

RECORD VERSION

STATEMENT BY

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UNITED STATES ARMY**

BEFORE THE

**OVERSIGHT AND REFORM COMMITTEE
UNITED STATES HOUSE OF REPRESENTATIVES**

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**ON THE CAPITOL INSURRECTION: UNEXPLAINED DELAYS AND UNANSWERED
QUESTIONS (PART II)**

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**NOT FOR PUBLICATION UNTIL RELEASED BY THE
HOUSE COMMITTEE ON OVERSIGHT AND REFORM**

Chairwoman Maloney, Ranking Member Comer, and distinguished members of the House Oversight and Reform Committee, my name is Lieutenant General Walter Piatt. I serve as the Director of the Army Staff in the Headquarters, Department of the Army (HQDA). As the Director of the Army Staff, I am directly responsible to the Secretary of the Army (SecArmy)—then Ryan McCarthy, now Christine Wormuth—and the Chief of Staff of the Army for synchronizing and managing taskings and coordinating actions assigned to, or generated within, HQDA to ensure their timely completion and submission to the SecArmy and/or Chief of Staff of the Army for action or approval.

I have served in the military for over 37 years. I enlisted when I was 17 years old, and have dedicated my entire life in service to defending our Constitution. I have led and commanded at all levels, from squad leader as an enlisted Soldier to commanding officer of a Battalion, Brigade, and Division during combat operations in Iraq and Afghanistan.

We owe more than our gratitude to the brave men and women who heroically defended the Capitol on January 6, 2021, and without question, saved many lives. We owe it to them to learn from this horrific event and ensure this never happens again.

The Army's role that day began as providing unarmed support by the District of Columbia National Guard (DCNG) to the Metropolitan Police Department (MPD), D.C. Fire and Emergency Medical Services (FEMS), and D.C. Homeland Security and Emergency Management Agency (HSEMA); by the end of the day, the Army's mission had changed and it had been requested to respond to a breached Capitol Building, and ultimately, to begin a long-term perimeter security mission.

Today, I will discuss three areas: (1) planning for January 6, (2) preparation for January 6, and (3) the actions associated with executing a complete change of mission for the DCNG on January 6. I will also provide a brief retrospective review of the Army's actions that day. I personally assisted in preparing a report, titled, "Report of the U.S. Army Operations on January 6, 2021." Portions of the statement below are taken from the contents of that report.

The Army's Planning for January 6, 2021.

On December 31, 2020, Mayor Bowser requested DCNG support for both the MPD and the FEMS during planned First Amendment demonstrations on January 5-6, 2021. The Mayor explicitly conditioned her request on the fact 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 U.S. persons.”

Later that day, in a more detailed request, 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 7:30 a.m. to 12:00 a.m. 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 DCNG Civil Support Team (CST) to conduct five tasks from 7:30 a.m. on January 5 through 7:00 a.m. on January 7. The Director of HSEMA reiterated that no DCNG personnel would be armed.

Based on these requests for DCNG assistance, on January 1, 2021, the DCNG staff provided the DCNG Commanding General (CG), Major General (MG) William Walker, a mission analysis of this request. A DCNG briefing, dated December 31, 2020, showed that 350 Guardsmen were required for the level of support requested by D.C. civil authorities for these limited missions of crowd and traffic control. The DCNG also stated that they 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. If additional forces were needed, the briefing 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 DCNG CG's authority to order members of the DCNG to duty within designated timeframes. In sum, under the DCNG CG's authority, 700 personnel could be available within twelve hours.

These briefing slides were then sent to the Secretary of the Army for review, analysis, and action. The SecArmy, Ryan McCarthy, carefully reviewed the request and the mission analysis for the support requested prior to January 6. I personally assisted the Secretary from January 1-3, preparing a request to the Acting Secretary of Defense (SecDef) to approve the support identified in the DCNG recommendations to the MPD. During this planning process, I was definitely concerned about the public perception of using Soldiers to secure the election process in any manner that could be viewed as political. The military's senior leaders, including Chairman of the Joint Chiefs of Staff, as well as the Secretary of the Army and the Chief of Staff of the Army, had explicitly stated there is no role for the U.S. military in determining the outcome of an American election. During planning leading up to January 6, consistent with law and policy, I advised that the Army should only be used as the last resort, and only when all other law enforcement agencies had exhausted their ability to reinforce security.

On January 4, 2021, the SecArmy formally notified the Acting SecDef of the HSEMA request for DCNG support. The notification memorandum stated that 340 total personnel would support the request: 90 personnel (180 total/2 shifts) at traffic control points (TCPs) in civilian vehicles, not military vehicles; 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. The QRF was intended to support only the already approved missions of traffic control points and crowd control at Metro stations; it was not intended to serve as a riot control force.

The Army's Preparation for January 6, 2021.

In a memorandum dated January 4, 2021, the Acting SecDef authorized the SecArmy to approve support to D.C. and provided explicit employment guidance for the DCNG. The Acting SecDef's employment guidance of January 4, 2021 imposed the following conditions 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
- to seek support from any non-DCNG National Guard units.

Additionally, the 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 the 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 the Acting SecDef immediately if he authorized employment of the QRF. It was clear from the Acting SecDef’s letter that only the SecArmy had the authority to approve employment of the QRF.

The SecArmy’s written employment of forces guidance to the CG, DCNG, dated January 5, 2021, approved the support outlined in his January 4, 2021 memorandum to Acting SecDef and restated the employment guidance from the Acting 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 SecArmy.

SecArmy provided further guidance on the use of 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.”

The SecArmy imposed the requirement for a concept of operations before employment of the QRF because of concerns with how helicopters were used during the June 2020 civil disturbances. During a January 4, 2021 back brief from MG Walker to the 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.

The Army’s Actions on January 6, 2021.

At approximately 7:00 a.m. on January 6, in accordance with the requests, 90 Guardsmen were on duty partnered with MPD at 30 different TCPs (3 per TCP); 24 Guardsmen were on duty at 6 different Metro stations (4 per station); 20 CST personnel were on duty; 40 personnel were with the QRF at JBA; 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. Thus, 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 their helmets and ballistic vests stored in their vehicles. The DCNG 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

DCNG was prepared to provide the limited support requested by HSEMA (specifically, traffic control point management, crowd control at Metro stations, and hazardous material monitoring and response) and nothing more.

On January 6, 2021, I was in my office in the Pentagon. Around 2:15 p.m., I was notified that a suspicious package was found near the Republican and Democratic National Committee Headquarters, and that a bomb squad was isolating the packages. I went immediately to the SecArmy's office to inform him.

Around 2:20 p.m., as I entered the SecArmy's office to render a report of suspicious packages found in D.C., the SecArmy received a phone call from the DCNG, frantically reporting that there were both multiple explosions in the city and gun shots. Secretary McCarthy made several attempts to calm the individual and to clarify the report. In order to assist the Secretary in gaining accurate situational awareness, the SecArmy's staff began to make several phone calls, monitor the internet, and watch news channels to gain information on these explosions and gun shots. Secretary McCarthy then asked the DCNG to establish a conference call between the U.S. Capitol Police (USCP), MPD, and DCNG to help the Secretary better understand the situation. My best understanding of the situation was coming from the news on the television in the SecArmy's office. I watched as the small bike racks used to establish the security perimeter at the Capitol were being used to breach that same perimeter.

At approximately 2:25 p.m., the SecArmy joined a conference call with MG Walker, Chief Contee, Mayor Bowser, and Chief Sund. I was next to the SecArmy with some of his personal staff coming in and out of the room and on other phone calls. Immediately upon hearing the frantic request for assistance, the 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. The 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 the Acting SecDef.

At approximately 2:30 p.m., while still on the call and hearing the urgency in their voices, the SecArmy, with the Chief of Staff of the Army, ran out to the Acting SecDef's office to discuss the new request for assistance from civil authorities in response to civil disturbance. Before departing, Secretary McCarthy directed me to "stay on the call and get me a plan."

With the Capitol breached and the security perimeter collapsed, a new plan was now needed to clear and secure the Capitol from armed protestors. Given the magnitude of the violence at the Capitol, including crowds numbering in the tens of thousands, this plan would have to involve the entire security community, local and federal. The 154 DCNG Soldiers available for duty were unarmed and not otherwise equipped or trained for a mission to re-take the Capitol—their mission had been to man traffic check points and conduct crowd control at Metro stations.

Still on the call in the Secretary's absence, I spoke with the Mayor and Chiefs Contee and Sund. While waiting for approval from Acting SecDef, and in an effort to use this valuable and critical time wisely, I asked the personnel on the call to identify what specific tasks were needed to be performed by the DCNG so that we could formulate a plan for this significant change in mission.

I quickly understood that my recommendations to identify necessary tasks and formulate a plan were viewed as pushing back against the DCNG providing support to the Capitol. Chiefs Sund and Contee wanted personnel at the Capitol as soon as possible, but we needed a plan for how to employ them. I knew that the forces we had available were not trained, prepared, or equipped to conduct this type of law enforcement operation. I was asked three times if I was denying the request. I responded each time that I was not denying the request, and that I had no authority to approve or deny the request. As a Soldier who has commanded numerous times in combat, I knew we needed 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. It would have been irresponsible and reckless to simply direct the DCNG personnel on duty to head straight to the Capitol until they were

prepared and equipped for this new mission. Even before the end of the call, then-LTG Flynn initiated an emergency planning effort from across the Army Staff (that is, the lead general officers from across the headquarters) to respond to the situation. The call ended at approximately 2:45 p.m. when reports of shots fired in the Capitol were announced—an event that signaled yet another escalation in the uncertainty and severity of the situation. When the call ended, I immediately joined the massive “all hands” planning effort that lasted until well past midnight.

By 3:04 p.m., the Acting SecDef approved the full activation of the DCNG. This meant that all members of the DCNG were being called to duty and had to begin the process of being notified, leaving their civilian jobs, schools, or whatever else they were doing, collect their military equipment, and head to the DCNG Armory. Over the next 30 minutes or so, the SecArmy made numerous phone calls to Congressional leaders, Mayor Bowser, and Chief Contee because of the errant reports in the media that the Army had refused support to the USCP. At approximately 3:48 p.m., the SecArmy, along with some personal staff, drove into D.C. to meet with Chief Contee and Mayor Bowser to develop a plan for the commitment of the DCNG.

In the meantime, the Army Staff was planning with the DCNG to recall forces and redeploy the forces committed to traffic control posts and Metro station crowd control. We assisted in directing the staging of the DCNG forces in order to be as ready, as quickly as possible, once a plan for commitment was approved. The DCNG had to recall 154 personnel from missions dispersed across the District in 37 different locations and re-equip and re-mission the force before deploying them to the Capitol. It was important for the DCNG to figure out the basics of their new mission, including: (1) how the force would be organized and equipped; (2) who was in charge of each unit and who would employ them; (3) the route to the Capitol; (4) the procedures if there was a casualty; (5) the communications plan and who would they report to; (6) whether there were any common graphics or maps showing the layout of the Capitol grounds; (7) the rules for the use of force and whether they be armed or not armed, with riot gear or without; (8) under what authority would the DCNG be deputized to enforce the law; (9) whether there any other legal issues; and countless more questions that the Army Staff

and the staff of the DCNG were working to answer to ensure that DCNG could be employed with the proper equipment to accomplish the new mission.

The SecArmy's personal staff was in contact with the HQDA planning effort. Once the SecArmy, Mayor Bowser, and Chief Contee formed a workable plan, around 4:32 p.m., the SecArmy called the Acting SecDef and provided a summary of the plan to deploy, linkup, and employ the DCNG. The Acting SecDef provided verbal authorization to re-mission the DCNG to conduct support to the USCP.

At around 4:35 p.m., the SecArmy notified MG Walker of the approval and authorized the DCNG to depart the Armory for the U.S. Capitol. The link up location and name of the lead law enforcement officer were provided to MG Walker.

At around 5:02 p.m., 154 DCNG Soldiers in full riot control gear departed the D.C. Armory and began arriving to the U.S. Capitol at 5:20 p.m. They were sworn in as U.S. Capitol Special Police officers (which gave them the authority to enforce the law) and were ready to support operations. By 6:14 p.m., the USCP, MPD, and DCNG personnel successfully established a perimeter on the west side of the U.S. Capitol.

At 7:52 p.m., the 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 the Capitol. The SecArmy ordered MG Walker to start working on the flow for incoming National Guardsmen from outside of the District of Columbia. At 8:00 p.m., the USCP declared the Capitol Building secure, and minutes later, the Vice President reconvened the Senate.

Review of the Army's Actions on January 6.

On January 6, 2021, the DCNG was postured to conduct a very specific and limited mission. As soon as they were notified of the severity of the Capitol situation at

approximately 2:25 p.m., the DCNG and the Army leadership worked to develop an understanding of the situation and plan the new mission of the DCNG.

My duty that day was to assist in the synchronization and resourcing of the new mission needed to respond to a crisis that was well beyond the mission that had originally been requested of the DCNG, specifically, to assist with managing both traffic control points and crowds at Metro stations. It has been stated that I used the term “optics” in regard to having Soldiers respond to breach of the Capitol; I do not recall using this term on the 2:32 phone call on January 6. I respect and understand that others may recall things differently, but ultimately, on that day, my chief concern was ensuring the Army was able to effectively assist D.C. and Federal authorities in regaining control of the U.S. Capitol.

I assisted in preparing a coordinated response for the deployment of DCNG to the Capitol. My role during this crisis was to ensure the plans approved by the SecArmy and carried out by the DCNG were resourced and synchronized as efficiently and quickly as possible. The employment guidance provided to the DCNG for their planned mission of assisting at traffic control points and crowd control at Metro stations were put in place to allow the DCNG to be safely employed to accomplish the mission as requested. Mayor Bowser and Chief Contee requested limited assistance from the DCNG to support traffic control points and Metro stations in order to use police in other areas to secure the city. This limited role of the DCNG was reinforced by the Mayor’s condition 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 U.S. persons.”

Thank you, again, for conducting this hearing and for seeking my perspective on the Army’s actions in response to the attack on the Capitol on January 6, 2021.