters the SecArmy's office and hears the ongoing discussion, including LTG Piatt being asked twice if he was denying support to the USCP. After a few minutes, recognizing that he needs to move back to the G-3/5/7 offices to begin planning for deployment of NG forces to the Capitol, LTG Flynn leaves SecArmy's office. LTG Flynn moves to the Chief of Staff of the Army's office to call his own team to open a secured video teleconference (SVTC) in order to plan and coordinate the DCNG's response. Prior to the end of the call, at approximately 1445, one of the participants in the call reports that shots were fired in the Capitol building. SecArmy's XO departs and goes to inform SecArmy in the A/SD's office. BG LaNeve informs CJCS.
- **1429:** Media reports Police on Senate Floor shouted "Shots fired. Move away from the doors."
- **1430:** A/SD, CJCS, SecArmy, and CSA meet to discuss USCP and Mayor Bowser's requests.
- **1430 – 1630:** A/SD, CJCS, SecArmy, and CSA assess the situation, requirements, and options.
- **1431:** Media reports protestors enter Senate floor.
- **1445-2200:** LTG Flynn opens a SVTC bridge and coordinates with Army Staff, DCNG, and others to support planning for the DCNG's new mission, including securing fencing for the Capitol and planning for incoming NG personnel from surrounding states.
- **1447:** Media reports public calls by Speaker of the House for National Guard support to clear the Capitol.
- **1500:** SecArmy directs MG Walker to begin to prepare to move all available personnel to support the USCP. This meant that MG Walker was to prepare to move personnel back from TCPs and Metro stations; task organize for response; ensure proper equipment is issued; and develop a tactical plan for employment of the DCNG.
- **1500:** A/SD determines all available forces of the DCNG are required to reinforce MPD and USCP positions to support efforts to reestablish security of the Capitol complex.

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- **1504:** A/SD, with advice from CJCS, DoD General Counsel, the Chief of the National Guard Bureau (CNGB), SecArmy, and the CSA, provides verbal approval of the full activation/mobilization of the DCNG (1100 total) in support of the MPD.
- **1505:** Immediately upon A/SD approval, Secretary McCarthy directs MG Walker to recall all personnel and to posture forces to support the MPD. SecArmy further directs MG Walker to create a hasty plan to employ DCNG personnel and to ensure the Guardsmen are properly equipped for the mission. The DCNG begins redeploying all Soldiers from positions at Metro stations and mobilizing all available non-support and non-C2 personnel in preparation for the new mission, including bringing in Guardsmen who were scheduled for the night shift.
- **1505:** SecArmy provides update to Speaker Pelosi and Senator Schumer.
- **1510:** Media reports that DoD denied Mayor Bowser's request for more guardsmen.
- **1510:** SecArmy phone call with Mayor Bowser to inform her of his request for full activation of the DCNG.
- **1511:** DCNG 40-person QRF departs from Joint Base Andrews to return to the D.C. Armory.
- **1518:** A/SD, with advice from CJCS, OGC, CNGB, SECARMY, CSA, requests that VA and MD National Guard be on standby.
- **1519:** SecArmy phone call with Senator Schumer and Speaker Pelosi about the nature of Mayor Bowser's request. SecArmy explains A/SD has already approved full DCNG mobilization.
- **1526:** SecArmy phone call with Mayor Bowser and MPD police chief. SecArmy relays there has been no denial of their request and conveys A/SD approval of the activation of full DCNG.
- **1530:** White House announces National Guard is on its way; media reports that one person has been shot in the Capitol and has been moved.
- **~1535:** DC mayor establishes 6pm curfew.
- **1546:** CNGB phone call with the Adjutant General (TAG) of Virginia to discuss support in Washington D.C. TAG said Governor had ordered mobilization of forces at 1532.
- **1548:** SecArmy and small staff depart Pentagon for MPD HQ.
- **1555:** CNGB phone call with TAG of Maryland to discuss support in Washington D.C. TAG relays the Governor ordered the mobilization of the rapid response force at 1547.
- **1600:** DoD releases statement on D.C. Guard Mobilization: STATEMENT BY JONATHAN HOFFMAN, CHIEF PENTAGON SPOKESMAN, ON D.C. GUARD MOBILIZATION.
- **1605:** SecArmy arrives at MPD HQ; BG LaNeve arrives at **1610**.
- **1608:** Phone call between VPOTUS and A/SD and CJCS; A/SD conveys that this is a law enforcement issue and DoD is in a supporting role.
- **1610-1630:** SecArmy, Mayor Bowser, Chief Contee, and BG LaNeve discuss task and purpose for the DCNG, identify linkup locations, and confirm key leaders at each site.

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- **1613:** USCP indicates intent to request 15-20 Pentagon Force Protection Agency (PFPA) officers under mutual aid agreement. Washington Headquarters Services recalls officers to standby ahead of formal request.
- **1615:** SecArmy participates in phone update with A/SD and CJCS. Confirms 25,000-30,000 protesters.
- **1618:** A/SD, CJCS, SecArmy, and CNGB discuss availability of National Guard (NG) forces from other States in the region. A/SD gives voice approval for out-of-State NG forces to muster and to be prepared to deploy to D.C.
- **1619:** A/SD phone call with CJCS and SecArmy.
- **1625:** SecArmy asks BG LaNeve to direct MG Walker to prepare the DCNG (all available personnel) at the Armory to move to the Capitol in anticipation of authorization to support the USCP.
- **1626:** SecArmy phone call with Deputy Director of the FBI, David Bowditch, to discuss positioning of DCNG (DCNG will follow MPD and establish perimeter security); SecArmy encourages the FBI to immediately deploy their tactical teams to the Capitol.
- **1632:** SecArmy joins phone call with A/SD and CJCS. SecArmy provides summary of plan to deploy, linkup, and employ the DCNG and all additional available forces. A/SD provides verbal authorization to re-mission DCNG to conduct perimeter and clearance operations in support of USCP. SecArmy agrees to provide public notification of support.
- **1635:** SecArmy notifies MG Walker of A/SD's approval and authorizes DCNG to depart the Armory for the U.S. Capitol. BG LaNeve provides MG Walker the linkup point and name and contact information of the officer to whom the DCNG should report.
- **1636:** Media reports FBI deployment to the Capitol.
- **1640:** SecArmy phone call with Governor of Maryland. Governor relays he will send Maryland NG troops to D.C., expected to arrive on January 7, 2021.
- **1647:** D.C. Mayor conducts press conference with SecArmy.
- **1648:** Upon receipt of the formal request from USCP, A/SD approves and directs 20 PFPA officers to support USCP under mutual aid agreement. Officers deploy immediately.
- **1652:** DOD issues press statement on full activation of D.C. National Guard:  
STATEMENT BY ACTING SECRETARY MILLER ON FULL ACTIVATION OF D.C. NATIONAL GUARD.
- **1702:** 154 DCNG depart the D.C. Army in full riot control gear in support of USCP.
- **1705:** SecArmy phone call with Sen. Schumer.
- **1715:** SecArmy provides update to A/SD and CJCS via phone call, relaying that 150 DCNG personnel are staged to support MPD.
- **1720:** DCNG begins arriving to the U.S. Capitol with 154 Soldiers. They commence being sworn in as Special Capitol Police.
- **1725:** A/SD and CJCS call with WH Counsel. DOJ is reaffirmed as the lead federal agency for response coordination.

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- **1726:** SecArmy requests fences from Department of Homeland Security (DHS) Secretary in order to establish a perimeter around the Capitol.
- **1740:** All DCNG personnel have arrived and have linked up at tunnel at Capitol 1st and D St.
- **1745:** A/SD signs formal authorization for out-of-State NG to muster and gives voice approval for their deployment in support of the USCP.
- **1800:** Cabinet-level interagency sync call convened (APNSA, DHS, DOI, DOJ, FBI, WH Counsel, A/SD, CJCS, SecArmy in attendance). SecArmy provides update: 150 DCNG on site and 150 enroute; 350 FBI on site. He states that the goal is to have the Capitol cleared by 2100.
- **1800:** Mayor Bowser activates curfew.
- **1800:** SecArmy's Executive Officer begins coordinating with the USCP and Secret Service to contract fencing for around the Capitol building.
- **1814:** USCP, MPD, and DCNG (154 Soldiers) successfully establish perimeter on the west side of the U.S. Capitol.
- **1829:** SecArmy phone call with Deputy Director of the FBI David Bowditch.
- **1850:** SecArmy phone call with Virginia Governor.
- **1915:** A/SD, CJCS, SecArmy, A/DAG, and VPOTUS phone call with Pelosi/Schumer/McConnell.
- **1936:** A/SD provides vocal approval to lease fences in support of the USCP for security of the Capitol building.
- **1952:** SecArmy meets with MG Walker, orders no shift change, and links up with Deputy Chief Carroll (MPD) to discuss disposition and perimeter expansion until fences are in place. An additional 150 DCNG personnel are enroute to Capitol. SecArmy orders MG Walker to start working on force flow for incoming National Guardsmen from outside the District of Columbia.
- **2000:** USCP declares Capitol building secure.
- **2010:** Congress back in session.
- **2030:** SecArmy and staff depart MPD and return to Pentagon.
- **2036:** A/SD re-signs 32 U.S.C. § 502(f) authorization in correct format and on correct letterhead.
- **2100:** Phone call update with SecArmy, CJCS, Chief of the National Guard Bureau (CNGB), A/SD, and MG Walker. Update: 250-270 PAX at Capitol; CJCS says to mobilize all 6200 guard personnel. Call participants discuss force flow over the next several days.
- **2158:** SecArmy meets with DCNG leaders at the D.C. Armory to discuss force flow and 30-day mobilization orders.
- **2323:** E-mail containing DHS Points of Contact for Capitol fence effort is sent to SecArmy to facilitate direct liaison authority for construction scheduled to commence at 0900, 7 January 2021/

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- **2345:** A/SD and CJCS phone call with SecArmy, CSA, CNGB, CJCS, and CG, DCNG to discuss next operations for the next 24 hours, two planned protests occurring the next day, DCNG support to TCPs, and the Capitol perimeter.

### **Thursday, January 7, 2021:**

- **0023:** SecArmy and staff move to USCP Headquarters to discuss continued DCNG support of the USCP.
- **0200:** SecArmy phone call with MPD Chief Contee.
- **0230:** SecArmy and staff return to the Pentagon.