

1  
2  
3  
4     SELECT COMMITTEE TO INVESTIGATE THE  
5     JANUARY 6TH ATTACK ON THE U.S. CAPITOL,  
6     U.S. HOUSE OF REPRESENTATIVES,  
7     WASHINGTON, D.C.

8  
9  
10  
11    INTERVIEW OF: CHRISTOPHER CHARLES MILLER  
12  
13  
14

15                       Friday, January 14, 2022  
16  
17                       Washington, D.C.  
18  
19

20                       The interview in the above matter was held via Webex, commencing at 10:00 a.m.  
21                       Present: Representatives Lofgren, Murphy, Raskin, Aguilar, Cheney, and  
22                       Kinzinger.

1

2       Appearances:

3

4

5       For the SELECT COMMITTEE TO INVESTIGATE

6       THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8       [REDACTED], SENIOR INVESTIGATIVE COUNSEL

9       [REDACTED], CHIEF INVESTIGATIVE COUNSEL

10      [REDACTED] CHIEF CLERK

11      [REDACTED], INVESTIGATIVE COUNSEL

12      [REDACTED], DETAILEE, DEPARTMENT OF HOMELAND SECURITY

13      [REDACTED], INVESTIGATIVE COUNSEL

14      [REDACTED], PROFESSIONAL STAFF MEMBER

15

16

17       For the DEPARTMENT OF DEFENSE:

18       ED RICHARDS

19

20

21       For CHRISTOPHER CHARLES MILLER:

22       PRESTON BURTON

23       NANCY TURNER

24       SURAJ SINGH

25       BUCKLEY LLP

1

2 [REDACTED] Good morning. This is a voluntary transcribed interview of  
3 former Acting Secretary of Defense Christopher Miller, conducted by the House Select  
4 Committee to Investigate the January 6th Attack on the U.S. Capitol, pursuant to House  
5 Resolution 503.

6 My name is [REDACTED]. I'm a senior investigative counsel on the  
7 committee. Joining me is our chief investigative counsel, [REDACTED],  
8 also investigative counsel; [REDACTED] professional staffer; [REDACTED], senior  
9 counsel to the committee; [REDACTED], staffer for the committee.

10 And we also have this morning Representatives Lofgren and Murphy joining at this  
11 time.

12 We appreciate that you are appearing voluntarily today, Mr. Miller. Can you  
13 please state your full name on the record and let us know who's joining you?

14 Mr. Miller. Yes. My name is Christopher Charles Miller.

15 Preston Burton, I'll let you take it from there.

16 Mr. Burton. Good morning. My name is Preston Burton. I'm a lawyer at  
17 Buckley LLP. I'm joined by my colleague Nancy Turner. We are counsel to Mr. Miller.

18 I want to thank you, [REDACTED]. And if I may, I just wanted to just sort of  
19 explain a little bit of why we're here, if I may take a moment.

20 [REDACTED] Sure. Go ahead.

21 I just want to make sure that the mikes are okay and the court reporters can hear.

22 Are we good?

23 [Reporter responds.]

24 [REDACTED] Okay.

25 Mr. Burton. Okay, thank you.

1           First of all, I want to thank you for sending us exhibits in advance of this  
2 proceeding and your professionalism as we all struggled with scheduling and other  
3 related issues.

4           As you know, Mr. Miller testified before the Senate on April 16th, 2021, in a  
5 hearing conducted jointly by staff for the Senate Homeland Security and Governmental  
6 Affairs and the Senate Rules Committees. In fact, you were the principal staff member  
7 questioning Mr. Miller. He also testified before the House Oversight Committee in a  
8 public hearing on May 12th, 2021.

9           As you know, his House testimony is a matter of public record. His Senate  
10 testimony is not.

11           We requested in writing, via email and formal letters in the fall, that HSGAC  
12 release Mr. Miller's testimony to you to make this interview more efficient for you, your  
13 committee, and for my client, who is now a private citizen.

14           We are advised that the ranking member of that committee, Senator Portman,  
15 would not agree to its release for reasons we can only assume are political.

16           Mr. Miller is here voluntarily and looks forward to assisting your committee,  
17 subject to any guidance from DOD counsel, who I know is also present on the phone, and  
18 pursuant to directions from the White House Counsel's Office about areas they deem to  
19 implicate executive privilege or are otherwise beyond the scope of this committee's  
20 authority.

21           We have great respect for you, [REDACTED] and the members of this committee  
22 and trust that, unlike his prior experience before the House, before House Oversight, that  
23 Mr. Miller will be afforded the opportunity to respond fully and will be treated with  
24 professionalism and respect.

25           Thank you.

1                    [REDACTED] Thank you for that, Mr. Burton. I appreciate those words.

2                    Just for housekeeping purposes, Ms. Cheney has joined us.

3                    Good morning, Ms. Cheney.

4                    And, as you mentioned, Mr. Miller did testify in front of the House on May 12th,  
5                    2021. His written testimony that was provided to the committee I will mark now as  
6                    exhibit 32, and that will be part of the record.

7                    And we appreciate your efforts in contacting HSGAC. Efforts were made on our  
8                    staff as well to release that prior testimony that he provided back in April.

9                    We also want to mark at this point as exhibit 33 the letter that was issued by  
10                  Jonathan Su, White House counsel, to Mr. Richards for Office of the General Counsel at  
11                  DOD regarding Mr. Miller's testimony today.

12                  And we have also provided a binder of exhibits to you days earlier, and I  
13                  understand that you have that in front of you to reference during this interview. Is that  
14                  right?

15                  Mr. Burton. Yes, we do. Thank you.

16                  [REDACTED] Great.

17                  There is a court reporter present who will create a verbatim record of what we  
18                  discuss. And with that in mind, it's important that you respond to questions verbally.

19                  As you mentioned, Mr. Burton, I have obviously interviewed Mr. Miller before, so I  
20                  don't think he'll have a problem understanding or correcting any -- clarifying any  
21                  questions I ask him and responding verbally.

22                  Although this interview is not under oath, you are required to answer questions  
23                  before Congress truthfully. That requirement applies to questions posed by  
24                  congressional staff in an interview.

25                  Specifically, 18 U.S.C. Section 1001 makes it a crime to make any materially false,

1       fictitious, or fraudulent statements or representation in the course of a congressional  
2       investigation and that statute applies here today. This is a warning we give all  
3       witnesses.

4                  Do you understand that, Mr. Miller?

5                  Mr. Miller. I understand. Thank you.

6                  [REDACTED] We want you to answer the questions in the most complete  
7       and truthful manner possible. If you have any questions about what I have asked, you  
8       need to consult with counsel, please let us know.

9                  Do you understand that?

10                 Mr. Miller. I understand. Thank you.

11                 [REDACTED] And I think just on our end we're having trouble hearing you. I  
12       don't know if it's -- if you could speak -- if the mike could be closer to you. Is that  
13       possible?

14                 Tim, are you having problems hearing or is it --

15                 [REDACTED] Yeah, it's a little bit faint on my end as well, [REDACTED]

16                 Mr. Burton. Let's see if we can come up with an alternative microphone.

17                 Mr. Miller. I'll speak louder right now, and then we'll get a technology solution  
18       hopefully set up here in a moment. Can you hear me now? Over.

19                 [REDACTED] Yes, we can. And we heard you right before we went on the  
20       record clearly, so I don't know if something got moved away from you. But we can get  
21       started.

22                 Mr. Burton. Okay. Thank you.

1

2 EXAMINATION

3 BY [REDACTED]

4 Q So, Mr. Miller, I know you've had a very long career, and I just was hoping  
5 you could give an overall background briefly prior to your appointment as the Secretary  
6 of Defense.

7 A Sure. I enlisted -- I'm from Iowa City, Iowa. I went to college at George  
8 Washington University. Prior to that, I enlisted in the Army Reserve and ended up at 17  
9 in the National Guard of Washington, D.C., the D.C. National Guard. I eventually  
10 received an ROTC scholarship and was commissioned as an officer, an infantry officer in  
11 the Army, transitioned to Special Forces, the Green Berets, after a few years.

12 I completed my career in 2014, my military career. I was in Special Forces, as I  
13 noted, and participated in the planning and execution of operations in Afghanistan to  
14 overthrow the Taliban in 2001 as well as in Iraq in 2003, extensive deployments.

15 Upon retirement, I became a government contractor at the Pentagon doing  
16 special access program work for the United States Special Operations Command,  
17 converted to government civilian employee doing intelligence oversight for the Pentagon  
18 of the 18, 17 different elements, less than that, in the Department of Defense.

19 I was a government employee and was offered the opportunity to interview to go  
20 to the National Security Council to be the head of counterterrorism under General  
21 McMaster at the time. I did that as a government employee until -- that started in I  
22 think 2018.

23 I then transitioned out of government service and became a political appointee  
24 and returned to the Pentagon as the head of counterterrorism in the Office of the  
25 Secretary of Defense. In that capacity, I was offered the opportunity to be nominated to

1       be the Director of the National Counterterrorism Center.

2           My focus at that time was the defeat of al-Qaida. With that opportunity, I  
3       agreed to be put forward by President Trump, was unanimously confirmed by the Senate,  
4       and assumed those duties as the Director of the National Counterterrorism Center  
5       sometime in August 2020.

6           With the President's decision to remove Mark Esper as Secretary of Defense, I was  
7       asked to serve in the acting capacity as the Secretary of Defense for the final 73 days of  
8       the Trump administration.

9           Q     Great. And you said it was a unanimous Senate confirmation for the  
10      Director of NCTC. Is that right?

11          A     Yes, ma'am.

12          Q     And you had that position for about 4 months before your appointment by  
13      former President Trump?

14          A     Yes, that's correct.

15          Q     And can you just walk us through your appointment as the Secretary of  
16      Defense, as you said, for the last 73 days of the Trump administration? But how did it  
17      come about and how was it first kind of brought to your attention that you were being  
18      considered for the position?

19          A     I don't know specifically the behind-the-scenes approach. I think there  
20      were only three Senate -- Presentially appointed, Senate-confirmed candidates,  
21      because of the nature of the job.

22           I knew -- it was kind of the worst kept secret in D.C. that Secretary Esper was  
23      probably not going to be long-lived there in that position. And I found out -- I did not  
24      politic, I didn't particularly desire the job, but I knew that I was in the running just  
25      because of the nature of how the system works.

1           And then that -- on the 9th of November, I was summoned to the White House  
2 and asked by the President to take the job, which, you know, that -- I'm a civil servant, a  
3 career civil servant, and accepted the position at that time.

4           Q     Prior to the November 9th, when you were summoned to the White House,  
5 who was your point of contact in discussing the potential appointment?

6           A     Johnny McEntee was the head of Presidential Personnel Office. I was not  
7 offered -- the way it worked at that time was you would be -- I guess summoned is the  
8 wrong word. But you'd be asked to come in to discuss matters.

9           And I probably -- I worked upstairs from the Presidential Personnel Office for 22  
10 months, so -- but I did not know I was a candidate, because that's not -- but I knew that  
11 they were talking to me for a reason, which I assumed was for potential utilization in  
12 some other capacity beyond just the National Counterterrorism Center.

13          Q     And as you said, it was the worst kept secret about some of the tensions  
14 between former President Trump and Secretary Esper.

15          Could you give a time estimate as to when -- when it was brought to your  
16 attention, whether it's through Johnny McEntee or somebody else, that you were being  
17 considered?

18          A     You know how -- we all know how Washington, D.C., is with a lot of the  
19 gossip and the rumors going around. So it was that summer, probably, you know,  
20 August-September, it became pretty clear that that was -- but I wasn't -- I don't recall  
21 exactly when I realized that I was in consideration, but it was that summer that the  
22 conversation became more kind of developed.

23          Q     So even prior to your Senate confirmation for the Director of NCTC?

24          A     No, no.

25          Q     Not prior? Okay.

1           A    Not prior, no.

2           Q    So after you started the Director position?

3           A    Yeah.

4           Q    Did you know Johnny McEntee before that?

5           A    No, I did not. I mean, I probably passed him, but never really interacted  
6         with him. I mean, the White House is a small place, so -- but no, we weren't close or  
7         had any relationship or anything like that.

8           Q    And as the Director of NCTC, did you work directly with the President on  
9         certain issues? Did you have a working relationship with him before?

10          A    I met the President for the first time during the operation that killed the  
11         head of ISIS, Abu Bakr al-Baghdadi. I was in the Situation Room and was involved in  
12         that -- that operation. So that's where I met the President for the first time.

13          The question you asked, though, was -- I missed -- could you ask the question one  
14         more time, ma'am?

15          Q    I believe the question was, did you have a working relationship with the  
16         President as the Director of NCTC?

17          A    Thank you.

18          No. You work through the Director of National Intelligence. You're a  
19         subordinate to the Director of National Intelligence.

20          Q    And at that time, who was it?

21          A    John Ratcliffe.

22          Q    So you didn't consider yourself having any kind of personal relationship with  
23         the President before you were appointed the Secretary of Defense?

24          A    I had no personal relationship before or after. I had a professional  
25         relationship with the President and his staff.

1           Q     And you said you were one of three Senate-confirmed folks.  Do you know  
2 who the other two were?

3           A     You know, that's -- I think that's the case.  I don't want to say definitively.  
4 That's what I kind of understood.  One was the Secretary of Veterans Affairs, Wilkie, and  
5 the other was the Secretary of the Energy, Dan Brouillette.  There might have been  
6 others, but those were the kind of names that seemed to be in the rumor mill.

7           Q     How did you ultimately learn of Secretary Esper's dismissal or resignation?

8           A     When I showed up at the White House the morning of the 9th of November,  
9 2020.

10          Q     Can you explain that -- describe that conversation that you had?

11          A     Yes.  I was called to report to the Oval Office.  And at that point, it seemed  
12 likely that the end result was that the decision had been made by the President to get rid  
13 of Secretary Esper.

14          So you show up as ordered and then was -- I can't remember.  Went to the outer  
15 part of the Oval Office, you know, the administrative room, and then was informed at  
16 that point by -- it must have been -- yeah, it would have been McEntee, was informed the  
17 President was going to make a move to get -- was planning to get rid of Esper and wanted  
18 to offer, you know -- put me in the job.

19          And so that's how that transpired.  And then a few minutes later, the President  
20 came in the Oval Office.  I was escorted in and was informed at that time.

21          Q     Was there anyone else there at that time?

22          A     I don't recall.  I'm trying to replay it in my mind.  I'm sure the President  
23 was there.  I was there.  I assume McEntee.  You know, I kind of at that point got  
24 pretty focused.  So I don't really remember.

25          Q     Did you have a discussion about -- well, first let me start with, were you

1      surprised by the timing of your appointment? This would have been 2 days after the  
2      major networks had declared President-elect Biden at that time would be the  
3      President-elect.

4            A      You asked was I surprised?

5            Q      The timing of your appointment, yes.

6            A      Yeah, I was -- yeah, absolutely, I was surprised, in terms of the timing. I  
7      wasn't surprised that Secretary Esper was being asked to leave, because of just when it  
8      had occurred and the, like I said, I don't want to say rumor, but the kind of speculation.

9            So was I surprised that I was being considered and was asked the job? Yes.

10          Q      Well, not necessarily that you were being asked for the job, but the timing  
11     being that the President -- the former President would be in his last 2 months of -- as the  
12     President. So was that typical to appoint a new Secretary of Defense when you're an  
13     outgoing administration?

14          A      I was not aware of it happening in the past, but the President of the United  
15     States is authorized to put his people or move people as he deems fit.

16          Q      Was the surprise about the timing or was the surprise about the choice of  
17     you as the Secretary of Defense? I just want to clarify your surprise.

18          A      Timing. A nontraditional President. So it did not surprise me in that  
19     regard. It surprised me from the, like you noted, the fact that it was kind of somewhat  
20     unprecedented. I can't come up with a historical analogy in the past that occurred.  
21     But he's President of the United States, so --

22          Q      Did you have a discussion at that -- first let me clarify. At that time of your  
23     Oval Office conversation, it had not been public that Mark Esper had resigned or was  
24     going to resign, correct?

25          A      It was -- that was not public at that time, no.

1           Q     Did you and the former President have any conversation about the priorities  
2     of the Department of Defense or his expectation of you as the Acting Secretary of  
3     Defense?

4           A     Not at that time. I returned that evening for -- to receive my instructions,  
5     which were quite simple, which was draw down in Afghanistan, draw down in Iraq, get  
6     out of Somalia, which I completely agreed with. Those were the only instructions I  
7     received from the President.

8           Q     And that was Afghanistan, Somalia, and Iraq. Is that correct?

9           A     Yes, that is correct.

10          Q     And based on your experience, is that something that was feasible, again,  
11     going into the last 72 days of an administration?

12          A     The plan that was developed, which was to draw down to 2,500 in  
13     Afghanistan, 2,500 in Iraq, and to go to a very small presence in Somalia was completely  
14     achievable, yes.

15          Q     Did you have any particular priorities in taking this position on?

16          A     Yes.

17          Q     What were they?

18          A     Number one was to return -- to make every effort to return the Department  
19     of Defense to a nonpoliticized entity by reminding everyone just to focus on their  
20     constitutional requirements. There's a memo I put out that illuminates that in the first  
21     week.

22          So week one was to get the Department of Defense back at work and focused on  
23     national security as opposed to what I felt was a lot of distractions politically and in the  
24     public's media sphere.

25          Week two was focused on two things, draw down in Iraq, Somalia, and

1       Afghanistan, as well as trying to innovate and provide greater capabilities within our  
2       Special Operations community that had fought the war for the last 19 years by elevating  
3       that civilian to have greater control and authority as a direct report to the Secretary of  
4       Defense. And that was week two.

5                 Week three was to provide voice to members of the Armed Forces, veterans and  
6       their families, that weren't being heard. There were several things that were of note for  
7       us.

8                 One was to make sure that those that had been injured in Karshi-Khanabad due to  
9       toxic exposure in Uzbekistan, which was a forward operating base initially, to get those  
10      people recognized by the Veterans Administration so that they could receive the care and  
11      the support they needed.

12               We also focused on Havana syndrome, making sure that we were doing more  
13      there. And then there were some other foreign policy, national security issues that  
14      were of very great import during that time period. And most -- first and foremost was  
15      to continue operations to defeat al-Qaida.

16               The reason I took these jobs was I started the war in 2001, regrettably, and I had  
17      this idea as we went forward and I saw the threat of al-Qaida, I realized that we had an  
18      opportunity to put in a generational defeat on them if we kept the pressure on.

19               So that was my fundamental purpose for all -- in all of these jobs, but I highlighted  
20      for you the other priorities that we were working on while there.

21               Q      I appreciate that. And it sounds like it sounds that your work prior to  
22      obviously segued into this, in terms of putting al-Qaida as a priority as well as putting the  
23      veterans' families as a priority even before you took this position. Is that right?

24               A      Yeah. And American hostages being held overseas was another priority  
25      that we worked on extensively, to get them returned.

1           Q     You started with saying getting the Department back focused from the  
2 political distractions. Can you explain that a little bit more?

3           A     That had been a very -- it seemed to me as -- I had been in the Pentagon  
4 starting January of 2020. I went back to the Pentagon, and I saw the events and how  
5 things were going on domestically as well as internationally and just felt that -- I worked  
6 with the Pentagon prior. I mean, I started working there in 2010.

7           So I pretty much knew the way the place worked, and I had a lot of people that I  
8 knew that were talking and helping out, sharing ideas. And it just seemed that -- and we  
9 had COVID going on. There was -- it was just a very tough -- just like everyone has  
10 experienced. So it's just not the Pentagon, I understand that.

11           But recognizing that the foundations of the Department are apolitical. And I'm  
12 not saying that I had any examples of that, but I felt that the Department was being  
13 showcased too much and wanted to make sure that people were just focused on doing  
14 their job and their constitutional requirements.

15           Q     Did you have any discussion with the President about these concerns about  
16 making sure DOD is more apolitical?

17           A     No, I didn't.

18           Q     Did you have any discussions with the former President about his  
19 relationship with the former Secretary, Mark Esper?

20           A     No.

21           Q     I want to briefly show you what was exhibit 1, which is a -- I believe it's a  
22 screenshot. I'll summarize it by outlining some of the issues with Secretary Esper,  
23 presumably from the White House.

24           Had you ever seen that before?

25           A     No, I had not seen that.

1           Q     Did you have any discussions with DOD officials about some of the tensions  
2     that had occurred between the White House and Secretary Esper before your  
3     appointment?

4           A     No.

5           Q     Is it fair to say everyone assumed it was coming, that Secretary Esper would  
6     be fired or resign?

7           A     I can't say everyone thought that, but it seemed to be the drumbeat within  
8     not just the media but within the national security community that Secretary Esper was  
9     probably going to be asked to leave.

10          Q     And was that heightened after the June 1st Lafayette Square incident from  
11     the summer of 2020, in your perception?

12          A     In my perception, yes. I don't know that for a fact, though.

13          Q     I want to talk a little bit about your chief of staff while you were the Acting  
14     Secretary, Mr. Kash Patel.

15          Did you know Kash Patel before he was appointed?

16          A     As the chief of staff?

17          Q     Correct.

18          A     Yes.

19          Q     Did you know him prior --

20          A     We worked --

21          Q     Yeah.

22          A     Yes, I knew him professionally when he got to the National Security Council,  
23     whenever that was. We worked together there, and he eventually became my deputy  
24     there. At the National Security Council in the Counterterrorism and Transnational  
25     Threats Directorate, I was the special assistant to the President, Senior Director, and he

1 was the second-in-command. He was second in charge behind me.

2 Q And that NSC position was before the -- and I'm getting all these --

3 A Yes, it was.

4 Q Okay.

5 A That's all right. I'm sorry.

6 Q Go ahead.

7 A I was a government employee from I think the [REDACTED] -- which is my  
8 daughter's birthday, that's why I can remember it -- 2018, to I want to say Decemberish of  
9 2019. Kash Patel I met during that period when he came to the National Security  
10 Council to work there.

11 And he worked in a different office, but his portfolio involved terrorism issues.

12 He was dealing with international organizations like the United Nations and other places.

13 So our portfolios were kind of the same. There was a -- the Venn diagram. There was  
14 an intersection. So that's where I met him.

15 Q Did you choose him to be your chief of staff as the Acting Secretary of  
16 Defense?

17 A Yes.

18 Q Were you -- was he referred to you as this will be your chief of staff or you  
19 said, "I want Kash Patel to be the chief of staff"?

20 A Yeah. I can't say specifically. It was just that's who I wanted. And I  
21 imagine if you ask four different people, they'd say different things.

22 So was he referred or was he directed to be my chief of staff? I always -- I  
23 desired him to be my chief of staff, so it didn't -- but I think others thought he would be  
24 my chief of staff. But it was going to happen. I mean, he was my preference. I don't  
25 know if that helps at all.

1           Q     Did you have a conversation with the President about Kash Patel or anyone  
2     at the White House, including John McEntee?

3           A     No, I didn't speak with the President about that. McEntee that day  
4     was -- yes, we talked about who would be chief of staff. And I don't know if he had it  
5     written down on his paper, but it was definitely my desire that Kash Patel would be my  
6     chief of staff.

7           Q     Why is that?

8           A     Well, because I needed someone that -- he was very well connected on the  
9     political side, which is my shortcoming, because I'm a national security person. I had no  
10    understanding or appreciation.

11          But I also want to highlight once again, the fundamental task was defeat al-Qaida.  
12    Kash and I had been working on that for almost 2 years -- well, a little longer, actually.  
13    Yeah, it was longer at that point. So he had good connections into the political side of  
14    the White House, which were helpful in pursuing our goal.

15          Q     I also want to talk about --

16          16      Mr. Burton. Can we --

17          17      ██████████ Sorry, go ahead.

18          18      Mr. Burton. Can we have just one second?

19          19      ██████████ Sure.

20          20      Mr. Burton. Thanks.

21          21      [Discussion off the record.]

22          22      Mr. Miller. Thank you. How is the audio? Are you guys good? Am I  
23     talking -- speaking too loudly now? Because I feel like I'm shouting.

24          24      ██████████ I do feel like you're shouting. I mean, not that I think --

25          25      Mr. Miller. Just give me a thumbs up or thumbs down. I'm going to use this

1 tone of voice now if this works, because I've been shouting and I'm like I don't think I can  
2 get 4 more hours talking this loudly without having an itch. Thanks.

3 [REDACTED] Okay.

4 Ms. Cheney. Could I ask a question?

5 [REDACTED] Of course, Ms. Cheney.

6 Ms. Cheney. Hi, Secretary Miller. Nice to see you.

7 Mr. Miller. Hello, ma'am.

8 Ms. Cheney. I just wanted to understand. So did Johnny McEntee recommend  
9 Kash Patel to you?

10 Mr. Miller. You know, I'm not trying to -- I think, my sense was that that was  
11 their expectation, but I -- so there might have been some sort of, you know, three-by-five  
12 card or something with everybody's name written on it. I never saw that. And Kash  
13 was my desired choice. So that's how that went, ma'am. I, you know, I just assumed  
14 that, you know, Kash would be the chief of staff.

15 Ms. Cheney. Okay. And did McEntee tell you why that was their expectation?

16 Mr. Miller. No, we didn't -- no.

17 Ms. Cheney. Okay.

18 Okay. Thank you.

19 BY [REDACTED]

20 Q There were a few other appointments during that time after you  
21 were -- after your appointment. There was also Ezra Cohen. Were you familiar with  
22 him prior to your appointment as Acting SecDef?

23 A Yes. I worked with him at the Pentagon. I was the Deputy Assistant  
24 Secretary of Defense -- I know these titles are so ridiculously long -- for Special Operations  
25 and Combating Terrorism. Ezra Cohen was the Deputy Assistant Secretary of Defense

1 for Counternarcotics.

2 So we worked in the same -- not the same office, but we were -- we had the same  
3 boss, which was the Assistant Secretary of Defense for Special Operations/Low-Intensity  
4 Conflict. So that's where I met Ezra.

5 Q And how about Anthony Tata, were you familiar with him?

6 A Tata -- Tata was -- yes. He was supposed to be -- when I was the Deputy  
7 Assistant Secretary of Defense, Tata was in the -- he -- one level above me in what's called  
8 the policy shop -- well, two levels above me -- working for the Under Secretary of Defense  
9 for Policy.

10 And he was in that office. And what I recall was he was expected to be  
11 nominated for that. I think he was nominated for that position but was pulled back.  
12 So I had, in my capacity at the Pentagon as the Deputy Assistant Secretary of Defense, I  
13 had briefed him and worked with him in his official capacity.

14 Q Did you have any discussions with any White House official about the  
15 appointments of Ezra Cohen or Tony Tata to these positions?

16 A No.

17 Q Do you believe the timing of these appointments of these particular people  
18 contributed to any actual instability at the Department of Defense?

19 A No, I don't believe they did.

20 Q And I just want to --

21 A Let me -- I should -- probably initially there was some skepticism, I imagine,  
22 just because I know the way the Pentagon works.

23 I do know that when we got into the jobs and started performing, those -- I did not  
24 hear those criticisms, you know. Like they were national security professionals that  
25 were there to do a job.

1           But, yes, I mean, just reading Politico and everything, it was clear that there was  
2 some discouragement or disenchantment with all of our selections for those positions.

3           So, yes, I was aware of that. But I feel strongly if you went back and, you know,  
4 had -- and did a survey, people would go, actually, it did pretty -- yeah, they weren't what  
5 we expected to be a bunch of crazies, which is the way we were characterized initially.

6           Q     Yes. That's a summary of what the perception was about these particular --

7           A     Oh, yeah.

8           Q     Yourself, Mr. Patel, Mr. Tata, and Ezra Cohen.

9           But the question is, did it play out in any way where you, your incoming concern  
10 about political distractions, did you see that with any of these individuals, in terms of  
11 injecting politics into the day-to-day of DOD?

12          A     No, I didn't. And, you know, the characterization in the media and in other  
13 places I thought was inaccurate, because I had worked with them and had experienced  
14 their skills and their capabilities and, most importantly, their commitment to the  
15 Constitution and national security and advancing the interests of the United States. So I  
16 had absolutely no concerns. And I don't -- I think history will show that that didn't  
17 occur.

18          Q     Before we move off on this topic, I just want to kind of make sure we have  
19 the record clear about it sounds like Mr. Patel was recommended by Mr. McEntee as well  
20 as he was your choice. Is that fair to say?

21          A     I think that's a very good characterization. Yeah. I kind of -- I know Kash  
22 was the guy I would want. But I do believe that he probably was on whatever their  
23 manning -- "their" being the Presidential Personnel Office's manning roster was.

24          But I was never provided the, you know, direction or anything like that. It was  
25 just kind of more this serendipitous thing just happened in regards to Kash Patel

1 becoming chief of staff.

2 Q What was his role during the transition, Mr. Patel?

3 A He was the, quote/unquote, you know, lead -- well, actually, the lead person  
4 is a government civilian in White House headquarter services that's like -- I don't know if  
5 it's in law or policy, but it's longstanding.

6 But Kash Patel, as chief of staff, oversaw the transition process for me, as the  
7 Secretary of Defense. But once again, there was a career Senior Executive Service  
8 Pentagon official that did actually all the work. You know, they start transition prep 2  
9 years in advance, so --

10 Q What about Thomas Muir?

11 A Yes, that's it. Thanks for that. Yeah, Tom Muir, M-u-i-r, I think.

12 Q M-u-i-r, correct.

13 So was Mr. Patel chosen by yourself to oversee the transition and then Thomas  
14 Muir was kind of doing more of the admin day-to-day aspect of it? Or how did it come  
15 about?

16 A I would describe -- well, the job of the chief of staff is to run the Department.  
17 So he had more executive managerial oversight, and Tom Muir was day-to-day, you  
18 know, the operation of the transition and the details of it.

19 Q Did you have any particular role dealing with the Biden-Harris transition  
20 team?

21 A Absolutely. It was the most important -- one of -- well, it was the most  
22 important elements while I was there, to make sure that we had a seamless, appropriate  
23 transition, because at the end of -- and I made that clear. But I didn't get involved until  
24 there were issues that required my, you know, personal involvement.

25 Q Did you have a point of contact that you worked with from the Biden-Harris

1 transition team?

2 A I believe Kath Hicks, who's now the Deputy Secretary of Defense, was the  
3 lead transition person for Defense. Maybe she had national security, but I recall she was  
4 the one who was the lead.

5 Q Were there any complaints from the Biden-Harris transition team?

6 A Oh, yeah.

7 Q Can you talk us through those?

8 A Yep. I mean, how much time do you have? That's a joke, so sorry. I'm  
9 not supposed to try to be -- to have levity.

10 I got to just tell you, like, that was the most -- there were a couple disappointing  
11 areas during those 73 days, and I think one of those that was most disappointing for me  
12 was the narrative that she established with the now-President that the Department of  
13 Defense was being obstructionist in the transition plan.

14 And I felt that that was a shameless political ploy on her part for whatever reason.  
15 You can talk to her. You saw her note. It's what? We got 7, I think.

16 Q Yes, that's right.

17 A Exhibit 7. You know, I made it extremely clear that this is about America.  
18 This isn't about politics. And I'll say it. You know, if President Biden does good,  
19 America does good. This is about America.

20 So we have a history and a tradition within the Department of Defense of being  
21 the platinum standard for transition affairs. And that's what I put out, and that's what I  
22 had to continue to reinforce within the Department.

23 And, yes, that -- she and the President Biden said that of all -- I can't remember  
24 exactly. I remember when I got home I got yelled at for a day and a half by my wife,  
25 saying that I had become just another person who was resisting the will of the American

1 people, and that nothing could be further from the truth on that. That episode  
2 obviously, based on my passion, still bothers me, because I thought that was horribly  
3 unfair to the people that work.

4 Let's be clear. There are only 250 -- the Pentagon has 25,000 people. There  
5 are really only about 250 people that do all the work. I mean, it's really true. And  
6 those same 250 people that did a wonderful job, they're nonpolitical. They just support  
7 whoever's up in the E-ring.

8 Those people at 12:01 on the 20th, well, yeah, they were at work 12:01 on the  
9 20th of January. Guess what? They turn around and they help the next team.

10 And the issue came down to a series of interviews between Christmas and New  
11 Year's that I canceled. I think there were like, I don't know, ten of them or something.  
12 We had plenty of time left.

13 And also, another factor involved was the transition team brought COVID into the  
14 building. So we had some issues we had to clean up. So I just wanted to take those 4  
15 days and get ourself reset.

16 And so, yeah, that -- and I -- that's probably more information than you wanted  
17 and I probably should just -- but I'll be happy to answer any more questions.

18 Q I understand and appreciate your passion about this particular topic. I  
19 think part of the committee's inquiry is understanding what some of these press  
20 headlines were at the time, right? So at the time, there was a number of reports about  
21 the hurdles that were in place for the Biden-Harris transition team.

22 Is there any nugget of what happened there truthfully, in terms of were there  
23 additional challenges that were placed to conduct interviews of DOD officials? Was  
24 there any challenge on the providing documents? In other words, Mr. Miller, can you  
25 unpack where it all came from?

1           A     I'll tell you my opinion:  shameless political posturing by Ms. Hicks, period.  
2     Because if you look at the facts, no transition ever had more interviews, more documents  
3     provided.  Now, you could say that's a low bar, but still that's the standard.

4                 No transition ever was more engaging and more open.  So that's where, you  
5     know, the frustration comes when you look at the facts.

6                 And a transition, I told you, they start planning years in advance.  Everything is  
7     available.  There are three-ring binders.  There's an office.  Every single -- I mean, I'm  
8     not being facetious here.  I'm sure there's a one-page summary about, you know, the  
9     status of bootlaces in the United States military.  Every single conceivable item is  
10    included and is available.

11                 And then, on top of that, anything in addition.  Because the real concern isn't  
12    bootlaces, let's be perfectly clear.  It's making sure that they understand the state of  
13    ongoing operations, the state of plans.  And those were all provided, at the request of  
14    the transition team.

15           Q     I want to acknowledge, Mr. Kinzinger, Representative Kinzinger has also  
16    joined us.

17                 What is your response to the claim that there was a three-week halt in the  
18    transition from mid-December until after January, probably the first week of January, that  
19    was not agreed upon between the Biden-Harris transition team and the folks at DOD?

20           A     It's inaccurate.

21           Q     What is accurate?

22           A     It is inaccurate, it's not accurate, that conjecture that there was a  
23    three-week gap or that somehow the Department of Defense, that I or anyone else  
24    interfered with the proper transition process.

25           Q     Was there any halt at all in the transition --

1           A     Yes. There was a -- yes, ma'am. There was a gap that I instituted for  
2 several days, like I said, between the Christmas break and the New Year's break, which  
3 was a handful of days, where I thought strongly that -- I noted the 250 people that do all  
4 the work, that it would be best if they had a little time to take care of their family and get  
5 ready to support the Biden administration when it came in on the 20th. And I  
6 specifically noted that there would be no negative impact on meeting the requirements  
7 provided by the Biden transition team.

8           Q     So you're saying that the break was between Christmas and New Year's, but  
9 not a three-week.

10          A     Oh, it wasn't three weeks, no. There was a period, and I don't -- I recall it  
11 being that couple days between the long weekend for Christmas and then the long  
12 weekend for New Year's.

13          Q     What about the providing of budget materials, was that provided in the  
14 timeline?

15          A     That was not a decision. That was a decision made by the Office of  
16 Management and Budget. So that was beyond my ability to influence. That was -- so  
17 yeah, that -- now it's coming back. Yeah, the budget thing wasn't -- that's not a  
18 Secretary of Defense call.

19          Q     It's a separate OMB issue --

20          A     Yes, Office of Management and Budget.

21          Q     -- to release the DOD budget?

22          A     Right. Office of Management and Budget had -- as I recall -- had to give  
23 clearance to release budget documents. I would have been happy to, but that was  
24 beyond my purview.

25          Q     What's your response to the challenges that were faced during these

1 meetings by the presence of general counsel, some restrictions that were placed there?

2 A I think that's pretty standard protocol for all transitions.

3 Q And what's your response to that DOD, in terms of your -- on your side, to  
4 measure its success based upon the number of meetings, but the meetings were not  
5 substantive? Do you have a reaction to that statement?

6 A I'm not -- that doesn't -- I don't know how to respond to that other than the  
7 transition team had opportunity to interview whoever they wanted.

8 Now, the nature of the interviews, of course, I wasn't in them, but I never got  
9 any -- I did get some feedback from our folks that they seemed pretty lightweight and not  
10 very substantive in terms of the questions that were being asked, but that doesn't bother  
11 me in the least, as long as the transition team was afforded the opportunity.

12 But, no, I'm not familiar with like the characterization that they were stifled by  
13 general counsel participation or anything else.

14 [REDACTED] Ms. Cheney, did you have any questions on this?

15 Ms. Cheney. I did, [REDACTED] Thank you.

16 Secretary Miller, just on this issue of the transition, I mean, obviously, the  
17 transition happens over a very intense period of time. I think it can seem like it's a long  
18 time to people who are looking at it from the outside, but, as you know so well, it's a  
19 really intense short period of time, actually.

20 And so I'm just wondering what caused you to decide that in the middle of that  
21 pretty intense period of time you'd cancel the meetings? And then what caused you to  
22 decide to start the meetings back up again?

23 Mr. Miller. Right. I had always planned to start the meetings back up. I  
24 wanted to take a sabbatical there between the two holidays to take care of our people  
25 and also to remediate some of the issues that had come about with COVID -- COVID being

1       brought into the environment.

2           I just felt we needed to reset things to get things straight. And because,  
3       obviously, I knew there was tension between Dr. Hicks and between Kash, that -- Kash  
4       Patel -- that was no secret. I think that's probably what we're kind of getting around to  
5       is -- but -- so I got personally involved to make sure that we were doing the right thing.

6           But that gap, to answer your question, ma'am, was -- that was my decision, based  
7       on the need to kind of get reset and get our people reattached to their families, because  
8       they'd been working enormously hard, and to give them a bit of a respite. And then I  
9       knew we could push through the final period and clean up anything that was an issue.

10          Ms. Cheney. And so did Kash ask you to cancel the meetings or to pause the  
11       meetings?

12          Mr. Miller. No. That was more -- he did not ask me. I knew what was  
13       happening and agreed with it. I discussed it with Tom Muir, the White House  
14       headquarters, the professional staff officer who was responsible for it. And so I did get  
15       some insight from others as well.

16          Ms. Cheney. And when you say you knew what was happening, can you just  
17       describe that for us a little bit more?

18          Mr. Miller. Just the fact I -- you know, I have, just like you do, we have all our  
19       communication networks set up. So I was tracking what was going on throughout,  
20       because I was very adamant that we do a professional transition.

21          And I did hear through the grapevine and through my -- you know, just like we all  
22       do. This isn't nefarious or anything. But that's my job, is to know what's going on in  
23       the Department, although it is 2 million people. Well, it's actually more than that, 2.7  
24       million.

25          I was tracking that there was some stress and wanted to make sure that -- that's

1 why I felt I had to get more involved, specifically after it was -- President Biden made an  
2 announcement that things were going fine except for the Department of Defense. And  
3 at that point, I had to get involved.

4 Ms. Cheney. And can you tell us more about the tension between Hicks and  
5 Patel?

6 Mr. Miller. I'll tell you. I was there when he made his -- we were flying when  
7 she was announced that she would run the transition team. And I was there when Kash  
8 called her to voice his support, his congratulations, and then just his -- that he would, you  
9 know, provide -- that we would provide all the support needed.

10 So that was the only time I was personally involved or, you know -- I would get  
11 updates, but that was -- that -- I was not -- he never discussed any tension or, you know,  
12 anything like that between him and Dr. Hicks.

13 Ms. Cheney. Thank you.

14 Mr. Miller. Yes, ma'am.

15 BY [REDACTED]

16 Q So if you didn't learn about the tension from Mr. Patel, then who described  
17 this tension to you?

18 A Just, like I said, I have, you know, spent, unfortunately -- well, now, I take  
19 that back. I had spent a lot of time in the Pentagon, so I had a lot of people that I  
20 trusted and knew that I could -- would run into or, you know, have a chat with to see how  
21 things were going.

22 Q And since this was a priority for you to have a smooth transition, did you  
23 have ever -- ever have a conversation with Kash Patel to understand what was going on  
24 between him and Dr. Hicks?

25 A No, I didn't have a conversation with him personally about any stress

1       between the two of them.

2           Q    You didn't? I'm sorry, I didn't hear that.

3           A    No, I did not have a discussion with Kash Patel about the reports of tension  
4       between him and Dr. Hicks.

5           Q    But it sounds like did you make efforts to ensure that the transition was  
6       going on smoothly? Who would those conversations have occurred with?

7           A    I discussed that with Tom Muir, the civilian running it, as well as talked to  
8       Dep Secretary of Defense Norquist, and ultimately talked to Dr. Hicks about it.

9           Q    You had a conversation with Dr. Hicks about it?

10          A    Yes.

11          Q    And what was the response?

12          A    I vowed that -- it was -- it was right after the accusations that were  
13       publicized that the Department of Defense was being resistant and obstructionist. I  
14       spoke with her that weekend.

15          Q    And vowed to? Sorry, just to complete your thought.

16          A    Yeah. I just wanted to make -- I wanted to make sure she understood that  
17       if there was an issue, ultimately, you know, I'm available. I was the Acting Secretary of  
18       Defense and, you know, essentially, let's take this out of the court of public opinion and  
19       the media and let's do this the way we normally do things at the Department of Defense.

20          Q    And how did she receive that suggestion from yourself?

21          A    I can't characterize how she perceived it, so I don't know. You'd have to  
22       ask her.

23          Q    I just want to -- you mentioned exhibit 7, and this is a proposed statement.  
24       I'm not going to read it in full, but the first sentence is: "Vice President Biden has  
25       repeatedly been provided false information by his staff about the DOD transition effort.

1       He has relayed those false statements to the American public."   And there's a few more  
2       sentences there.

3           And on, it looks like December 28th, Mr. Patel sent that statement to you, along  
4       with some of the data that you mentioned, that there -- to date, since November 23rd,  
5       the Department has conducted 164 interviews with over 400 officials, responded to 188  
6       requests for information.

7           Do you know -- did you agree that this statement should be published?

8       A     Yes. I don't know if I agreed that it should be published, but I agreed that  
9       we needed to have the data available if this continued, "this" being the, I felt, you know,  
10      just kind of an uninformed attack on what the Department of Defense was doing for  
11      transition.

12      Q     Do you know if it was --

13      A     I'm pretty sure that was the nature, is that we wanted -- I was tracking the  
14      numbers, but we wanted to have something available to provide, if needed.

15      Q     Do you know if it was ultimately published by DOD?

16      A     I don't recall. I don't recall. I don't know.

17      Q     Who would those conversations -- whose decision would that have been  
18      whether to publish such a statement or not?

19      A     I would have approved the release through the Department of Defense  
20      public affairs.

21      Q     But you don't know whether this was ultimately published or not?

22      A     I -- we published statements a couple of days, so I -- I don't recall specifically.  
23      And once again, as you note, that was kind of in this weird interregnum between the  
24      holidays, where the workforce was even more diminished beyond just COVID.

25      Q     I want to talk briefly about the potential appointments.

1           Did you learn of any potential appointments of Kash Patel to other agencies,  
2       whether it's the CIA or the FBI?

3           A     Just rumor. I was not -- I had no discussions with anybody. But I knew  
4       just the rumor mill was spinning that Kash and others were being considered for other  
5       positions. But, no, no like conversations or anything like that. Not my -- it wasn't  
6       something that was -- I wanted to get involved in.

7           Q     Well, when you heard the rumor, did you ask Mr. Patel about what you had  
8       heard?

9           A     No, I didn't ask him about that.

10          Q     Why not? Just as a bigger picture, if he's your chief of staff and he could  
11       potentially be taken away as your chief of staff, wouldn't that be something you'd want to  
12       address?

13          A     We recognized -- Kash Patel and I recognized that we were in the final 73  
14       days of the Trump administration, that there was going to be a large number of inquiries,  
15       investigations, subpoenas, and whatnot.

16          And Kash handled the political side. That was our agreement. I handled the  
17       Pentagon internal. And we were very cautious not to ever cross streams on that,  
18       recognizing -- that's kind of the relationship. I think that's the relationship a lot of chiefs  
19       of staff have.

20          So that was -- that's why you ask, like, did you ever bring it up? No, because I  
21       expected that sometime we'd probably be in this environment, having to answer these  
22       questions.

23          And in terms of the political side of the house, that was his job. And if there was  
24       something of major concern, obviously, we talked about it. But that was not one of the  
25       issues that we talked about, you know.

1           Q     Did you learn -- did you ever have a conversation with General Milley about  
2     Mr. Patel's potential appointment to the CIA or the FBI?

3           A     Rumor mill. I can't remember. I could absolutely see General Milley and I  
4     in passing or while we were waiting someplace having -- yeah, you talk about personnel  
5     all the time. So that could have happened. I just don't recall exactly.

6           Q     But did it concern you at all that he would be -- that Kash Patel would be  
7     considered for the number two at the CIA?

8           A     No, it didn't concern me at all. Fully qualified and capable of doing that  
9     job, in my humble opinion.

10          Q     As well as the number two at the FBI, if that was being considered?

11          A     Sure. Yes.

12          Q     Are you familiar with -- this was in, I believe, reported in a book that on  
13     December 8th that you and Mr. Patel were called back from a trip to Asia and he had  
14     been summoned back, Mr. Patel had been summoned back to the White House,  
15     potentially to discuss these appointments.

16          Are you familiar with that?

17          A     Right, I remember that, yeah. I can't remember where we were. But he  
18     got recalled to the White House. I assumed it was for one of the things that you just  
19     described, that they were thinking about him replacing someone.

1

2 [10:59 a.m.]

3

BY [REDACTED]

4 Q So when you say that there were rumors, but who specifically did you learn  
5 about these potential appointments from?

6 A Oh, I don't know. I mean, just the standard D.C., inside-the-Beltway rumor  
7 mill kicking around.

8 Q And you never discussed it with Mr. Patel or anyone at the White House?

9 A No. I never -- no. I mean, obviously, it was out there. And when he was  
10 summoned back, you know, it wasn't like, oh, I'm getting -- I'm going back to take a new  
11 job. He said, I've been summoned back to the White House. And at that point didn't  
12 really follow up the discussion and go, you know, it was kind of under -- I guess, it was  
13 understood more than anything, just best way I can describe it.

14 Q So it was understood that he could potentially be taking a new job at that  
15 period of time?

16 A Yeah.

17 Q We're talking about the end of December, so we're talking about 6 weeks in  
18 the administration?

19 A Yes.

20 Q Was that strange to you?

21 A My personal opinion doesn't matter about personnel moves at the White  
22 House. And I was focused, again, on the priorities that I already addressed, as well as,  
23 you know, enduring defeat of al-Qaida. So if Kash was moved to another assignment,  
24 obviously, I would -- by the President -- obviously, I would support that.

25 Q But it sounds like if Kash Patel is your choice and has some expertise in the

1 priorities that you've placed at DOD, it would impact your day-to-day if your chief of staff  
2 is then plucked and placed somewhere else?

3 A Not in the least. The Department of Defense is built on next person up.  
4 That's the absolute, you know, sacrosanct principle of the Department of Defense, one  
5 person is not so important that they can't be replaced.

6 So, yes, it would've been -- I would've preferred that he -- and he did stay  
7 there -- but by the same token, I wasn't concerned about the functioning and the  
8 operation because that's how we're designed, next person up. And they would've  
9 assumed that position and we would've kept on going.

10 [REDACTED] Before I move on to the memo that came out in  
11 mid-November, Ms. Cheney or anyone, does anyone have any questions.

12 Ms. Cheney. I have a question [REDACTED]

13 So, Secretary Miller, did anybody at the White House call you and tell you that  
14 they were going to take your chief of staff and put him in another position?

15 Mr. Miller. No, ma'am.

16 Ms. Cheney. So nobody spoke to you directly about it at all?

17 Mr. Miller. No one spoke to me directly about that at all.

18 Ms. Cheney. Thank you.

19 Ms. Lofgren. I have a question.

20 Ms. [REDACTED] Sure. Go ahead, Ms. Lofgren.

21 Ms. Lofgren. Mr. Secretary, you had indicated that one of the strengths that Mr.  
22 Patel had was taking care of the political side, that sort of filled in for your apolitical  
23 approach to things.

24 How would the next man stepping up in the Pentagon have been able to fulfill the  
25 duties that you identified that Mr. Patel uniquely had?

1           Mr. Miller. Yes, ma'am. I felt comfortable whoever was brought up would be  
2 able to do that, maybe not at the same level of capability. But as I noted, it sounds  
3 cliche, I know, and I'm sorry to say it again, but that's just the nature, that's how I was  
4 brought up, and that's the nature of your Pentagon and your Armed Forces and  
5 Department of Defense, is we would've figured it out.

6           It might not -- you know, we would've had to adjust, but at the end of the day, you  
7 know, we'd keep doing our jobs.

8           Ms. Lofgren. Thank you.

9           ██████████ Mr. Miller, I want to talk to you about the memo that was  
10 issued in mid-November to withdraw from Somalia and Afghanistan. Do you want to  
11 take --

12          Mr. Burton. Yeah. I was just going to say -- I was asking, do you want to take a  
13 break or anything for a minute?

14          Mr. Miller. Nope.

15          Mr. Burton. Okay. Do you want to take a break?

16          ██████████ No. I'm fine. I'm fine. We can do a couple more topics.  
17 We can take a break before we start with the January 6th stuff, which should be soon  
18 after.

19           BY ██████████

20          Q Are you familiar with that memo?

21          A Which memo are you referring to? I'm sorry.

22          Q It's a memo that was delivered to DOD to withdraw from Somalia and  
23 Afghanistan.

24          A Do we have that as an exhibit? I had a lot of different memos. Was this  
25 the one, the famous Macgregor memo we're talking about?

1           Q    Yes, that would be correct.

2           A    Oh, yeah. I'm very familiar with that.

3           Q    Okay. Can you just walk us through how you received it, what your view of  
4   it was?

5           A    Yeah. Macgregor -- I forgot his first name.

6           Q    Douglas.

7           A    Douglas Macgregor was a special adviser, and he delivered that memo early  
8   in the morning, like right when I got to work. And, you know, I read it and that was,  
9   obviously, like quite an interesting development, one that you would normally know  
10   about through the interagency and the National Security Council process.

11          And I thanked him, and then called the National Security Advisor -- or I met with  
12   him later that day -- and just offered him that I had received these instructions and it  
13   wasn't quite in accordance with the typical orders generating an issuance process. And  
14   the Secretary -- or National Security Advisor O'Brien took it and said he'd take care of it.  
15   So I never heard anything more about it at that point.

16          Q    Let me just walk you back.

17          So when you got to work that morning, how did it come to your attention? Did  
18   Mr. Macgregor come to see --

19          A    Yeah. He came in and had the office call or had arranged with the  
20   schedulers that he had an item he needed to present to me.

21          Q    And you said he was a special adviser. Special adviser to who? He  
22   worked at the White House or he worked within DOD?

23          A    Within DOD. And I don't know if that's exactly the correct term for what he  
24   was, but he was in an advisory special assistant capacity.

25          Q    Did he serve as a liaison to the White House?

1           A    That's not how I would characterize it, no. His expertise is in force  
2 modernization and development. He's got a couple books on that. And so he was  
3 there to assist with transformation of the Department of Defense away from  
4 counterterrorism to start focusing on great power competition.

5           Q    So when he hands you this letter, are you with anyone at the time?

6           A    I don't think anybody else was there. I think it was just the two of us. I  
7 could be wrong, but I don't recall anybody else being there.

8           Q    Who did you speak to? Once you read it and you realize that it had not  
9 gone through the normal interagency process, who's the first person you alert about this  
10 memo?

11                 BY [REDACTED]

12           Q    Mr. Miller, before you answer that, Secretary Miller, [REDACTED] let me just be  
13 clear that we're really talking about an order here, not a memo, right? This purported  
14 to be an order that actually required troop withdrawal from two particular theaters.

15           So I just want to be precise in our language. It's really an order, not a memo. Is  
16 that accurate?

17           A    No, I took it as a memo.

18           Q    Okay.

19           A    I mean, the order process is a little different. Normally, you'd have the  
20 National Security Advisor initial off on it and there'd be a whole different process. So I  
21 didn't consider it an order.

22           Q    Okay. We don't have it, but it seemed like it was essentially a direction by  
23 the President that by a certain date troops should be withdrawn from Somalia and  
24 Afghanistan, that that was sort of an official directive. I don't want to use the wrong  
25 word, but --

1           A     Okay. You could be right. I don't have it in front of me either. But I'd  
2 just highlight that that's not the normal process. So I was suspect of the provenance of  
3 the document, let's just -- we could just say it that way.

4           Q     Yeah. You're getting exactly to, I think, the line of questions that [REDACTED]  
5 wants to develop. I just wasn't sure how to properly characterize it. So I appreciate  
6 that, Secretary Miller.

7           A     Thank you, sir.

8           BY [REDACTED]

9           Q     Do you remember the original wording of the directive or whatever was on  
10 the piece of paper, as you sit here today?

11          A     I don't. I just remember the brevity of it. And it might have said order, I  
12 don't recall. But, no, I don't recall the details.

13          Q     When you say --

14          A     Other than as you highlighted them.

15          Q     When you say "brevity," what do you mean?

16          A     It was like a couple sentences, you know. It wasn't -- typically, you'd have a  
17 little more meat on the bones, so to speak, more detail. It was just very short, you  
18 know, couple sentences. I don't even remember the details, so --

19          Q     Was it signed?

20          A     It was signed, yeah.

21          Q     By whom?

22          A     Donald Trump. But by the same token -- by the President -- by the same  
23 token, I'm like what's the authenticity of the signature, you know? That's exactly the  
24 reason why I went back. I mean, we can all replicate each other's signatures right now.

25          I didn't -- I'm not -- you typically don't get orders of that magnitude or direction of

1       that magnitude through a special assistant or a person that's responsible for force  
2       structure and innovative thinking. So that's why I went to the National Security Advisor  
3       that morning.

4           Q     But did the signature look like it was an actual penned signature or did it  
5       look like a formatted signature?

6           A     You can never tell with autopen, right? So that's why I'm just -- I don't  
7       recall whether it was like a wet signature, I think is what you're saying, or whether it was  
8       more a xeroxed photocopy. I can't recall.

9           Q     Did you talk to Kash Patel about this order?

10          A     It must've come up. I don't recall specifically. Normally, the next -- the  
11       first thing in the morning would be a standup quick meeting with the Chairman of the  
12       Joint Chiefs of Staff. He might have been waiting outside for all I remember. I just  
13       can't recall.

14          And then so -- and at that point we might've discussed. I literally can't recall. If  
15       anything, it would have been more of a kind of satiric description, because Douglas  
16       Macgregor had a storied reputation throughout the Army and the media and other  
17       places, you know. So I can't recall if we talked about it or not.

18          Q     When you say Mr. Macgregor had a storied reputation, what do you mean  
19       by that?

20          A     He's very much a heretic, very much a rabble-rouser. That's his reputation.  
21       And my experience is, when he was in the military and -- heretic is the wrong word.  
22       He's an iconoclast. That's a better word. Not heretic, iconoclast. And very creative  
23       and very visionary and very outspoken.

24          And Milley -- and I can't even -- I'm sure we discussed it -- whether he was with  
25       me when I -- Milley was probably with me when I presented the memo or the order,

1       whatever we're going to characterize it as, with O'Brien. So I just don't recall.

2           Q     So when he handed it to you, did you have a sense because it was Douglas  
3           Macgregor handing it to you that it was not an actual order?

4           A     No. I had an obligation to go to the National Security Advisor to make sure  
5       it was in accordance with the President's guidance.

6           Q     Now, when you went to talk to Mr. O'Brien, did you go to the White House  
7       to have this --

8           A     No, we were going over -- yeah, we were going over for something else. I  
9       can't remember what. I'd have to look at my schedule. But we had a scheduled  
10      engagement at the White House that morning and that's -- I took it with me and  
11      presented it to Ambassador O'Brien then.

12          Q     Who's the "we" in that sentence, you and who else went over?

13          A     Milley. I'm sure -- well, Milley absolutely was with me. I can't remember  
14      if Patel was with us or not. He typically was for White House functions. But I just -- I  
15      don't have records in front of me to confirm or deny.

16          Q     What was General Milley's reaction to this memo?

17          A     Much like mine, was the sense. I don't know. You'd have to ask him.  
18      That goes without saying.

19          But, you know, we'd come up through the military together, so we were -- we'd all  
20      kind of -- I'm a different generation than they are. But Douglas Macgregor is well-known  
21      within the United States Army.

22          I can't remember if Milley said he used to work for him or work with him or  
23      something. I can't -- it was more of like you've got to be -- I shouldn't characterize  
24      General Milley's, you know, what he was thinking, but it was more kind of, I felt, and I  
25      guess I should say, it seemed like a "you gotta be kidding me" type thing.

1           Q     It's fair to say you and General Milley had a similar reaction of, "You've got  
2 to be kidding me"?

3           A     That was my sense, but I don't want to put words in General Milley's mouth.

4           Q     What was your reaction, "You've got to be kidding me"?

5           A     Yeah. Sure. We all know how these bureaucratic games are played  
6 sometime, and I'm like, "Come on now. You know, this isn't how orders or direction or  
7 guidance is transmitted." And I don't know -- never talked -- I don't -- I've never talked  
8 to Douglas Macgregor since that day, so I have no idea what his view is.

9           Q     Well, how are orders normally transmitted?

10          A     Generally through the National Security Advisor and a staffing process and  
11 approval process or directly -- you know, I don't -- I could see the President issuing you an  
12 order, but that's not -- I -- that never occurred and I haven't heard of that occurring in the  
13 past. So usually it's transmitted through the National Security Council through official  
14 message traffic to the Pentagon, et cetera.

15          Q     So what happens when you and General Milley talk to Robert O'Brien?

16          A     Robert O'Brien said he'd take care of it, he wasn't aware of this being issued,  
17 and he'd follow up.

18          Q     He wasn't aware of it being issued, is that what you said?

19          A     Yes, that's what I said.

20          Q     What was that -- can you just describe that conversation? I mean, this isn't  
21 just a personnel change, it's an order to withdraw troops, right? So what's the kind of  
22 context of that conversation that you, General Milley, and Robert O'Brien have about  
23 where this came from?

24          A     I gave it to Ambassador O'Brien, said I wasn't aware that we were going to  
25 do anything more than we've already decided on, need some guidance on this, or

1 something to that effect. I can't remember. Ambassador O'Brien said he had not seen  
2 it and it was -- didn't look accurate and he'd take care of it.

3 Q What happened then?

4 A The order was -- or whatever. I never -- you can't say it was rescinded  
5 because it doesn't sound like it was ever officially issued. So O'Brien said not to worry  
6 about it and that he'd take care of it and not to do anything different.

7 Q Did it appear that when you handed it to Robert O'Brien that was the first  
8 time he had seen it as well?

9 A It did appear that way, yeah.

10 Q And was that indicated by his response after reading the brief sentences?

11 A Right. Yes. Absolutely.

12 Q And do you know who he spoke to?

13 A I don't know.

14 Q What was the follow-up that you had to learn that this was not actually  
15 going to be effectuated?

16 A I was told not to execute and that it wasn't -- shouldn't be acted on, by  
17 Ambassador O'Brien.

18 Q And did you have any discussions with anyone else about this?

19 So let me just take a step back, Mr. Miller. Obviously, to someone who's not  
20 within DOD, to learn that a memo is -- order, directive -- is handed to the Secretary of  
21 Defense who had never seen it before, had any idea about it before, as well as General  
22 Milley, the Joint Chiefs of Staff, and then goes to the White House to talk to the NSA, the  
23 description you're providing is very kind of like this was not an unusual event. You'd  
24 agree this was somewhat unusual?

25 A I don't -- I know in government such this wasn't the first time I'd been

1      surprised by people doing things. So, no, it was pretty much like, you know, you got to  
2      be kiddin' me, number one, that this is so ham-handed, because, obviously, it appeared to  
3      me that there was something out of protocol or not in accordance with operating  
4      procedures. Because, yeah, you just don't get a memo handed to you by a special  
5      assistant or whatever, adviser. So, no.

6            But your question is, like, "Oh, my gosh." No, crazy stuff happens in your  
7      government every day like that, so I wasn't particularly taken aback. I was like this is  
8      ridiculous, yes, but not -- I mean, 35 years, I mean, gosh, I'd seen -- not at that level -- but  
9      I'd certainly seen such activity before.

10         Q      Right. I think that's the point, not at that level, right? It's not like you're  
11      getting -- you know, it's something that is a little bit more memorable in terms of  
12      withdrawing troops in countries versus just a typical kind of, quote, "crazy thing" that  
13      might occur within the government?

14         A      I'm kind of at a miss, and please help me out here, because I'm completely  
15      missing the point. Because the system worked perfectly in that -- like, I knew the  
16      system and I knew the system hadn't been followed, and, you know, it wasn't like  
17      anything occurred other -- and I don't know what occurred at the White House, whether  
18      there was some sort of investigation or follow-up, I have no idea.

19            From my perspective, the guidance or order or whatever you want to call it was  
20      retracted and not acted on. So to me it was -- it's kind of, like, where are we going with  
21      this? I'm sorry.

22         Q      Where we going with this to the White House or to the --

23         A      No, just in general. I mean, like it's -- yeah. Douglas Macgregor came up  
24      with a memo and somehow had it signed or replicated the signature of the President,  
25      yeah, I find that, you know, off-putting. But by the same token, it didn't result in any

1 negative consequences or actions on behalf of the Department of Defense or the national  
2 security enterprise.

3 Q Well, should there have been a follow-up conversation with Mr. Douglas  
4 Macgregor about the origins of the memo?

5 A I don't know if anyone had that discussion with him or not.

6 Q Did you?

7 A At that point it became a White House issue. Like, I'm like what's going on  
8 with, you know. I don't know if they took any action or not.

9 Ms. Cheney. [REDACTED] can I ask a question?

10 [REDACTED] Uh-huh.

11 Ms. Cheney. Mr. Secretary, can you explain to us how the chain of command  
12 works from the -- with respect to from the President -- the President, obviously, is the  
13 Commander in Chief. How does the chain of command work below him?

14 Mr. Miller. President, Secretary of Defense. I always make sure the National  
15 Security Advisor is involved because that's his job. And then Secretary of Defense  
16 provides guidance and Joint Staff then creates the executing orders for the operational  
17 elements in the field.

18 Ms. Cheney. Is the head of Presidential Personnel in the chain of command?

19 Mr. Miller. No, he is not.

20 Ms. Cheney. Was Douglas Macgregor in the chain of command?

21 Mr. Miller. No, he was not.

22 Ms. Cheney. Is there any provision for a legal -- would a military order signed by  
23 autopen be legal?

24 Mr. Miller. I have no idea, ma'am. That's why I highlighted, you know, typically  
25 such things come through the National Security Advisor to make sure that all due

1 diligence has occurred.

2 Ms. Cheney. And so just to go back for a moment. When Mr. Macgregor  
3 handed you the order in your office that morning, did you contact Mr. Patel or was he  
4 there already?

5 Mr. Miller. I can't remember if I contacted him or not. He was aware, based on  
6 these -- at least, based on the public things that I've seen in the press.

7 So, you know, like I said, we have standup meeting with the Chairman each  
8 morning, which was kind of the first thing, and that's Macgregor being there first, I'm sure  
9 the Chairman was outside. The standup occurs with chief of staff -- key staff is there,  
10 just, I'm sure, much like you have your key staff meetings.

11 Ms. Cheney. And so our understanding is the document said, number one, pull  
12 all U.S. forces out of Somalia and Afghanistan. Number two, please inform allies and  
13 partners of this. And it was signed Donald J. Trump. Does that sound right to you?

14 Mr. Miller. I don't have the memo in front of me. That sounds -- obviously, you  
15 do, ma'am, so okay. But that's not -- I don't take orders from Douglas Macgregor. I  
16 take orders from the President and through the National Security Advisor -- or I did, I  
17 should say, past tense, please.

18 Ms. Cheney. So when you went to the White House, did you talk to the  
19 President?

20 Mr. Miller. No, I did not talk to the President about -- I don't have my notes in  
21 front of me or my schedule. I don't even know what the meeting was for. But this did  
22 not come up.

23 Ms. Cheney. So when you got the order and you went to the White House, the  
24 order did not come up in that conversation?

25 Mr. Miller. No. I addressed it with the National Security Advisor.

1           Ms. Cheney. Thank you.

2           BY [REDACTED]

3           Q     Mr. Miller, before we move off this topic, I think we all agree that the system  
4     did work in that you know that it has to go through the National Security Advisor, you and  
5     General Milley went over to discuss it. Obviously, there was no action taken upon  
6     receiving this paper from Douglas Macgregor.

7           My question is, if Douglas Macgregor works for DOD, what action did DOD take to  
8     understand where he came up with it?

9           A     I did not take any action on that other than, you know, didn't have any more  
10    contact with Macgregor. I kind of understood that that would be handled at the White  
11    House. When I say "kind of understood," I don't know whether O'Brien did anything or  
12    not.

13          But you bring up a good point, and I'm not dismissing the significance of this.  
14    That sounded, you know, a little bit flippant of me earlier.

15          I felt very comfortable that Secretary -- sorry -- Ambassador O'Brien, he  
16    was very -- he was upset. As a matter of fact, you know, Ambassador O'Brien, probably  
17    first time I ever heard him curse, and I'd known him for quite a while. He was -- he  
18    recognized the significance of this bypassing or whatever occurred because that's his job.  
19    So I don't know what action he took.

20          Q     Based upon his reaction, did you presume that some -- that the White  
21    House, meaning Mr. O'Brien, would follow up to get to the -- unpack how this occurred?  
22    Is that fair to say?

23          A     That was my sense, because it is -- someone either forged or illicitly used a  
24    device for the President's signature or the President signed it. I don't know. I don't  
25    know what occurred. But all I know was for me and the Department of Defense that no

1 action was taken on the memo or the order, directive.

2 Q But it doesn't seem like your sense was that this was an order from President  
3 Trump that was delivered -- provided to Douglas Macgregor and then provided to you.

4 A That would be extremely out of character for the process for something so  
5 substantive and important. So that's why I was very dismissive of being provided the  
6 document we're talking about from Macgregor. It's just not the way the system works.  
7 So that's why I didn't take it as like -- that's why I went and talked to O'Brien.

8 Q But wasn't it -- it was already out of process, right? I just want to  
9 understand what your perception of this was. It sounds like you think it came from  
10 Macgregor and not above. Is that a fair --

11 A Yeah, that would be my characterization. But I don't know what high jinks  
12 or whatever little prankster, dumb things were going on. I had no idea. That was the  
13 way I interpret it, though, is that someone had taken advantage of the system and the  
14 process, and, you know, that's my obligation, to make sure that things are done correctly  
15 in that regard, in regards to, you know, an order of such import, directive, whatever.

16 Ms. Cheney. Mr. Miller, what did you say to Mr. Macgregor when he handed  
17 you this document?

18 Mr. Miller. Douglas Macgregor is an interesting person, ma'am, and very, very  
19 energetic. And I thought best to thank him for stopping by and to move him out of the  
20 office as rapidly as possible and not -- you know, he's one of those personality types that  
21 will talk your ear off for 45 minutes over something pretty mundane, and I just didn't  
22 have time for that. So thanked him and moved him out.

23 Ms. Cheney. Thank you.

24 [REDACTED] Are there any other questions on this topic before we move  
25 on?

1           Mr. Miller, there's also been some discussions about, during the same period of  
2 time, about potential military options against Iran. And I want to start by saying I'm not  
3 asking anything that I expect will elicit any kind of classified question. But there has  
4 been recent reporting about conversations that you had with the President about his  
5 desire to launch a military strike against Iran.

6           Did you agree with that strategy?

7           Mr. Burton. [REDACTED] I hate to interrupt. I just want Ed to be able for this area  
8 just so we don't transgress anything that the White House has directed. So I just want,  
9 while we're dealing with this, if you don't mind, to pause to let -- Ed has an instruction, if  
10 Ed is still there.

11 [REDACTED] I feel like Ed's always listening.

12 Ed? Did we lose Ed?

13 Mr. Burton. Ed?

14 [REDACTED] Ed, you're muted.

15 How about I ask the question? I assume Ed is there. If he has an issue with it,  
16 he'll pipe up.

17 Mr. Miller. Yeah. I mean, that was one of the major national security issues  
18 going on at the time. And, yeah, I was part of those discussions and that  
19 decisionmaking.

20 BY [REDACTED]

21 Q Did you -- let me just get to the public reporting about it, which looks like it  
22 was issued -- maybe this is a Vice article about a conversation with the President about  
23 the strategy in Iran that you did not agree with, but you agreed with him -- and I'm  
24 summarizing here -- to get the former President to back away from the idea. Is  
25 that -- are you familiar with that?

1           A     I'm not familiar with that, but that wasn't my professional opinion or  
2 personal opinion.

3           Q     About the strategy? Well, let's start with did you agree with the strategy to  
4 launch a military strike or --

5           A     It's not a strategy. I'm sorry to be pedantic, but, if you're talking about --

6           Q     No. I appreciate it.

7           A     -- you're talking about whether we would respond -- I mean, there were so  
8 many different provocations by the Iranians, I literally -- it's pretty important we  
9 characterize which meeting that is and what the subject was. But I agreed with the  
10 belief that the Iranians were being overly provocative and we needed to be ready to  
11 respond.

12          Q     This is an excerpt from the report -- the book "Betrayal," and you can  
13 respond to whether it's accurate or not, about the military strike in Iran. Military  
14 options, I should say.

15          Quote: "Trump went around the room and just about everybody said the same  
16 thing: This was not the time to launch a military strike against Iran. Well, everybody in  
17 the room except one person, Chris Miller. The new Acting Secretary of Defense didn't  
18 want war with Iran, but he also didn't think he should be the one telling Trump he  
19 couldn't do it. Miller believed it was technically possible to deliver a debilitating strike  
20 on Iran's Natanz nuclear facility. It could be done, but it would also be a high-risk  
21 operation. Miller believed if Trump could see exactly what it would take, there was no  
22 way he would order it."

23          A     I felt my obligations in my job was simply to provide -- the President asked  
24 for options and I provided options, and with risk assessment built into it.

25          So, yeah, I mean, that's a fair characterization of -- yep, I absolutely provided, and

1 I felt that that was one of the shortcomings of the previous Secretaries of Defense having  
2 sat there and watched them not give all the options to the President.

3 I felt he was the President of the United States and he asked a question, so I  
4 presented him what options were available militarily.

5 Mr. Richards. This is Ed Richards. Can you hear me?

6 [REDACTED] Yes.

7 Mr. Richards. Okay. I was muted previously. I just wanted to make that clear  
8 on the record. I just wanted to reiterate the January 11th letter from Jonathan Su and I  
9 just want to highlight from that letter. It's to me and I sent it to you, [REDACTED].

10 "You have also explained that in his role as Acting Secretary of Defense, Mr. Miller  
11 participated in and is aware of deliberations regarding military engagements, the conduct  
12 of foreign affairs, and the use of intelligence or special operation assets. Such  
13 deliberations are likewise beyond the scope of this authorization, except to the extent  
14 that they relate to efforts to offer the" -- "alter the election results or obstruct the  
15 transfer of power."

16 So, again, I was muted previously. I tried to interject. I could not get in until  
17 just now, so my apologies for a delayed reaction, but I believe I was muted on your end,  
18 not mine. Over.

19 [REDACTED] That's fine, Ed. And we're moving on. I don't have any other  
20 questions on that.

21 Mr. Richards. Okay. Thank you.

22 [REDACTED] Mr. Miller, I want to talk about the -- what's been reported as  
23 Italygate and maybe one other thing before we go into January 6th. Do you want to  
24 take a break now or keep going?

25 Mr. Miller. No, ma'am. Keep going, please.

1 [REDACTED] Okay.

2 Mr. Burton. [Inaudible] asking about his counsel. I'm just joking. We're good.  
3 We'll take a break before January 6th itself. Let's do that.

4 [REDACTED] Sounds good.

5 BY [REDACTED]

6 Q After the 2020 Presidential election, there were a number of efforts taken by  
7 former President Trump and his allies to investigate claims of widespread election fraud,  
8 including filing lawsuits around the country and some efforts taken with DOJ that's been  
9 reported, as well as, in particular, I want to ask you about what DOD's role was to  
10 investigate these claims, particularly about two men in Italy who had confessed to rigging  
11 the U.S. election and were currently incarcerated in Italian.

12 Are you familiar with that theory?

13 A Yeah, I am familiar with that.

14 Q How'd you first learn about that?

15 A I knew -- there was a bunch of conspiracy theories kicking around that I was  
16 tracking, you know. One was, like, I think CIA Director Haspel was injured someplace in  
17 Germany, and then there was another one about there was a firefight in some U.S.  
18 military facility with special operators. And then this Italy thing was kind of in there  
19 somewhere.

20 What I recall was I'd heard about, like, all the whacky conspiracy stuff. What  
21 triggered me was -- on that incident was -- or that information was -- there was a report  
22 in my read file -- the Secretary of Defense gets like a press summary every day -- and I  
23 can't remember when it was, but got something that said that those individuals had  
24 admitted or had said that they had hacked into DOD, Department of Defense, information  
25 technology systems.

1           And I can't remember if it was the F-35 -- I can't remember what it was. But  
2 when I heard that, that triggered all these memories of this other, the  
3 whatever they -- there was some -- what some CIA person claimed that -- I couldn't  
4 remember the whole thing coming out of Rome. But I was concerned at that point  
5 about the potential compromise of DOD IT system.

6           And that was my concern. The election stuff, absolutely not, was not in DOD's  
7 lane, wasn't getting involved in that, and didn't get involved in that.

8           Q     Did you -- when you say you're tracking kind of the whacky conspiracy  
9 theories, is that just as the Acting Secretary of Defense or just in your own personal --

10          A     No, Acting Secretary of Defense, because when there were accusations of  
11 misuse of the military or the Department of Defense, I felt I had a professional and ethical  
12 obligation because I knew that we'd be talking about it someday and I wanted to make  
13 sure that we didn't have some sort of Kennedy conspiracy 75 years later or other things.

14          So I felt it was important to make sure that we had followed through. Like, the  
15 accusation that three Army special operators were killed in Europe or something like that,  
16 I was, like, well, I mean, that couldn't happen without the Secretary of Defense knowing.  
17 But I, you know, absolutely followed through and go, what's our -- have we had any  
18 casualties, and went through the process there at the Pentagon.

19          Q     So it sounds like you said you're saying you learned about it through a  
20 briefing. And then did you take any steps vis-à-vis the Italy-specific issue once you  
21 learned about this?

22          A     It was not a briefing, it was the news summaries. And I thought it was out  
23 of Reuters, but you get little news clips of all the things that involve the Department of  
24 Defense.

25          And, yeah, I took action. I reached out to find out if there was any validity to

1       their claim, the claim that these two had infiltrated a DOD weapon system information  
2       computer system.

3           Q     Who did you reach out to?

4           A     Reached out to Director of Defense Intelligence Agency who has -- under  
5       him are all the defense attaches spread all over the world. And I assumed there  
6       was -- well, I didn't assume, I knew there was one in Rome. So I had him check in with  
7       the defense attache out there to see what was going on.

8           Q     Would that have been Lieutenant General Scott Barrier?

9           A     Yeah. Yeah. That's his name.

10          Q     Before you reached out to him, did you have any conversation with anyone  
11       from the White House regarding this particular election fraud conspiracy theory?

12          A     No. I can't -- so much was going on. I don't -- no, I don't -- I can't recall  
13       that. I had -- I knew what was -- I knew Rosen, Department of Justice guy, the Acting AG  
14       Rosen, and I had -- he had -- we had talked earlier about just what was going on, not just  
15       Italygate. And I recall it came up there. But I don't remember anybody from the White  
16       House, you know, querying or anything like that.

17          Q     Did Mr. Meadows contact you directly about the Italy theory and ask you to  
18       investigate it?

19          A     He might have. But that would have been -- you know, he could've. I  
20       don't recall exactly. I didn't talk to Meadows much. That was typically what Patel did.

21          But, no, I -- but I knew that -- I knew what was going on in terms of the  
22       accusations that they, like, used satellites or something to get into our election system.  
23       I don't know if it was Dominion stuff or something. But Meadows, I don't -- I can't  
24       imagine -- nah. It would be out of character.

25          Q     When you said he would go through Mr. Patel, did you have a discussion

1 with Mr. Patel about the two men in Italy?

2 A No.

3 Q No -- is that --

4 A I didn't have a discussion with Patel.

5 Q Was he on the -- was he on the calls that you made to Lieutenant General  
6 Scott Barrier?

7 A I was alone for that. It was like -- I think it was like -- it was one of these  
8 weird New Year's Eve or Christmas Eve. I can't remember. It was one of these times  
9 when the workforce was out. And that's when I called Barrier because, heck, just cut  
10 through the -- cut to the chase and he's your kind of head intelligence officer in the  
11 Department of Defense.

12 So Patel's probably there in the office, because if I'm in the office, you know, chief  
13 of staff's in the office. But he wasn't on the call or anything like that.

14 Q I want to go back to the conversation with Acting AG Rosen. Did you ever  
15 have a conversation with Richard Donoghue, who was the principal --

16 A I might have. I might -- yeah, I'm pretty sure we talked about the Italy thing  
17 because I knew they were -- they were trying to do -- I don't know, custodial interview, or  
18 I don't know what they call it. And that might have been where I found out about the  
19 thing. And --

20 Q So I want --

21 A I wanted to make sure that we weren't stepping on each other's toes if I was  
22 going to call -- you know, if I was going to call out to Attaché Rome or have Barrier do it,  
23 you know, you didn't want to like have a staffer at your side if he was working something.

24 So, yeah, Donoghue, Rich, yeah, talked to him.

25 Q So I want to understand when you had that conversation with DOJ, it was

1 before you reached out to Lieutenant Scott Barrier, correct, timing-wise?

2 A I'm sucking my teeth because I don't remember. I'm sorry.

3 Q In your conversation with Rich Donoghue or with Mr. Rosen, did it appear  
4 that they were -- that they believed the claim was credible coming out of Italy?

5 A That's me nodding my head no. We did not believe -- I shouldn't speak for  
6 them, but I felt they were doing like I was doing from the Department of Defense  
7 perspective, which was just basic due diligence, recognizing that we needed to follow  
8 through on this just to make sure that in the future if we had asked -- we had looked into  
9 it so it couldn't be part of this conspiracy narrative or fuel the conspiracy narrative that  
10 was going on.

11 Q Correct. And it's been in the press, a particular email that was forwarded  
12 to Rich Donoghue at DOJ about this theory from Mr. Meadows. And the response  
13 internally that Rich Donoghue provided was pure insanity in response to this particular  
14 conspiracy claim. I see -- the record will reflect that you're laughing about that, but  
15 would you --

16 A Yeah. Please don't let it reflect that. But it seemed totally inconceivable  
17 that a conspiracy like, you know, Ben Franklin, if you want to have -- if three people want  
18 to keep a secret -- you know, he didn't say D.C., but it applies to D.C. -- two of them have  
19 to have passed.

20 It's just not possible for the government to do such a large-scale conspiracy as  
21 that. Anybody that's been in government would realize that it was laughable the claims  
22 that were flippin' around, but there were a lot of them flippin' around. And as I noted, I  
23 just felt like had to run each one to ground so we could say, yep, looked at it, nothing  
24 there.

25 Q And is that what the ask was for Lieutenant Barrier?

1           A     No. The ask for him was, can you call out to Defense Attaché Rome and  
2 find out what the heck's going on? Because I'm getting all these weird, crazy reports  
3 and probably the guy on the ground knows more than anything.

4           And Barrier reported back, or I don't even know if he reported back or one of  
5 his -- somebody else. That was, like, yep, the DOD is -- I just wanted to make sure that  
6 we had an active investigation to determine the validity of the claim by these two that  
7 they had hacked into a DOD system.

8           And the reply was that, yes, there was an active -- I shouldn't say active  
9 investigation. He didn't say active investigation. But we are aware of it, we have  
10 looked into it, and we understand the situation in terms of not the political side of the  
11 claim that they got in some satellites.

12          Q     Right. So I don't want to conflate the two. So there was this allegation of  
13 a DOD hacking by these two individuals, and then separate to that is the election  
14 interference, correct?

15          A     Yeah. I just looked at the hacking and I was concerned most satellites are  
16 DOD satellites, so they technically were mine at the time. And if there was some  
17 accusation of misuse or illegal use by anybody, I wanted to make sure that I had, you  
18 know, got done the due diligence and gotten a report back from the people that  
19 were -- hopefully knew, which I found out they did know.

20          Q     So was the ask of Lieutenant Scott Barrier kind of two-fold, one, to  
21 understand what happened with the actual hacking of DOD satellites, and to do, as you  
22 said, basic due diligence about this election conspiracy claim?

23          A     I didn't talk about the election. It was specifically about if they had  
24 accessed illegally DOD systems.

25          Q     Understood. So your request of the --

1           A     I see what you're saying. I'm sorry. I'm sorry. I'm dim-witted and slow.  
2           It had to do with -- it didn't -- I didn't ask about the accusations or their claims that  
3     they were interfering with the election. I wanted to know if they had accessed illegally  
4     DOD IT systems specifically for weapon systems. However, obviously, you know, if they  
5     came back and they're, like, if it was determined that, no, they did somehow gain access  
6     to DOD satellites, that would -- the corollary, yes, would have been in the elections.

7           But that wasn't the request to Barrier. It was like I just need ground truth.  
8     What's going on out there? Are people between? And DOJ, of course, I think they  
9     probably had a legal attache out there. So that was my focus, was not on the election  
10    thing. It was whether we had been hacked.

11          Q     So just to make sure I'm clear here. So the ask of the lieutenant, then, was  
12    not in response to drilling down on the whacky conspiracy theory, it was -- go ahead.

13          A     No. It was not. I understand they're very closely related, but I wasn't  
14    getting into election interference because that was completely inappropriate and not my  
15    lane. I was focused on the accusation that DOD assets were used -- hacked, used  
16    illegally.

17          Ms. Cheney. [REDACTED] I've got a question about that.

18          So, Mr. Secretary, just so I can understand, you heard about this concern from Mr.  
19    Meadows initially?

20          Mr. Miller. I don't recall hearing from him. I just remember seeing it on social  
21    media and just that -- it wasn't just this, but that I recall the Italy thing being passed  
22    around as another example of -- but what triggered me, ma'am, once again, was when I  
23    saw in my briefing, my morning briefing, was this accusation that these two had claimed  
24    that they'd also hacked into one of our weapon system portfolio's information systems.

25          Ms. Cheney. And so normally if something like that happens, is it the

1 responsibility of the Secretary of Defense to make sure that it hasn't happened? I'm just  
2 trying to grapple with that. I'm --

3 Mr. Miller. Absolutely.

4 Ms. Cheney. Well, we have multiple layers ensuring that, you know, we are  
5 alerted if there is a hack into a weapon system, I would assume. So are we dependent  
6 upon the Secretary picking up the phone and calling the defense attache in whatever  
7 country we're talking about to make sure that we haven't been hacked? That just  
8 strikes me as surprising.

9 Mr. Miller. I didn't call the defense attache, I called the senior intelligence officer  
10 at the Department of Defense, Lieutenant General Barrier. And the purpose of that call  
11 was -- you just described it perfectly, ma'am. It was so confusing that I -- and another  
12 item, as I noted was, it was, like, I think it was New Year's Eve. No one's working then,  
13 right?

14 And it's, like, I'm not going to call, you know, a staff meeting and let's have  
15 everybody come in when you could just call -- I mean that's how -- you know, we  
16 designed it that way. I call the head intelligence officer who calls down to his guy in  
17 Rome and gets a quick turnaround and goes, yep, we're tracking this.

18 And remember, too, I wasn't concerned -- the accusations of them hacking into  
19 the weapon system IT had occurred previously, so I was -- I wanted to confirm that we  
20 knew what was going on because I felt there was a likelihood I would be asked about this  
21 either by the press or by someone else and I just wanted to make sure the Department of  
22 Defense had, you know, done its job and had kind of got the answer as opposed to  
23 jumping around trying to find it after the fact.

24 Ms. Cheney. Okay. And so when we say weapon system, as I understand it, the  
25 allegation was that they hacked into satellites and --

1           Mr. Miller. Yeah. The thing that -- oh, sorry. Go ahead.

2           Ms. Cheney. And that they used those satellites to somehow rig the Presidential  
3        election?

4           Mr. Miller. I was more concerned -- I was absolutely concerned about that, but  
5        like we highlighted that. The chances of that occurring are so infinitesimally small that I  
6        just couldn't imagine any scenario.

7           I wanted to guarantee that we were actively involved in their accusation, because  
8        it seemed to me like they were trying to cut a deal, you know, to inflate their importance  
9        was my sense. But I was focused primarily on the hacking of the weapon system, IT  
10      system.

11          Although, yes, the satellite thing was of concern, but that -- I don't even know if I  
12        brought that up to Barrier. It was, like, do we know what's going on and what are we  
13        doing about it? That was my question to Barrier.

14          Ms. Cheney. Thank you.

15          Mr. Miller. Yes, ma'am.

16           BY [REDACTED]

17          Q      I just want to clarify one thing. In those conversations with DOJ about the  
18        election fraud theory conspiracy, did they ask DOD to take on any action to -- go ahead.

19          A      No. No. It was -- it was -- I mean, they had their lanes with their legal  
20        attaches and all their stuff, and I don't even understand. That's your world. I was just  
21        focused on the DOD component of the IT system hack, you know. That was my focus.

22          So, no, they did not ask for, you know, DOD support or anything like that.

23          Q      Did you ask Kash Patel to follow up on any of these matters?

24          A      I can't -- I -- no. I don't remember asking -- no, I don't recall or didn't do  
25        that, I guess I should say.

1           Q     Did you have any conversation with Ezra Cohen about this issue?

2           A     I did not. I did not. I think he -- well, he obviously found out when we  
3     came back to work or Barrier probably called him.

4           Q     Would it surprise --

5           A     Because he --

6           Q     Go ahead.

7           A     Sorry. Go ahead. No, I'm sorry. Go ahead.

8           Q     Would it surprise you to know that Mr. Patel had a conversation with  
9     Richard Donoghue at DOJ to follow up about this Italy theory?

10          A     Would it surprise me? I don't know. Surprise -- I didn't know if Kash was  
11     tracking it or not. So I would -- I don't know, you know. I don't know if I'd be surprised  
12     if he had a follow-up because Kash and I, it wasn't a subject that we were coordinating  
13     and synchronizing on, so -- but, then again, he might have known something from the  
14     White House. I don't know.

15          Q     So what sounds like -- I want it to be clear -- that if Mr. Patel took any action  
16     about this particular Italy theory, it was not at your direction.

17          A     That's absolutely correct, yes.

18          Q     You've mentioned that there were a number of these election fraud whacky  
19     conspiracies that were out there. Did you have any direct contact with Mr. Giuliani  
20     about --

21          A     No.

22          Q     -- any theories? Sidney Powell?

23          A     Never met any of them, never talked to any of them, never had any of their  
24     interlocutors, any of their fixers. Was completely -- I read about it in the press. But,  
25     no, I had no conversations with any of those people or anything related to them.

1 Q How about Michele Ballarin?

2 A No, I did not -- I know -- she's the -- she's the queen of Somalia or whatever?

3 Q Someone in the room is telling me yes. So I will say yes. Yes.

4 Do you know her?

5 A Hey, if you've had any action, any involvement in Somalia in the last 25,  
6 30 years, you know who she is, yeah.

7 But, no, I had no contact with her at all about any of these matters. I was aware  
8 that she was fueling the conspiratorial fires just through the grapevine.

9 Q So to move off this topic, no one reached out to you as the Acting Secretary  
10 of Defense from the White House or any Trump ally to investigate any election fraud  
11 theory?

12 A No.

13 Q How about Michael Flynn?

14 A Never. Last time I talked with him, he yelled at me in Iraq in 2006. So, no,  
15 not close at all. Never talked to him. Don't have any interlocutor. We're not -- we're  
16 in different world groups and professional groups. So, no, never, or any of his people, to  
17 be clear.

18 [REDACTED] I'm going to -- I think [inaudible] before we shift to January 6th.

19 So if there's any questions before we take a break?

20 Ms. Cheney.

21 Ms. Cheney. Thank you, [REDACTED]

22 I just had a question. In terms of how you supervised Mr. Patel, can you just tell  
23 us a little bit about how that relationship worked? As your chief of staff, I assume he  
24 represented you to others in the building. People knew that he was speaking for you or  
25 not. Maybe you could just describe that for us.

1           Mr. Miller. Right. Very standard chief of staff relationship that I've seen over  
2 the years at the Pentagon. Chief of staff is responsible for synchronizing the  
3 organization down and in, in terms of communicating priorities and tracking outcomes  
4 and execution.

5           And then, as I noted earlier, ma'am, I relied on him to handle the political side  
6 with the White House to make sure that, you know, we were -- knew what was going on  
7 and could respond accordingly.

8           Ms. Cheney. So if he were talking to the White House, would you expect that he  
9 would let you know about those discussions?

10          Mr. Miller. If it was of such note that it would impact the Department of  
11 Defense or the Armed Forces or national security, yes, ma'am.

12          Ms. Cheney. Okay. And if he were instructing people inside the building to  
13 take action, would you assume -- would he inform you of that, would you -- or would you  
14 have told him to do so, or would he operate on his own?

15          Mr. Miller. You know, in the Department of Defense, you use vision and intent.  
16 I gave you earlier the priorities we had. So he would operate within those constraints.

17          And I also wanted to note, as I did earlier, had a lot of -- the Department of  
18 Defense is designed with a whole heck of a lot of professional civil servants. That if  
19 there was an issue, pretty confident my sensor network of people that I knew and trusted  
20 would've offered that things were out of sorts within the Pentagon.

21          Ms. Cheney. So could Mr. Patel have instructed a defense attache to take action  
22 on his own?

23          Mr. Miller. I suppose -- I mean, Kash Patel could do that. The chief of staff, I  
24 should say, could do that. But my experience in the Department is that if he bypassed  
25 to that level, the person would call his or her superior to clarify, much like I did with the

1 Macgregor memo.

2 Ms. Cheney. And did you clarify that with Mr. Patel?

3 Mr. Miller. What's that, ma'am?

4 Ms. Cheney. Was Mr. Patel working for you? Did you clarify with Mr. Patel  
5 that, you know, what his responsibilities were in terms of conveying instructions to  
6 people in the building? Did you and he have an understanding about that since he was  
7 your subordinate?

8 Mr. Miller. Yes. I mean, that -- that's -- the chief of staff role is to interpret  
9 and -- I don't know if I'm answering your question. Clearly, I'm not.

10 Not every decision or every guidance, piece of guidance he gave would I be  
11 involved with because oftentimes it would be in accordance with what we were trying to  
12 accomplish in the Department.

13 So could he have used my name? Yes, absolutely. Anybody could do that.  
14 Would I have known if it was illegal, immoral, or unethical? I'm pretty confident  
15 eventually it would have gotten back to me because, you know, the civil servants and  
16 even the political appointees all kind of -- all definitely know their constitutional  
17 responsibilities.

18 So I don't think there's -- I mean, I guess there could be, to answer your question,  
19 there could be a situation like that where he, you know, violated some sort of agreement  
20 or relationship, but I wasn't aware of any of those. I wasn't aware of that happening, I  
21 should say.

1

2 [12:00 p.m.]

3 Ms. Cheney. I'm sorry. Well, is there a difference? You weren't aware of any  
4 of those?

5 Mr. Miller. Well, I wanted to -- I mean, I'm not a lawyer, but I wanted to be very  
6 careful because it could have happened. And then you're going to come back to me and  
7 say: Well, look at this memo.

8 And I'll be like: Oh, my gosh, he did something.

9 But I'm saying I can't imagine that he would have done something contrary to my  
10 instructions, my guidance, my general purpose and intent of what we were trying to do,  
11 which I highlighted earlier our handful of goals that we were trying to do in those 73 days.

12 So that's what I was trying to say, ma'am. I didn't -- I guess I got a little lawyerly.  
13 Sorry.

14 Ms. Cheney. Okay. Thank you.

15 [REDACTED] Okay, Preston, do you want to take a break and maybe resume  
16 at 12:10, take 10 minutes?

17 Mr. Burton. That sounds great. Thank you.

18 [REDACTED] Great. Thanks.

19 [Recess.]

20 [REDACTED] I also see that Representative Raskin has joined us. I think he  
21 just stepped away.

22 BY [REDACTED]

23 Q So I wanted to start this next section just going into January 6th and kind of  
24 what was happening within DOD. I had mentioned we marked your House testimony as  
25 exhibit 32, and it's a 12-page very thorough kind of timeline as well as decisionmaking

1 that you went through, so I'd like to use that as a roadmap as we approach these topics.

2           And, starting with the statement, the written statement that you made, I think  
3 this is on page 4, where you state, quote: I was also cognizant of the fears promulgated  
4 by many about the prior use of the military in the June 2020 response to protests near  
5 the White House and fears that the President would invoke the Insurrection Act to  
6 politicize the military in an antidemocratic manner. And, just before the Electoral  
7 College certification, 10 former Secretaries of Defense signed an op-ed piece published in  
8 The Washington Post warning of the dangers of politicizing and using inappropriately the  
9 military. No such thing was going to occur on my watch. But these concerns and  
10 hysteria about them nonetheless factored into my decisions regarding the appropriate  
11 and limited use of our Armed Forces to support civilian law enforcement during the  
12 Electoral College certification.

13           A    Yeah.

14           Q    So I want to kind of unpack it.

15           ██████████ I'm sorry?

16           Mr. Burton. For the record, that's on page 5, not page 4.

17           ██████████ Okay. Sorry.

18           Mr. Burton. No worries.

19           BY ██████████

20           Q    I want to start by unpacking some of these different data points that were  
21 occurring going into the January 6th preparation, with the summer -- with the -- you  
22 mentioned kind of the politicization that was happening with the DOD and the op-ed  
23 piece.

24           Beginning with -- I want to go back to the December statement that was issued by  
25 DOD as a result of some statements around the time of statements that Michael Flynn

1 had made to Newsmax. You're familiar with that?

2 A Was it a DOD statement or an Army statement? I was DO -- I was OSD.

3 But go ahead. Sorry. We'll get to it.

4 Q The statement was: There is no role for the U.S. military in determining the  
5 outcome of an American election.

6 And I believe that was issued December 18th, and the day before Michael Flynn  
7 had made comments on Newsmax invoking -- recommending that martial law be invoked  
8 as a result of the widespread election fraud that he perceived.

9 So are you familiar with kind of those two events that occurred in December?

10 A Right. And Secretary McCarthy, Secretary of Army, put that statement out.  
11 I did not.

12 Q Were you involved in any way in issuing that statement?

13 A No, I was not.

14 Q Did you --

15 A I didn't think it was -- go ahead. Sorry.

16 Q No, go ahead. Did you think it was appropriate for the Army to put that  
17 statement out?

18 A He's Secretary of the Army. Those are his forces. So, if he felt it was  
19 appropriate, that's something you'd have to ask him. You know, that's -- I didn't have  
20 any problems with it, no.

21 Q Did you have any discussions with anyone within the White House or any of  
22 former President Trump's allies about the role of the military in the upcoming  
23 certification?

24 A No, I did not have any conversations with anybody about the -- no.

25 Mr. Burton. Other than asking about statements in the aftermath of McCarthy

1 making a statement, were you contacted, for example, by Mr. McEntee and people  
2 expressing that the President was upset about these remarks?

3 A Is that the question? I misunderstood.

4 BY [REDACTED]

5 Q Yes.

6 A Yeah, I was -- yes, I was contacted after that statement by McEntee, asking  
7 why McCarthy made the statement, and wanted me to remind McCarthy that the  
8 President was not going -- it was -- I know this sounds kind of wonky, but it was an  
9 authorities issue.

10 He said that the President is not going to invoke the Insurrection Act, but that  
11 doesn't mean that he couldn't, which I thought was an interesting comment because it  
12 dealt with the authority, not so much -- the concern was not with what McCarthy said,  
13 the way I interpreted it; it was with the fact that the Secretary of the Army was saying he  
14 had authorities that were -- actually resided with the President.

15 Q And this was a conversation that John McEntee, again, still head of PPO,  
16 made a call to you?

17 A Right. He called me on behalf of the President.

18 Q What was your response?

19 A I said: That's a very good point that you made. You're right. The  
20 President has the authority. I will tell McCarthy, remind him not to overstep his  
21 constitutional legal bounds.

22 Q Did you have a conversation about the Insurrection Act itself with  
23 Mr. McEntee and kind of the implications of that?

24 A No, we did not.

25 Q And, when Mr. McEntee called you, did he expressly say that this was on

1 behalf of the former President to express his -- how did he phrase it, if you remember?

2 A He did it very close to what he said was -- he had just come out of a meeting  
3 with the President, who was -- I don't know if he said disappointed, but he was -- you  
4 know, he was -- McCarthy's statement he didn't feel was appropriate because of his belief  
5 that the Insurrection Act and that he thought it was a violation of the President's legal  
6 authorities or expansion by McCarthy. I don't think I'm describing that well. I'm sorry.

7 Q That's okay.

8 A It was a very short conversation. He said, "Would you talk to Ryan and tell  
9 him the President doesn't want him to be, you know, overstepping his bounds," which I  
10 thought was -- I thought it was an appropriate request. And I did that.

11 Q What was your conversation with Secretary McCarthy?

12 A Extremely brief. I said: The President just wants to remind you when you  
13 talk about authorities not to, you know, overstep your bounds.

14 Q Did you follow up then with Johnny McEntee to let him know that you did  
15 have this conversation?

16 A Yes.

17 Q And how did that conversation go?

18 A Probably -- probably did, yeah. I mean -- or -- yeah, I probably did. I  
19 don't -- you know, or I might have just said I'll take care of it. I don't recall if I had an  
20 obligation to follow up with McEntee or not.

21 Q Did you have any contact with anyone else from the White House expressing  
22 their dissatisfaction with the statement that was made?

23 A No.

24 Q Did you feel that there was -- given kind of the political context that was  
25 going on at that time, post the election and going into January 6th, did you feel that there

1 was a need for DOD to issue such a statement?

2 A No.

3 Q Why is that?

4 A I felt that it was -- I felt -- and I did speak with others about this, and I still  
5 stand by it. The going-in position of the members of the Armed Forces is that they will  
6 abide by their sworn oath to protect, defend the Constitution.

7 And to have -- it's almost demeaning to remind someone like, hey, do your  
8 number one most important thing that you joined the military, which is don't overthrow  
9 the government through a military coup. That is the height of disrespect for those that  
10 serve.

11 And I said, you know, that would be like reminding your kid to brush their teeth at  
12 night. I mean, it's expected. Well, maybe that's not a good -- that's a bad example,  
13 depending on the age of your kid. But you get the idea is the point I'm trying to make  
14 was, you know, my leadership style was respect, empathy.

15 But by saying something so disparaging that I don't trust you to abide by your  
16 constitutional oath, I felt created more -- would create more problems, the underpinnings  
17 of the climate of trust that we build from day one when a person comes into the Armed  
18 Forces. So that's why I was not about to make a public statement in that regard because  
19 it was just completely dismissive and disrespectful of those that serve.

20 Q Did you appreciate, though, the climate at that time with the rhetoric that --

21 A Yes, and I did not want -- I did not want to amplify that climate by saying that  
22 I, as the leader, was concerned about it. Because when you're a leader, you're paid to  
23 be calm under pressure. And there was a lot of pressure, I'll be the first -- I didn't realize  
24 it at the time because I had spent my career in doing this stuff.

25 But I was just like the last thing that our people need right now is a statement by

1       their, you know, civilian leader that he's concerned. That to me ran contrary to every bit  
2       of DNA that had been developed in my years of leadership and management and  
3       experience.

4 Ms. Cheney. Mr. Miller --

5 And -- go ahead.

6                   Ms. Cheney. Sorry,

7 I just wanted to ask you, as the Secretary of Defense, you know, second in the  
8 chain of command only to the President, did you often receive instructions from  
9 Mr. McEntee, the head of Presidential Personnel?

10           Mr. Miller. No, I did not. Very rarely. I think that might have been the only  
11 one I recall. But there might have been others. But no.

12           Ms. Cheney. It didn't surprise you that Mr. McEntee would be calling you about  
13       this issue of the Insurrection Act?

14           Mr. Miller. No. I knew he was very close to the President and was an adviser  
15       to the President and spent a lot of time with him. So it did not surprise me, no, ma'am,  
16       to receive, you know, him as an interlocutor for the President.

17 Ms. Cheney. Thank you.

18 BY

19 Q Did you learn about -- obviously, you learned through McEntee about the  
20 impact the statement had on President Trump. Did you learn about the impact it had on  
21 any of his allies, including Rudy Giuliani or Sidney Powell?

22 A No, not a clue.

23 Q Now, to kind of zoom out even more, this is -- obviously, what's going on,  
24 what happened in December is one thing that's in play pre-January 6th, but you also in  
25 your statement to the House mentioned the priorities of the military in the June 2020

1 response after the murder of George Floyd.

2 And I want to be clear here. You were not the acting Secretary of Defense at  
3 that time. How did you learn about some of the issues that arose during that time?  
4 Did you learn --

5 A The issues from the military's involvement in June?

6 Q Yes.

7 A As George Floyd? Well, I was in the Pentagon as a -- in a different capacity.  
8 And also, being a career military officer, these were the kind of things that we talked  
9 about a lot over coffee, over professional development seminars.

10 I mean, it was very impactful for -- within the Department of Defense. So yeah, I  
11 was tracking it pretty closely just -- but not as a participant, more as a  
12 commentator/observer.

13 Q How was it impactful, if you can explain it, given your military background,  
14 experience, and the history of the military that you -- that's part of your written  
15 statement? Can you just briefly describe what the impact was?

16 A The -- we -- I found and some of -- I found the military's response -- I'm not  
17 criticizing those that were on the ground. They were doing the best they could. But I  
18 thought Chairman and Joint Chief of Staff Milley's presence, as well as Secretary Esper's  
19 presence, on that photo that we all remember -- I forgot what day it was. I  
20 thought -- and many of us thought that that wasn't in accordance with the way that we  
21 had been trained, educated, and brought up to recognize the difference between civilian  
22 and military -- the very correct and appropriate division between the civilian side of the  
23 Department of Defense and the military. So we found it very -- I found it -- I found it  
24 troubling.

25 Q Did you have any discussions with General Milley about that June 1st

1 occurrence at Lafayette Square?

2 A When I became the Acting Secretary of Defense?

3 Q Yes.

4 A No. No, I did not.

5 Q Did you get a sense that he also shared your concerns about that event and  
6 some of the military that was used during the summer?

7 A He publicly stated during his appearance at -- I think it was an online  
8 appearance at the War College that he regretted -- I don't know if I'm saying this  
9 correctly, but he noted that there was -- how people could be concerned. I can't  
10 remember how he described it, but he'd already publicly stated that he felt he made an  
11 error.

12 Q How about with Secretary McCarthy, did you have any discussion?

13 A Never talked to him. Not about that. But, you know, as we were  
14 preparing to support Mayor Bowser's request and whatnot, it never came up, you know,  
15 officially, but they had a lot of lessons that they had learned, "they" being the Army and  
16 the Chairman, that I'm sure factored into their recommendations.

17 Q So I just want to be clear. When you -- in the written statement to the  
18 House, when you say, "I was also cognizant of the fears promulgated by many about the  
19 prior use of the military in the June 2020 response to protests near the White House,"  
20 your awareness came from what you saw, obviously, your own experience of how the  
21 military should behave, but didn't you have any direct conversations with those who were  
22 within DOD leadership at that time, whether it's General Milley or Secretary McCarthy?

23 A Not direct conversations with them, but many of the staff officers and others  
24 that had been involved, I had discussions or had gotten feedback from. But no, to  
25 answer your question, no, not from those two.

1           Q     Was there any discussion about the implications of invoking the Insurrection  
2     Act during the summer of 2020?

3           A     We did not discuss -- the Insurrection Act did not come up in their advice  
4     or -- during the time I was Acting Secretary of Defense.

5           Q     And I know you mentioned it with the conversation with John McEntee  
6     about this December statement. Did you also discuss with him the Insurrection Act and  
7     kind of what -- what the implication would be if the President would choose to do so, in  
8     terms of his authorities?

9           A     I did not, as Acting Secretary of Defense. He had asked me about that in a  
10    prior conversation, but -- and I can't remember when it was, but this was -- I would have  
11    been the Director of National Counterterrorism Center and was, you know, invited in for a  
12    talk.

13          And he asked about -- and it was more like, what's the big deal about the  
14    Insurrection Act? And it was not -- it -- to me, it was a question like I need information.  
15    It wasn't, you know, a declarative statement.

16          And I explained to him that the culture and the environment in the United States  
17    military is extremely averse, based on our past history of horrendous abuses by the  
18    military in domestic affairs, that it's almost -- I didn't say it as the third -- I didn't tell him  
19    like this is the third rail, but it's really, really an item of great concern to the military.

20          And I interpreted the conversation more as like information gathering, because no  
21    military background, but we did -- he asked about that way back when. I can't  
22    remember when. In, you know, August-September of 2020.

23          Q     Understood. And did it appear surprising? Did he appear to know that  
24    history of the military as you describe in terms of the line between civilian and military  
25    response?

1           A     I don't want to sound disparaging of him, because my kids are probably the  
2     same age, and they wouldn't know the difference either. I thought -- in many ways, I  
3     admired the fact that he asked the question and let me explain.

4           Now, how he interpreted that as, hey, I have no idea. But it was more like, you  
5     know, I could ask my kid about, you know, One Direction and she could tell me everything  
6     in the world about it, but I couldn't ask her -- I'd have to ask -- I'd ask the same sort of  
7     questions, you know, very -- I thought they were kind of like basic questions. But 35  
8     years in the military, it's in my blood.

9           So I appreciated the fact that he wasn't as familiar with these matters as, you  
10    know, frankly, I would hope, not just of him but of American people writ large, about the  
11    role of their military in their society.

12          Q     Just so the record is clear, your daughter knows about One Direction the  
13    band, right? That's what you meant?

14          A     Yeah. Yeah. I'm sorry. And I said I wouldn't try to be funny. But you  
15    know -- you know what I'm trying to say is like she -- you know, it was more -- it would be  
16    the equivalent of me asking a question about something I don't know a heck of a lot  
17    about. That was what I was trying to -- and it didn't come across well, and I apologize.

18          Q     No, no.

19          A     But that was the way I kind of -- that's kind of the way I interpreted the  
20    question from McEntee was just like, hey, what's the big deal?

21          Q     I want to talk a little bit about what was known --

22          Ms. Cheney. [REDACTED].

23          [REDACTED] Sorry. Go ahead.

24          Ms. Cheney. So this was in August or September, Mr. Miller?

25          Mr. Miller. Yes, ma'am. It was somewhere in there.

1           Ms. Cheney. And did Mr. McEntee, did he ask you to come over specifically for  
2 this discussion?

3           Mr. Miller. No. The way it was, and maybe -- I assume it's probably this way  
4 for all of them. They're like: Hey, come on over, I want to hear how things are going,  
5 because at that point I was a political appointee, as I noted.

6           I mean, I know I'm not -- well, I'm not going to try to say anything that the record  
7 will reflect. I understood what was going on, that, you know, this was part of the  
8 interview process for some other position, which I assumed probably was the Secretary of  
9 Defense. And I assumed that they were doing it to a whole heck of a lot of people. So  
10 that was the background, ma'am.

11          Ms. Cheney. And what else did he ask you about?

12          Mr. Miller. Oh, geez. China, Russia, Iran. He just went down the whole  
13 laundry list of questions you would ask someone who's being -- that's in national security.  
14 And I -- so --

15          Ms. Cheney. Thank you.

16           BY [REDACTED]

17          Q      Mr. Miller, I know from, again, your House statement you said that you had  
18 been closely monitoring the civil disturbances in the United States, and as well as General  
19 Milley had been intimately monitoring these matters for the Department since the  
20 summer 2020 demonstrations in Washington following the murder of George Floyd.  
21 That's in the first page, third paragraph.

22          And I want to unpack that a little bit as far as what your understanding was of the  
23 threat landscape going into January 6th.

24          A      As my statement noted, you could tell -- I sensed -- here's the problem with  
25 domestic intelligence gathering, that it's not a Department of Defense function and

1 it's -- as I think everyone on the call recognizes, it's pretty fraught with peril.

2 So we -- the -- we weren't getting -- I was not getting official intelligence reports  
3 about the threat other than the kind of milquetoast ones that you get like "there is an  
4 elevated threat of domestic terrorism based" -- or, you know, violence, whatever words  
5 they were using.

6 I sensed, though, just based on watching the news and listening and talking to  
7 people -- listening to people, not talking to people, that the threat had morphed  
8 since -- there were -- I recall there were protests by one of the right-wing groups in  
9 like -- what was it? November. No, not November.

10 After June, there were two other instances where the Proud Boys or whatever  
11 came into Washington, D.C., and tracked their rhetoric. It seemed like things were  
12 changing prior to the electoral college count, that they were -- their language was  
13 becoming more aggressive and more, you know, kind of prone towards violence was my  
14 sense, my analysis of what I was reading and listening to.

15 Q Was what you were reading and listening to ever conveyed to you as part of  
16 the domestic intelligence briefings or whatever you were receiving?

17 A No, because the Intelligence Community uses very stilted, careful language  
18 that would -- that is not -- you have to -- you have to -- if you're a consumer, you have to  
19 now do your own analysis and assessment and add in other factors that they aren't  
20 probably -- because you always get a list of all their sources. And you're like, okay, well,  
21 what about, you know, the crazy that was on some news network saying this? They  
22 don't really cover that.

23 Q So, in terms of your -- of DOD's preparations, were you -- were you  
24 articulating what you are seeing as essentially -- that you're not seeing in these formal  
25 briefings but what you're seeing as just from reading the newspaper and being aware of

1 social media or the preparations for DOD?

2 A You'd have to ask the other -- other people that were involved in the  
3 preparation whether -- how they interpreted General Milley and my comments about the  
4 threat picture.

5 I felt we did as good a job as we could, being the Department of Defense with no  
6 domestic intelligence capability or authority, that we tried to, the best we could, to paint  
7 the picture with a little more clarity than was being provided in the intelligence  
8 summaries.

9 Q When you tried to paint the picture, is it fair to say that you and General  
10 Milley thought that there was going to be a probability of violence?

11 A I always planned -- this was one of those where you need to plan for that  
12 scenario. And it seemed, based on their pre -- "they" being the expected protesters,  
13 demonstrators, whatever you want to call them. I don't know what the correct term  
14 we're using.

15 It seemed pretty clear that, based on their past behavior, that it was likely there  
16 was going to be incidents of violence on January 6th.

17 Q Did the prior events in November and December, the Million MAGA  
18 Marches, did that contribute to your perception of what the threat was?

19 A Right. And as I noted in here, the assessment or the expectation was that  
20 the protest -- that things would be generally peace -- maybe not peaceable, but generally  
21 manageable during the day. And that when it got dark, fighting cells would disperse to  
22 the periphery, like they did in the prior, and start fighting whoever was unfortunate  
23 enough to be in the area. That was the general assessment of what was going to likely  
24 occur on January 6th.

25 Q I want to just draw your attention to exhibit 12, and this is -- we're going to

1 go through the interagency calls and the preparations, but I just wanted to see if you had  
2 any comment about -- this is in the slide deck that was prepared by the -- for Secretary  
3 McCarthy.

4 The second page there, Mr. Miller, it says "Situation" on top, and in the third  
5 paragraph it says: Similar to demonstrations on November 14th and December 12th,  
6 law enforcement expects supporters of the Proud Boys and the anti-fascist organizations  
7 will participate in the protests and seek to confront each other.

8 The next sentence goes on about armed Oath Keepers: However, there are no  
9 indications that they or other militias are planning to attend any event in Washington,  
10 D.C.

11 Then it goes on to talk about antifa and Black Lives Matter.

12 In your view, was the threat picture adequately reflected, meaning if this is the  
13 briefing that you're relying on, what Secretary McCarthy is providing, was this adequate  
14 or not adequate, based upon what you knew in reviewing other sources?

15 A Right. Yeah. You highlighted -- you noted we did have information that  
16 the antifa and the other organizations, the counter -- I don't know how you describe it,  
17 and I don't want to use left and right.

18 Q The protesters.

19 A The protesters, that we were aware that in the past where antifa and these  
20 others came out to do their street fighting with the Proud Boys and their crew, that antifa  
21 and whatnot had somehow announced or had made clear that they were not going to be  
22 on the street that day, which, you know, was -- was relieving in some ways, obviously,  
23 because that was one less thing that the cops, I assume, had to worry about. But yeah, I  
24 think the -- I think it's a pretty good assessment.

25 Q Do you think there was an overemphasis on antifa or Black Lives Matter and

1 the kind of counterprotesters aspect of it?

2 A No. I thought that it was just a recognition that there were numerous  
3 elements and factions that could be out there.

4 Mr. Burton. [REDACTED] I don't know if you -- if this is incorrect or you just  
5 misspoke. This slide deck was prepared not by the Secretary of the Army but for the  
6 Secretary of the Army by the D.C. National Guard.

7 Ms. [REDACTED] That's right.

8 Mr. Burton. Okay.

9 Ms. [REDACTED] I can clarify that. Sorry. I would have -- I misspoke there.

10 BY [REDACTED]

11 Q Do you remember, did you get a sense from any of the interagency calls that  
12 people were concerned about any particular groups, meaning the Proud Boys --

13 A Yes. Yeah.

14 Q Who voiced that concern?

15 A I don't know. I mean, it was just kind of, you know, when you're on  
16 those -- just like now, where you're on these conference calls, I don't know, but it was  
17 recognized -- I think we talked through all the major groups that we expected to be out  
18 there and what their motivations and whatnot would be.

19 Q And did you feel that -- was there any sense that because some of the  
20 groups that were arriving were pro-law enforcement that that was being considered as  
21 part of whether they would be deemed a threat or not? Was that discussed?

22 A No. I got the sense -- it wasn't even a sense. It was just the way -- it  
23 was your standard getting ready for something that people were not, you know, biased  
24 one way or the other. It was about if they're breaking the law, they're breaking the law  
25 type thing. And if they're going to -- if they're going to be committing acts of violence,

1 there was never even a hint of, you know, political coloring or anything like that,  
2 from -- from my recollection of that.

3 Mr. Burton. I think her particular question was, was there a sense that they  
4 would be less prone to violence because they purported to be sort of pro-law  
5 enforcement type organizations in some way?

6 Mr. Miller. No. We expected violence.

7 BY [REDACTED]

8 Q I think from the last time we spoke, Mr. Miller, you mentioned that on one  
9 of these interagency calls you specifically brought up the Proud Boys and the concern  
10 about the Proud Boys that you -- of their attending these rallies. Do you remember that,  
11 bringing that up on any of the calls?

12 A No. I'm sorry.

13 Q That's okay. Was there ever a mention about -- from General Milley about  
14 the permits that were being issued to particular groups? Can you talk about that a little  
15 bit?

16 A Yes.

17 Q And did you share that concern?

18 A Right. General Milley shared that concern. I mean, we're both in the  
19 same office on the same call together. He brought up the permitted demonstration on  
20 Capitol Hill as problematic and asked if that made a good -- if that was a good idea and if  
21 the -- he just asked straight up, like, why don't you cancel or revoke the permit?

22 Q Who was that asked of?

23 A It was out in the ether probably, you know. It was -- and I can't remember  
24 who responded. I think -- I think Interior responded because I think they're the ones  
25 who did the permitting, or maybe D.C. did. I can't remember.

1           But I do kind of recall, because it was -- General Milley is an outspoken person and  
2       he says what's on his mind. And I recall, you know, on that occasion there was kind of  
3       this pause like -- and someone came on. I don't know who it was. Like, nope, they're  
4       permitted and that's -- you know, I don't know what the policies, procedures or whatever  
5       were for revoking permits, but it made it sound like it's -- from the call that that wasn't an  
6       option.

7           Q     What was the concern about the groups that was conveyed on these  
8       interagency calls?

9           A     What was our concern --

10          Q     Yes.

11          A     -- about having protesters inside the perimeter on Capitol Hill? From a  
12       straight military perspective, it appeared to us that there was a potential that you could  
13       have a fifth column or something get in there and start causing problems, which obviously  
14       occurred.

15          Q     But my question is, what about the groups alerted you, triggered that  
16       concern? Was it --

17          A     Well --

18          Q     Go ahead.

19          A     I mean, they were all lumped into potential violent -- you know, when we  
20       talk about the Proud Boys, Oath Keepers, and then you still find -- we're still finding out,  
21       aren't we? I mean, every day you learn there's another group out there that you'd  
22       never heard of. Not every day, that was facetious. But I heard the other day of one  
23       more I never even heard of.

24          So we were just thinking more of not as some sort of monolithic group, but that  
25       they were those that had conducted acts of violence in the past is how I would describe

1 it.

2 Q Do you remember everyone feeling secure, in terms of what the -- everyone  
3 sharing confidence in the preparations for what they saw as the threat landscape?

4 A I can't say everyone. I can say that organizationally, by the time we were  
5 done with our coordination and synchronization that all issues -- everyone had the  
6 chance to voice their concerns, the everyone being all the departments and agencies,  
7 State, loc -- well, there's no State. Local, Federal law enforcement, all those involved in  
8 security and law enforcement, that they had the opportunity to voice any issues,  
9 concerns, or requests for Department of Defense support if they felt that they were  
10 incapable of handling at their level. So, institutionally, there was agreement on the  
11 threat assessment and the plan going forward.

12 Q I don't -- I know you're familiar with the mayor's request and the -- which is  
13 kind of in tandem with HSEMA request and also the letter from General Walker to  
14 Secretary McCarthy. That would be exhibits 5, 6, and 8, if you need to reference them.

15 But just to kind of start the ball rolling on the process that occurred within DOD  
16 upon the request of the mayor, was that triggered by the December 31st request? That  
17 would be exhibit 5.

18 A Yes. Yes. She gave -- she gave the -- she put the request in for DOD  
19 support. Yes.

20 Q What occurred --

21 A That started it.

22 Q Just at your level -- obviously, we've talked to a number of people here.  
23 But, from your perspective, once you learn about that request, what do you do, as the  
24 Secretary of Defense, in terms of honoring that request or asking the appropriate  
25 questions as to whether you should?

1           A     The Department of the Army had the operational oversight of the District of  
2 Columbia National Guard, did their mission analysis, reviewed it. And I don't know the  
3 details of how they did that. And then presented the briefing on Monday or the first  
4 day -- I can't remember what day it was. I think it was a Monday. I can't remember  
5 the date. Requesting -- or briefing me on the request for support. And then I made  
6 the decision right there to honor the request of Mayor Bowser.

7           Q     And would that have been the --

8           A     We had -- sorry, go ahead.

9           Q     So the request came in on December 31st, and you ultimately conveyed your  
10 approval on January 4th in a memo that we'll get to.

11          A     Yes.

12          Q     Is that your understanding?

13          A     Yeah. Yes.

14          Q     And I'm going to kind of lead you on this because, obviously, there's been  
15 the IG report that highlights some of the concerns, but was it conveyed to you by  
16 Secretary McCarthy that he was not inclined to provide support initially?

17          A     He did not convey that to me, but I heard through others -- like I said, I  
18 knew -- have a lot of people. I heard through the grapevine that he was inclined -- I  
19 don't want to say inclined to disapprove, but, you know, looking at it carefully or  
20 whatever. So -- but that's fine. He can do whatever he wants. I knew that I was  
21 going to honor her request, but I wanted the formal, you know, briefing and whatnot.

22          Q     One of the concerns that was voiced by Mr. McCarthy as well as General  
23 Milley is the need for a lead Federal agency and that the DOD would be a last resort.  
24 Did you also agree with those concerns before ultimately approving?

25          A     Agreed with his concerns? I didn't agree with his concerns. I noted his

1       concerns and made a decision to support the mayor and anyone else -- I want to be  
2       clear -- from Capitol Hill Police to anyone else that was -- needed support, that we would  
3       provide that assistance.

4                 Now, your question, though, is -- lead Federal agency is not a DOD decision.  
5       That's -- to tell you the honest truth, I probably -- I mean, that's usually Secret Service  
6       announces that -- I don't know the process for doing a national security special event.

7                 But I did agree that the Department of Defense would not be the lead Federal  
8       agency because it is completely contrary to the role of the Armed Forces to be lead  
9       Federal agency in domestic law enforcement except when all, you know, law  
10      enforcement assets are expended or if there's complete breakdown in civil order. And  
11      those instances had not occurred at that point.

12                 So I was meeting my number one criteria, which was request by -- a valid request  
13      by an authorized organization or person, in this case the mayor.

14                 [REDACTED] I want to recognize Representative Raskin is back and present.  
15                 BY [REDACTED]

16                 Q     So I want to turn to exhibit 6, which is the request to General Walker from  
17      HSEMA -- do you have that in front of you? -- about the request for 340 guardsmen.  
18      Well, guardsmen to manage traffic, to manage the crowds at specific Metro stations and  
19      traffic points.

20                 So, just so we understand the process here, this comes to General Walker.  
21      There's a certain amount of analysis and planning that's done. Are you part of that  
22      planning, or are you ultimately approving what's presented to you after there is a  
23      back-and-forth between the D.C. National Guard and Secretary McCarthy and General  
24      Walker's level? I'm just trying to understand your particular role.

25                 A     Right. I'm not involved in the planning. That all happens prior, and then

1 I'm the decisionmaker when it's packaged and brought to me as a -- as you saw the  
2 concept of the operation that describes more detail.

3 Q And you -- in your House testimony, you mentioned that you convened  
4 interagency Cabinet-level calls. Did you see that as the role of DOD to take on planning  
5 for the joint session event?

6 A No. It's not the role of the Department of Defense.

7 Q And why did you feel that you had to convene those calls?

8 A Nobody else was doing it.

9 Q Who should have been doing it?

10 A DHS, DOJ, MPD, Capitol Hill Police. Pick your alphabet soup. Department  
11 of Defense should not be -- it's not in the best interests, and I firmly believe in being  
12 involved in domestic law enforcement matters, but it had to be done. And since, once  
13 we had the request for D.C. National Guard, we had military involvement, I used that as  
14 an opportunity to make sure that our folks were nested correctly and that there was  
15 some sort of, you know, coherent plan for their use.

16 Q Did it surprise you that no one was taking on the role of coordinating before  
17 this event?

18 A Eh. I'm pretty cynical about our government and I'd seen it happen tons of  
19 times before. So, to say that I was surprised is not correct. I was not surprised. I  
20 was -- no, it's pretty typical.

21 Q Did you voice your concerns to any of the agency heads that they should be  
22 convening these calls and taking on this role as compared to yourself, as the Acting  
23 Secretary of Defense?

24 A That was exactly the purpose of calling the first meeting, to recognize that it  
25 was not the role for the Department of Defense to be convening meetings. And that,

1 you know, ultimately came to pass. But it's Big Government. Interagency process is  
2 confusing, at best.

3 Q But it sounds like if you brought it up on January 3rd, you also convened the  
4 call on January 4th. Did no one take that baton from you to lead these calls?

5 A First, the way I would characterize the first call was just I wanted -- I think I  
6 highlighted, you know, the key things were make sure we had -- everyone had the same  
7 perception of the threat and then figure out how to synchronize, coordinate.

8 And the third thing was to make sure that everyone knew, the other departments  
9 and agencies and other law enforcement agencies knew that the Department of Defense  
10 stood ready to honor any requests they had for additional support.

11 So the idea was that the first meeting would trigger the recognition, which it  
12 pretty much did. I mean, ultimately there was a recognition that, you know, okay, DOD  
13 is not lead. DOJ, FBI, and DHS were involved.

14 And I felt comfortable at that point that everyone was aware of what was going  
15 on. That's not to be critical of any of the other folks. They were busy. And that was  
16 the purpose of the meeting was just to make sure everybody got on the same sheet of  
17 music.

18 Q Did you have to have a separate conversation with, whether it's Acting AG  
19 Rosen or Mr. Donoghue at the time, requesting them to take on more of a leadership  
20 coordinating role?

21 A I did -- I looked at my note -- I looked at the timeline. I did have some other  
22 calls in the following days. But it wasn't like -- that was the end state was a recognition  
23 that DOJ, when it came to domestic law enforcement, had lead.

24 So I was comfortable at that point that DOJ recognized their role. You know, and  
25 they delegated down to FBI, I recognize that. But I was comfortable at that point.

1           Q     So was it your understanding that DOJ was in agreement that they would  
2     take on this leadership, lead agency role?

3           A     Yeah. I recognize, without a national security special event that that could  
4     be interpreted as -- I think I saw something from Acting AG Rosen the other day -- I don't  
5     know if it's in here or not. Maybe it is. I read through all this. Where -- I could see  
6     technically how -- I don't know -- I don't know how national security special event process  
7     works, but I do know that the Department of Justice is responsible at the Federal level for  
8     law enforcement.

9           Q     And what did you expect --

10          A     I think he did too.

11          Q     "He" meaning?

12          A     Rosen.

13          Q     And what was the expectation from DOD as far as what DOJ would do in  
14     coordinating prior to January 6th?

15          A     The expectation was, as we've seen in the past, that they would  
16     establish -- probably delegate down to FBI and establish a headquarters, their SIOC or  
17     whatever they -- you know, a fusion center, and kind of be ready with all the -- you know,  
18     use their process with their joint interagency task forces and all that stuff, that they  
19     would kind of -- they were knitting that all together.

20          Q     So there is this confusion as to what the role of DOJ was, in terms of what  
21     they perceived it to be. So I'm wondering if you had any visibility of who designated  
22     them to be the lead Federal agency? Do you have any --

23          A     I don't know if there's a designation required. I mean, I think it's probably  
24     in statute and in -- that they are. But the outcomes are what mattered to me. And the  
25     outcome was FBI had set up their fusion center and had activated their process that they

1 have used in the past. So, you know, I can't describe it any better than -- you know, I  
2 don't know how DOJ, you know, goes about that. You'd have to ask them.

3 Q In I think one of the exhibits, exhibit 36, is the report done by the Army.  
4 And, in that report, it said: On January 3rd, during an interagency meeting hosted by  
5 the White House, DOJ was designated as the lead Federal agency for the planned First  
6 Amendment demonstrations on January 5th and 6th. However, unlike in June 2020, the  
7 lead Federal agency did not establish or man an integrated command post nor did it take  
8 an active role in coordinating with MPD or Federal law enforcement agencies.

9 Is that your understanding of what happened at the January --

10 A I don't -- I don't know. No, I -- you said that that was the January 3rd  
11 meeting and it was DOJ -- I don't recall.

12 Q First, it states that at the January 3rd meeting, the White House designated  
13 DOJ. Is that your recollection?

14 A No. I don't remember.

15 Q And do you agree that, unlike in June 2020, the lead Federal agency, DOJ, did  
16 not establish or man an integrated command post nor did it take an active role in  
17 coordinating with MPD or Federal law enforcement agencies?

18 A I don't know what DOJ did. I know FBI set up their operations center. I  
19 think MPD did as well. So I wasn't, you know -- in regards to that level, I wasn't -- it  
20 seemed sufficient, but I don't know, to answer your question, about how DOJ normally  
21 does it, whether they have some other -- other entity that fuses and coordinates and  
22 synchronizes. I don't know.

23 Q Do you remember that on the interagency calls whether the crowd side was  
24 ever discussed, in terms anticipating --

25 A It was.

1           Q     And do you remember the numbers that were discussed there by DOI or any  
2     of the other -- go ahead.

3           A     Yes. You always get concerned when you have this range, but at the end it  
4     was 20- to 35,000. So we used 35,000 as the expected figure. I'd love to know how  
5     many were there. I don't know if you guys have figured that out yet. I think it was  
6     probably pretty close to the ballpark was 35,000 demonstrators. But that was -- and  
7     that was very well-known across -- that was the number that was recognized by law  
8     enforcement as well as everybody else.

9           Q     So, for the 35,000 crowd estimate, was it -- was the request from the D.C.  
10    government, did it adequately reflect the expected crowd, meaning they requested and  
11    what was ultimately approved was 340 people. So did that line up, from your --

12          A     The question of correlation of police to protesters was -- during one of these  
13    calls, it specifically was asked, how many cops do you need, how many law enforcement  
14    do you need to handle 35,000?

15          And I don't know who said it, but it was -- the law enforcement sector said that  
16    they would have 8- to 10,000 sworn law enforcement officers on the street that day,  
17    which was sufficient to handle up to 1 million protesters.

18          And we kind of -- you know, you shouldn't attribute -- I shouldn't even say that,  
19    but, you know, based on trying to interpret someone's tenor of their voice over the  
20    phone, but my takeaway was very much like we know how to do this, DOD, we got this.

21          And that was actually quite relieving when I heard that, because I did not know  
22    what correlation between cops and protesters was. And so, if you put 10,000 on the  
23    street, I'd like to remind you that 10,000 light infantrymen overthrew the country of  
24    Panama in 1989. So I felt pretty confident that 10,000 cops can do what needs to be  
25    done within the confines of the District of Columbia.

1           And I actually was quite relieved to hear that because then you've got a  
2 correlation of one cop for every 3.5. I don't do public math, but I was like, wow, that's  
3 pretty -- that's pretty significant to handle this protest.

4           Q     Do you remember who said that?

5           A     No.

6           Q     That they gave the estimate?

7           A     No, I don't. It was in that whole, you know, like we're -- well, we're more  
8 disciplined than that call was, but someone came up from the law enforcement sector. I  
9 don't know whether it was MPD or -- I think it was MPD, to tell you the truth, the  
10 Metropolitan Police of D.C. Don't quote me on that, but the person talked with a great  
11 deal of authority, let's just put it that way.

12          Q     So it sounds like, when you heard the number of 8,000, you were assured  
13 that they could deal with a crowd estimate of 35,000 people, correct?

14          A     That's what they said.

15          Q     So, in your view, the 340 D.C. National Guard that had been authorized,  
16 explain to me what their role would be in a worst case.

17          A     The purpose of that request, as relayed from Mayor Bowser, was to  
18 take -- make sure that sworn law enforcement officers would be available to move  
19 throughout the city because we expected fighting cells -- as I said earlier, we expected  
20 fighting cells to move out within the city, basically away from law enforcement.

21          My understanding was that they would have essentially mobile elements of law  
22 enforcement. So the idea was to take 300 -- with the National Guard to do the traffic  
23 control points, you can take, you know, law enforcement officers from standing around  
24 saying, don't cross the street here or whatever the case may be, they could actually be  
25 performing law enforcement functions as opposed to crowd control functions, which the

1      District of Columbia National Guard is trained, equipped, and missioned to do, which is  
2      crowd control.

3            Q     Did you have any discussions at your level with Mayor Bowser, or did she  
4      talk to you about the request and the specificity of it?

5            A     No.

6            Q     No?

7            A     I didn't talk to the mayor or -- no.

8            Q     And it's fair to say that would be conducted at the Secretary McCarthy and  
9      General Walker level, correct?

10          A     Yes, ma'am.

11          Q     Before we move on from those interagency calls, I just want to talk about  
12      whether you had a view about some of these areas of responsibility. Was that brought  
13      up, in terms of the Capitol Police covers the Capitol, DOI, Department of the Interior  
14      covers the Ellipse, MPD covers kind of the outer areas, whether that challenge was  
15      discussed and what your view was on that?

16          A     I -- we did not discuss in detail because to describe law enforcement duties  
17      and responsibilities in the District of Columbia as Byzantine would be offensive to the  
18      Byzantines. Because I would understand that the District -- MPD controlled -- in areas  
19      where MPD controls the streets, the sidewalks are handled by Facilities Protection, and  
20      the building itself is protected by the marshals. I couldn't keep up with any of that. I  
21      do know the Department of Homeland Security understood all those different facets.

22          And so to say that we did understand that if it's Interior -- if it's park land,  
23      Department of Interior has responsibility. I was not involved in those conversations. I  
24      knew they were extremely important, and I assumed -- and I think they did take place  
25      within the inter -- you know, the coordination center.

1           Q     So it sounds like, from the end of -- the last interagency call was January  
2     4th -- I just want to summarize this before we move on -- that to you it appeared  
3     everybody was on the same page as far as the threat landscape and the preparations.

4           Did you have any concerns as far as going into January 6th, in terms of the security  
5     that each agency had said that was prepared?

6           A     And the third thing was that no one -- I had aggressively asked and offered  
7     Department of Defense assistance if any department and agency head or any law  
8     enforcement agency that asked for it. So that's the third thing that I was comfortable  
9     with. And then I followed up with some calls later: Just checking in; you sure you're  
10    good?

11           So I felt that the Department of Defense was postured appropriately, in  
12    accordance with the mayor's request and in accordance with the desires of local -- the  
13    law enforcement agencies.

14           Q     When you said you were checking in with folks, was that also an outreach to  
15    Capitol Police to make sure that they did not need any assistance?

16           A     No, I did not specifically call Capitol Hill Police. I did not call -- I didn't call  
17    that -- you know, I called other -- I called DOI, and I called -- Department of the Interior,  
18    and I called -- I talked to somebody at DHS, and I talked to Department of Justice. Those  
19    were my interlocutors. I didn't call beyond that.

20           Q     And you are -- are you aware that someone within DOD -- I understand not  
21    at your level -- reached out to Capitol Police to see if they needed any assistance?  
22    That's on the DOD timeline.

23           A     Gosh, I hope they did. That's their job. I was not aware of that at the  
24    time because -- but that was the expectation. 25,000 people in the Pentagon, and  
25    there's a cell that does coordinate domestic -- I forgot -- support the civil authorities. So

1       I expected, based on my experience in the past, having worked near that office and been  
2       involved in these things in a previous life, that that was occurring because that's kind of  
3       how, you know, the system works. So that doesn't surprise me.

4           Q     But you reached out to kind of your counterparts on your level?

5           A     Yeah. Yes.

6           Q     And no one voiced a concern or thought that they would need the assistance  
7       from the National Guard or other Active military?

8           A     No. They thought the plan that the District of Columbia National Guard  
9       came up with and the Army approved -- you know, Army supported and I approved was  
10      adequate and sufficient for the requirements on the 6th of January.

11          Q     I want to shift to January 3rd, which was a Sunday. First of all, that  
12      morning, a letter -- or an op-ed was posted in The Washington Post, which I know you're  
13      familiar with, you spoke about that in your House testimony as well, declaring that the  
14      election was over and requesting DOD to refrain from any political actions that could  
15      undermine the election results or harm the transition to a new administration.

16          Did you become aware of the letter that day?

1

2 [1:11 p.m.]

3           Mr. Miller. Right. Yes, I did. I was not informed of it prior by any of the  
4 former Secretaries of Defense.

5           BY [REDACTED]

6           Q     Did you discuss it with Secretary McCarthy or General Milley?

7           A     I don't remember. I don't think so. There was so much noise going on  
8 then. I don't recall discussing that with them, no.

9           Q     How would you describe the impact, if any, there was of this op-ed piece  
10 coming out a few days before January 6th?

11          A     I don't know -- I thought it was not helpful at all, and I thought it was  
12 alarmist and fed into the narrative that the Department of Defense and the Armed Forces  
13 and I and others were thinking of not fulfilling our constitutional obligations.

14          Q     Did you view it in the same way as you described the December 18th  
15 statement by the Army about no -- the military has no role in the election process?

16          A     Whole different level when you have former Secretaries of Defense that  
17 people -- you know, I did not expect something like that from people that had been in the  
18 chair and, you know, taking counsel of one's fears is one of the worst things you can do as  
19 a senior leader, specifically someone who's, you know, involved in really, you know, let's  
20 be honest, one of the most fraught, difficult periods of our recent history. So it wasn't  
21 helpful and thought it was pretty -- not helpful at all.

22          Q     I want to turn your attention to the evening of January 3rd when you  
23 attended a meeting at the Oval Office. Who, according to DOD timeline, it's yourself as  
24 well as General Milley. Is that right?

25          A     Yes. He was there, yes.

1           Q    Was anyone else with you?

2           A    I don't remember.

3           Q    What was the purpose for this meeting?

4           A    Very significant national security threat directed at us by a foreign power,  
5 and I'll just leave it at that.

6           Q    All right. Mr. Miller, I think the mike is getting a little --

7           A    There is significant national security threat directed at the United States by a  
8 foreign power. That's all I can say at this time.

9           Q    Understood. And it's fair to say that the meeting was not -- the purpose of  
10 the meeting was not to discuss the joint session event on January 6th?

11          A    It was not. It had to do with national security foreign threat.

12          Q    Was the January 6th rally brought up at all?

13          A    As I noted at the end on the way out of the meeting with the President, he  
14 asked, in passing, about preparations. And I think Milley was there, too. Just  
15 highlighted the request from the Mayor Bowser in that we would fulfill her request.

16          Q    So I just want to kind of take a step back and be clear here.

17          On January 3rd, did you have or even prior, did you have all the authorities you  
18 needed in terms of activating/deploying the D.C. National Guard?

19          A    I felt I did, yes.

20          Q    Did you need any additional authorities or was there a discussion about your  
21 authorities in any way at that January 3rd meeting?

22          A    No. I didn't -- I felt like I had all the authorities I needed and did not need  
23 to discuss anything with the President regarding authorities.

24          Q    Was there any discussion about the expectation of the number of  
25 protesters?

1           A     I can't remember if it was that meeting or later, but the President, I sensed,  
2     he didn't say it was going to be a million people, but I sensed that he expected a much  
3     more greater number than 35,000, but we didn't -- it wasn't, like, oh, there's going to be a  
4     million people there. That wasn't -- but it seemed that there was expectation there'd be  
5     a much larger number of people show up.

6           Q     So let me just --

7           Mr. Burton. That was his expectation, right?

8           Mr. Miller. Yeah. That was the President. I mean, and I guess I shouldn't  
9     speculate, but it seemed, you know, I knew it was 35,000. He seemed -- I can't  
10   remember if he brought it up specifically, but it was definitely seemed like he expected  
11   more people there. "He" being the President.

12               BY [REDACTED]

13           Q     Before we get into a little bit more detail about this, I want to make sure  
14   we're clear. There was the January 3rd meeting with yourself at the Oval Office, but  
15   there's also the January 5th call that you spoke about as well in your House testimony.  
16   So I don't want to conflate the two, but the January 3rd meeting, is that where the crowd  
17   expectation conversation occurred?

18           A     I'm sorry. I cannot -- I have the two confused as well and I know it came  
19   up, and I don't recall whether it was that close out as we're walking out or whether it was  
20   a brief phone call on the 5th, but somewhere in one of those -- so I think we just stick  
21   with what I said Morg Stan (ph), which was couple months after this, which I think is on  
22   the third. We didn't talk about size. It was more what was the Department of  
23   Defense's plan for support to law enforcement.

24           Q     Okay. We'll get to the January 5th call then in a moment, but what was  
25   your response on the -- January 3rd you said you were leaving the Oval Office. How long

1 was that conversation?

2 A 30 seconds, a minute. It was in passing, kind of standing up on the way out  
3 after discussion on the previous topic.

4 Q And what was your response? I'm sorry.

5 A I just said that we had a request for support from Mayor Bowser that we  
6 would fulfill. And I think, in my previous statement, the President said something like  
7 give them what they need. I can't remember particularly.

8 Q Do you remember any statement by the President at that time the  
9 January 3rd meeting about "protect my people, ensure that they're safe"?

10 A I don't -- I don't recall that statement, yeah. It wasn't like them and us. I  
11 don't -- that didn't register because at the end of the day, it's like we're going to support  
12 law enforcement, whoever's breaking the law or causing disturbance, we don't really care  
13 who, but -- so I can't -- I have no idea what he was thinking in that regards.

14 Ms. Cheney. Mr. Miller, did the President talk to you about his concerns about  
15 the election?

16 Mr. Miller. No. No, ma'am, he didn't.

17 Ms. Cheney. So --

18 Mr. Miller. I stayed out of that stuff, ma'am.

19 Ms. Cheney. But did he stay out of it in these meetings with you? Did he raise  
20 the issue in any of these meetings with you?

21 Mr. Miller. Oh, the President's the President. He probably had some  
22 throwaway lines, but nothing, you know, beyond banter. And I'm one of many, you  
23 know. When we're in the Oval, typically, there would be a bunch of other people. So  
24 it wasn't -- it wasn't anything more than just, you know, kind of state-of-the-world type  
25 stuff, so it wasn't anything dramatic like that; it was just throwaway comments.

1           Ms. Cheney. Thank you.

2           BY [REDACTED]

3           Q     I want to turn to the January 5th call, and from your House testimony you  
4     stated: On the afternoon of January 5th, I received a call from the President in  
5     connection with the rally by his supporters that day at Freedom Plaza. The President  
6     asked if I was watching the event on television. I replied that I had seen coverage of the  
7     event.

8           Do you remember -- was the rally ongoing at the time he called you?

9           A     I thought it was still -- I think it went on well into the night, yeah. So I think  
10    it still was ongoing.

11          Q     From your statement you said: He then commented that, quote, they were  
12    going to need 10,000 troops the following day.

13          What was your understanding of when the President said "they," who he was  
14    referring to?

15          A     Law enforcement, public security, public safety.

16          Q     The call -- the call lasted fewer than 30 seconds, and I did not respond  
17    substantively, and there was no elaboration.

18          First, the 10,000 troops, did you take that as a request for you or an order to you  
19    to deploy 10,000 troops?

20          A     No, absolutely not. I interpreted it as a bit of presidential banter or  
21    President Trump banter that you all are familiar with, and in no way, shape, or form did I  
22    interpret that as an order or direction.

23          Q     So you took no action as a result of this banter?

24          A     Well, no, because I understood that there were going to be 35 -- we  
25    expected 35,000 protesters with 8- to 10,000. I don't even know how many police were

1       on the street that day. I was hoping you guys would figure that one out, but regardless,  
2       whether it's 8 or 10, domestic law enforcement entities had stated earlier that they could  
3       handle much -- you know, a million people. So to hear -- I didn't think there was any  
4       response needed, even if there were more protesters than expected, that local law  
5       enforcement could handle it.

6           Q     So I want to be clear here that -- since then, in February 2021, Mark  
7       Meadows said on Fox News that, quote: Even in January, that was a given as many as  
8       10,000 National Guard troops were told to be on the ready by the Secretary of Defense.

9           Is there any accuracy to that statement?

10          A     I'm not -- not from my perspective. I was never given any direction or  
11       order or knew of any plans of that nature. So I was surprised by seeing that publicly, but  
12       I don't know the context or even where it was. So, no, there was -- obviously we had  
13       plans for activating more folks, but that was not anything more than contingency  
14       planning.

15           There was no official message traffic or anything of that nature regarding --

16          Q     So, just so we're clear, you did not have 10,000 troops, quote, to be on the  
17       ready for January 6th prior to January 6th?

18          A     A nonmilitary person probably could have some sort of weird interpretation,  
19       but no. The answer to your question is no. That was not part of my plan or the  
20       Department of Defense's plan.

21          Q     And just the rest of his statement was, quote: That was a direct order from  
22       President Trump, and yet here is what we see, all kinds of blame going around, but not a  
23       whole lot of accountability. To be crystal clear, there was no direct order from President  
24       Trump to put 10,000 troops to be on the ready for January 6th, correct?

25          A     No. Yeah. That's correct. There was no direct -- there was no order

1 from the President.

2 Q I want to move on to your January 4th memo. Does anybody have any  
3 questions about that? Okay. One more question before I move off this topic.

4 Ms. Cheney. [REDACTED], I got one. Sorry, I've got a question.

5 Mr. Miller, the meetings that we're discussing, do you have notes from those  
6 meetings?

7 Mr. Miller. No. I mean, other than the official timelines and stuff here.

8 Ms. Cheney. You didn't take notes of any of these meetings that you were in?

9 Mr. Miller. No. I didn't take notes -- no.

10 Ms. [REDACTED]. Sorry.

11 Ms. Cheney, go ahead.

12 Ms. Cheney. That's all right [REDACTED] I just wondered if Mr. Miller's been  
13 sworn in or you've conveyed to Mr. Miller, even if he hasn't been sworn in, the  
14 importance of truthful testimony here today.

15 [REDACTED] Yes.

16 Ms. Cheney. So you have no notes from the meetings, Mr. Miller?

17 Mr. Miller. No, I don't have any notes from the meetings.

18 Ms. Cheney. Did you take notes and turn the notes over --

19 Mr. Miller. No.

20 Ms. Cheney. -- to the Department when you left?

21 Mr. Miller. No.

22 Ms. Cheney. Okay. Thank you.

23 BY [REDACTED]

24 Q Mr. Miller, before I move off this topic, you had your House testimony about  
25 this January 5th call, but it was also mentioned in the January 22nd Vanity Fair article

1 where you were interviewed, and I want to ask you about the response that you provided  
2 them.

3 When you talked about this January 5th call, you stated -- it states -- and, again,  
4 your statements today are what matters, but it says: The President, comma, Miller  
5 recalled, asked how many troops the Pentagon planned to turn out the following day.  
6 Quote: We're, like, we're going to provide any National Guard support that the district  
7 requests, Miller responded, quote.

8 And Trump goes: You're going to need 10,000 people. No, I'm not talking  
9 bullshit. He said that. And we're, like, maybe. But you know someone's going to  
10 have to ask for that.

11 At that point, Miller remembered the President telling him: You do what you  
12 need to do. You do what you need to do, he said. You're going to need 10,000.  
13 That's what he said.

14 So, just to put a finer point on this, that -- is that conversation accurate as it was  
15 reflected in the Vanity Fair article?

16 A Yeah. Yes. It's very close to when those events happened, so yeah.

17 Q So, when you -- when you say, you know, someone's going to have to ask for  
18 it, what's your understanding as far as what -- first, it was clear to you that he was not  
19 ordering you to secure 10,000 troops. Is that correct?

20 A That's correct, yes.

21 Q And can the President do that on his own to the Capitol without any type  
22 of -- what are the authorities in terms of what he can deploy?

23 A I believe he could -- I don't know for certain, but I believe he could direct, as  
24 the President of the United States, the Commander in Chief, the deployment of forces if  
25 he ordered it.

1           Q     Would that still have to be conveyed to you or Mr. McCarthy or General  
2     Walker?

3           A     I don't know. That's how the structure works, but I suppose you're on to  
4     something. It doesn't have to be. Like I noted previously, it was bypassing to come  
5     back through, so I don't know. Never thought about that.

6           Q     I want to talk about exhibit 13 and 14. This would be the order from  
7     yourself -- well, this wouldn't be an order. Sorry. I've got so used to saying order.  
8     This is a memorandum for the Secretary of the Army giving guidance for the D.C. National  
9     Guard.

10          Do you have that?

11          A     Yes, I do.

12          Q     There's eight restrictions there, and I don't want to spend that much time  
13     going through each one, but what broadly informed the restrictions that were placed  
14     there that you outlined for Secretary McCarthy?

15          A     Pretty much standard military planning, coordinating instructions, very  
16     typical of what guidance you give to operational elements.

17          Q     Was there anything, in particular, about what occurred during the summer  
18     that informed some of these guidelines that were in place for the D.C. National Guard?

19          A     The helicopter -- I think there's helicopter use in there.

20          Q     Yeah.

21          A     Yeah. I mean, that wanted to tighten up -- yeah, tighten up the use of  
22     helicopters after what I thought was a misutilization by them in June and then to do  
23     the -- the other stuff is kind of boilerplate for civil disturbance mobilization.

24          Q     Mr. Miller, can you lean into the mike more. I think it's just when you turn  
25     to your left, you're going away from the mike.

1           A     I said most of these things were boilerplate language for mobilization for  
2 support to civil law enforcement.

3           Q     Did you review any memo by Secretary Esper in drafting this memo?

4           A     No.

5           Q     And what was the need to issue this type of memo before the January 6th  
6 event?

7           A     Standard military procedure going back to Lafayette and von Steuben,  
8 coordinating instructions you are giving to people out there to give left and right limits,  
9 constraints, limitations.

10          Q     And it was standard to include the language about the weapons -- the first  
11 bullet there is to be issued weapons, ammunition, bayonets, batons, or ballistic  
12 protection equipment, such as helmets and body armor. And before that, it says:  
13 Without my subsequent, personal authorization, the D.C. National Guard is not  
14 authorized the following.

15          Is that unusual --

16          A     No.

17          Q     -- for the Secretary of Defense to weigh in on what weapons, ammunitions,  
18 and protection equipment can be used by the D.C. National Guard?

19          A     No. Just reinforcing Mayor Bowser's request. She specifically said that  
20 she wanted to -- she was very specific on the profile that she wanted her National Guard  
21 to present.

22          Q     Okay. And sorry. I think I should've started with the exhibit 14, which is  
23 Mr. McCarthy's letter to you requesting the memo that we just talked about. But in that  
24 memo -- this is exhibit 14 -- in that letter to you, it outlines what the D.C. National Guard  
25 support would be, correct? Their request for the traffic control points, metro station

1 support --

2 A Yes.

3 Q -- and also -- at the bottom of that, Secretary McCarthy says the following  
4 conditions have been met -- the establishment of lead Federal agency and the -- which we  
5 talked about. The second point there, B, the estimated numbers for the demonstrations  
6 exceed the local and Federal agencies' ability to address the risk.

7 Can you explain that a little bit? Do you see that?

8 A Yeah. Kind of -- okay. What the question is, I'm sorry?

9 Q Can you explain what that means?

10 A Yeah. There was, I think, they were concerned -- and I think I said this  
11 before -- oftentimes Department of Defense, you know, can -- we wanted to make sure  
12 that everybody else was putting as many of their assets to work before they started  
13 tapping in to Department of Defense resources, meaning, you know, Metropolitan Police,  
14 District of Columbia put every single person in uniform on the street that day.

15 I don't know -- I don't think Capitol Hill Police did. I think FBI, everybody was  
16 kind of all hands on deck. So that's -- we just wanted to make sure that we understood  
17 that, you know, we would provide support and any additional support, though, you know,  
18 has to come back for a request.

19 Q Got it. And then exhibit 15 is essentially Secretary McCarthy's letter to  
20 General Walker incorporating your memos, guidelines for his guidance for the D.C.  
21 National Guard.

22 And I just want to make note of two aspects of this letter -- one is the requirement  
23 for the concept of operations before the QRF deployment, which was not included in your  
24 memo to Secretary McCarthy.

25 Were you aware of that?

1           A     No, I wasn't aware of his -- this memo.

2           Q     So, before this letter to General Walker, this would be exhibit 15, the  
3     January 5th letter, you did not review it or weigh in on it?

4           A     No, it's not -- so the way we do orders and guidance in the military is the  
5     next person down always has, in this case, Secretary McCarthy being the operational level  
6     commander, I was the policy strategy level person who made the overarching decisions  
7     that you delegate down to the operational commander, who, in this case, which was the  
8     Army, McCarthy; he is obligated to provide additional guidance to the tactical level,  
9     which, in this case, was Major General Walker.

10          So it's within his authority to provide additional detailed guidance to -- that's how  
11     it's worked as long as I've known the system. The key -- go ahead. So that hopefully  
12     describes it a little bit. The key point is the tactical commander receives both sets of  
13     guidance. He receives mine and Secretary McCarthy. So he understands two levels up  
14     and down to McCarthy.

15          So I don't know if Walker got my memo or not, but my memo trumps -- that's a  
16     bad analogy -- takes precedence over McCarthy's memo.

17          Q     But if McCarthy's memo requires a concept of operations, that's going to be  
18     the guidance for General Walker, correct?

19          A     Right. Yeah. That's true. I was talking about -- there's a line in my  
20     memo about use of the QRF, which is -- and let me get the words straight --

21          Mr. Burton. He inserts an additional sentence. It's the same language from  
22     your final paragraph. It's an additional sentence about the concept of operation.  
23     That's what she's directing your attention to.

24          Mr. Miller. Okay. Yeah. He's completely authorized to do that as the  
25     operational commander, "he" being McCarthy.

1 BY [REDACTED]

2 Q I'm sure in the year that has passed since January 6th, you're aware of  
3 General Walker's perception of this memo that it placed additional restrictions on his  
4 ability to deploy the D.C. National Guard.

5 Do you have a reaction to that?

6 A Yeah. I disagree. The Army system, a two-star general, it's what 30,  
7 35 years' experience, and the Army ethos and the way we do business, they do business is  
8 the person on the ground is paid -- is closest to the action and has an understanding that  
9 the operational level commander, in this case, McCarthy or the strategic person, in this  
10 case, I was in that role, so I do have some confusion about his statements about he  
11 thought that he needed to employ his QRF at a certain time that he didn't do that.

12 But I haven't discussed it with him and he never brought it up in numerous  
13 interactions following. Because, after the 6th, as you know, we mobilized large number  
14 of National Guard to go to support local law enforcement at the Capitol. Saw him  
15 numerous times. It never came up there.

16 So I'm confused, don't understand his decisionmaking on that. But he's the guy  
17 on the ground and we support the guy on the ground. Had a view of it and made a  
18 decision, so I don't know.

19 Q Do you -- so just to close the loop before we go to the day of January 6th,  
20 you did not view your memo or Secretary McCarthy's letter to General Walker as an  
21 additional restrictions for General Walker for January 6th?

22 A Other than those listed that we highlighted earlier in my memo and  
23 McCarthy -- McCarthy, you said, he required a concept of operation before deployment  
24 of the QRF. He's entitled to do that; however, my guidance about it, the quick reaction  
25 only as last resort in response to request from appropriate civil authority of QRF, that line

1 there is essentially gives General Walker all the authority he needs if he's on the ground  
2 and feels that QRF needs to go.

3 And let's be clear: On the concept of operation, that can be a phone call, that  
4 could be a quick conversation face-to-face. So this isn't like a 64-page PowerPoint  
5 presentation. It's just a touch base. And so McCarthy's completely within his remit to  
6 do that.

7 By the same token, General Walker's a two-star general, is completely within his  
8 remit to employ his QRF if he thinks it's such essential point in the situation.

9 Q Did you learn at any time on the 6th that he wanted to deploy the QRF?

10 A Did not hear from him or McCarthy that he wanted to employ the QRF on  
11 the 6th.

12 Q But it's your understanding that had General Walker wanted to, suffice it to  
13 say, a quick call to Secretary McCarthy would have suffice for a concept of operations?

14 A That's exactly how -- that's how the Army system that I was raised in is built,  
15 so yeah.

16 Q I want to shift to January 6th itself, the day of. We should work -- kind of  
17 seeing the light at the end of the tunnel here.

18 [REDACTED] Do you want a break? Do you want to keep going, Preston?

19 Mr. Burton. I think we're fine. He want to get through the tunnel.

20 BY [REDACTED]

21 Q Okay. So we are -- January 6th you're obviously at work at the Pentagon,  
22 that's right?

23 A Yes.

24 Q When did you first learn about kind of the threat landscape changing there  
25 in terms of what was going on near the Capitol complex?

1           A     I don't -- I don't remember whether -- 12:30/1, I can't remember exactly  
2 when it became clear that the demonstrations were building around Capitol Hill.

3           Q     Did you -- President Trump's speech began at noon that day. Did you listen  
4 to any of it?

5           A     No, I didn't. Well, it was on TV, but I was doing other work. So I -- you  
6 know, I listened to snatches, but I didn't listen deliberately.

7           Q     Did you listen to it in real-time portions. Is that -- is that right?

8           A     That's right. Yeah. And there were other people that were listening to it  
9 and monitoring it.

10          Q     According to DOD timeline around 1:05, you learned about some of the  
11 issues with the demonstrators. 1:15 you're informed of the demonstrators beginning to  
12 march to the Capitol.

13          A     Okay. Yes.

14          Q     At one -- sorry at 2:20 -- at 2:30, there is a call with yourself, General Milley,  
15 and Secretary of the Army about the events at the Capitol. When in your -- based on  
16 the DOD timeline, when is the request for assistance from the D.C. National Guard to  
17 respond to the Capitol itself? What time would you place that at?

18          Mr. Burton. [REDACTED] can I just ask -- because there's the Secretary of Defense  
19 timeline, there's a secretary of Army, which exhibit are you referring to just to make sure  
20 we're all on the same page, if you don't mind?

21          [REDACTED] Couple timelines. It's the DOD timeline, which would  
22 be -- exhibit 25. And there's also a timeline that was part of the IG report, but I think it's  
23 easier to start with the --

24          Mr. Burton. Okay. I just want to make sure we're on the same page.

25          [REDACTED] Sorry about that.

1           Mr. Burton. No worries. Thank you.

2           Mr. Miller. I recall -- I don't specifically recall -- I knew that there was work being  
3         done for providing or re-missioning the District of Columbia National Guard or providing  
4         additional support, but tangentially when I was notified that the formal request, like the  
5         final request came at 3 p.m.?

6           BY [REDACTED]

7           Q     At what time?

8           A     3 p.m.

9           Q     Okay.

10          A     Eastern standard.

11          Q     And at 3:04, it states that you provided verbal approval of the full activation  
12         of the D.C. National Guard in support of the MPD?

13          A     Yes.

14          Q     Can you just explain -- I want to go back to -- if you could give an  
15         approximate time of when you learned about the request from Chief Sund or the D.C.  
16         National Guard assistance?

17          A     I didn't know who Chief Sund was, so I don't recall getting a request from  
18         him. I was tracking -- I mean, it was working through the Army Operation Center in  
19         accordance with process and procedures. So I don't know when they received it. Like I  
20         said, I knew things were happening in terms of requests coming in; I didn't have details  
21         until 3 -- 3 p.m., but you asked -- I'd say like 2:30ish, you know, I knew that there  
22         were -- there was activity because one of staff officer noted that Army's working through  
23         some stuff.

24          And at 2:30, it wasn't a call; it was a meeting. I don't know -- you said -- yeah.

25          We meet to discuss Bowser's request at 2:30, Acting SecDef, Chief Chairman, SecArmy,

1       page 2, 1430. I don't remember that specifically, but we had -- I do -- I'll stand by the  
2 note -- the notetaker on that we had that was keeping track, our scribe.

3           Q     Right. So, at that 2:30 time, obviously, you're hearing from what's  
4 happening, you're also -- are you seeing what's going on in terms of on your TVs there  
5 what's occurring at the Capitol?

6           A     Yes. It's very confusing, as you recall. And I can't imagine what it was like  
7 in the building. So -- but yeah. I was aware that violence -- the outer perimeter had  
8 broken down, and there was -- but I couldn't quite get a feel for what exactly was  
9 happening. Obviously, sometimes I still get a bit confused.

10          Q     Once you see what's happening and you have this discussion with Mr.  
11 McCarthy, as well as General Milley at that 2:30 timeframe, was there any reluctance to  
12 deploy the D.C. National Guard to respond?

13          A     None.

14          Q     And who was present for that discussion?

15          A     At least -- there was -- there were quite a few other people in the office  
16 because my office at the time. So there were a lot of other people, but I don't recall  
17 exactly who. People coming in and out and whatnot.

18          Q     So I want to clarify that this conversation with yourself, General Milley, and  
19 Secretary McCarthy is separate from a 2:30 phone call that's occurring with General Piatt,  
20 General Flynn, Chief Contee, and Chief Sund. Is that correct?

21          A     Yes. That's happening someplace else. It's not happening at my office.  
22 McConville probably -- chief of staff of the Army McConville is probably there at the 2:30  
23 meeting that you note here in my office about Mayor Bowser's requests.

24          Q     So, obviously, you learned in the press afterwards about the 2:30 call, we'll  
25 call that the General Piatt/General Flynn call that you were not a part of, correct?

1           A    I was not a part of that call.

2           Q    And you learned about the conversation about optics that were discussed or  
3         not discussed during that call in terms of the discussion of having our military at the  
4         Capitol and what was perceived to be as resistance from Chief Contee and Chief Sund to  
5         deploy the D.C. National Guard. You're aware of what occurred on that call?

6           A    No, I'm not aware of what occurred; I'm aware of what the press has  
7         reported occurred on that call. So I don't know what happened on that call.

8           Q    Did you talk to General Piatt or General Flynn about what occurred on that  
9         call?

10          A    No. That's when the chief of staff of the Army and Secretary McCarthy, you  
11         know -- they were involved, so they had oversight of the Army staff that Piatt and Flynn  
12         were part of.

13          Q    So any reluctance that was conveyed to the D.C. government, D.C. -- to Chief  
14         Contee or Chief Sund, was that reluctance in your 2:30 meeting with General Milley and  
15         Secretary McCarthy?

16          A    No. That wasn't brought up.

17          Q    Was there any impact from that call, the General Piatt/General Flynn, call on  
18         yourself, on General Milley, or on Secretary McCarthy?

19          A    I don't know because I didn't know the phone call was going on.

20          Q    Okay. Were you aware that the Pentagon initially denied that General  
21         Flynn was on that phone call?

22          A    I found that out after the fact based on media reporting, yes.

23          Q    And do you know any reasons as to why that happened?

24          A    No, I don't.

25          Q    And just so the -- that General Piatt/General Flynn call, did they have any of

1       the legal authorities to order the D.C. National Guard?

2           A     No.

3           Q     Who did?

4           A     I did.

5           Q     At the 3:04 verbal order that you provided from the DOD timeline, it says the  
6       full mobilization of the D.C. National Guard. Can you explain to us what the difference is  
7       between the mobilization of the D.C. National Guard at 3:04 and their actual deployment  
8       to the Capitol?

9           A     Not all of the District --

10          Q     The mike is fading.

11          A     Not all of the District of Columbia National Guard was mobilized -- what was  
12       the word you used? I'm sorry.

13          Q     I think it would be helpful -- sorry -- if you could explain the activation,  
14       mobilization, and deployment because these things occur at different times?

15          A     Right. So, at 3 o'clock, I gave the order to mobilize the entire District of  
16       Columbia National Guard, however, big they are, 2,400, 3,000. The people that were  
17       already on Active Duty that day at the traffic control points, Quick Reaction Force  
18       Command and Control Element, the 400 -- I forgot the number -- they had already been  
19       activated, slash, mobilized.

20           I gave the order to bring everybody in from the D.C. National Guard, all hands on  
21       deck, everybody show up at the Army, get ready to go in to operations, and point 2,  
22       second piece, was those people that are available, move them to the Capitol immediately  
23       to support local law enforcement.

24          Q     So the 3:04 -- looking at the timeline for the 1,100 people, correct, the D.C.  
25       National Guard?

1           A     Okay.  Whatever -- yeah, whatever.  The rest of the D.C. National Guard.  
2     I forgot the number how large they are.

3           Q     Just practically speaking, then, what happens after that 3:04 order for the  
4     folks who were already at the traffic posts, where did they --

5           A     They follow their guidance from their chain of command, in this case,  
6     General Walker, return to the armory if designated or at this -- if the general and his staff  
7     decide to deploy them, to take them immediately off the traffic control points, move  
8     them to Capitol Hill.  That's a tactical decision that he would make.  So they would all  
9     move to the Capitol to support local law enforcement.

10          Those that are not activated at that time move.  They get their alert and move to  
11     their armory and get geared up and stand by for instructions from their chain of  
12     command.

13          Q     Now, you're obviously aware of the criticism and you spoke about it in the  
14     House testimony about this time period from 3 p.m. to the actual -- boots on the ground  
15     at the Capitol is 5:22.

16          Are you in touch with -- first of all, at some point, does Secretary McCarthy leave  
17     the Pentagon?

18          A     Yeah.  Whatever it says in the timeline.  McCarthy leaves, like, maybe 3:15  
19     or something to go down.  SecArmy phone call -- oh, gees.  He leaves to go downtown  
20     to the operations center to help coordinate, synchronize the operational level with other  
21     departments and agencies and law enforcement agencies.

22          Q     And what's your understanding about what's happening between -- this  
23     might be a different -- I think it's also on here.  The 4:30 -- 4:32, you provided verbal  
24     authorization to re-mission the D.C. National Guard to conduct perimeter and clearance  
25     operations.

1           Do you see that on the DOD timeline?

2           A     Yeah.

3           Q     1632. So let's just -- explain to me what's going on between the  
4     3 p.m. -- what you have visibility in to from the 3:04 to 4:32 time period?

5           A     And I just want to be clear: At 4:32, I did not -- there was not -- it was not  
6     necessary nor did I decree or require approval of the employment of the District of  
7     Columbia National Guard at the Capitol. That occurred at 3 p.m. There is some  
8     confusion reported -- 3 or 3:04. The order goes out at 3:04. There is some confusion, I  
9     understand, based on -- some people thought that they could not go to the Capitol  
10    without me approving that. That's not accurate.

11          At 3:04, the District of Columbia National Guard had all the authorizations they  
12    needed to conduct operations in support of law enforcement at the Capitol. So what's  
13    happening, what I'm assuming is happening, because I'm not involved on the street, but  
14    just based on previous experience, you're bringing your people back off the traffic control  
15    points, they're moving across town, they're going to a rally point, an assembly point,  
16    either at the armory or some other place designated by General Walker and staff.

17          They're getting briefed on what they're going to do. They're establishing link-up  
18    procedures. They're probably doing a bit of training because they know they're going to  
19    go into a potentially violent situation. Very rudimentary. So that's what -- and leaders  
20    are planning and talking to their people and coordinating across units. So that's what, in  
21    my mind, is happening. I don't know. You could talk to other people. I don't know  
22    what actually happened.

23          Q     But I just want to make -- make sure I'm understanding what you're saying.  
24    You're saying you're 3:04 order for the mobilization, you did not need -- so you didn't  
25    need to order anything else at that point?

1           A     That is exactly -- exactly what I'm saying. At 3:04, Walker and McCarthy  
2 had all the approvals they needed and authorities they needed to do operations to  
3 support law enforcement. And that's -- so, at that point, I'm, like, okay, we're  
4 moving -- and I want to be clear: At this point, I'm now thinking about the next thing,  
5 right?

6                 Now it's become what we call a current operation where McCarthy's got it,  
7 Walker's got it, the whole chain of command's got it; they're working it. And now I'm  
8 trying to project myself forward. I'm also talking to Senators and Congress people, but  
9 what I'm now doing is, I'm thinking about, okay. We now have to go ready for  
10 inauguration.

11                 So I've transported myself forward in time mentally, and we're now talking about,  
12 okay, we need to get some more National Guard in here, get General Hokanson from the  
13 National Guard. I think he was probably around at that point.

14                 So we're -- that's where we're going now. Between 3, I've now turned this over  
15 to McCarthy. I'm responsible for everything. I want to be completely clear about that,  
16 but at this point, based on the way the Army works, is, I've now pushed this over as a  
17 current operation; McCarthy and Walker are running that; and I'm now looking at future  
18 operations and plans and handling and making sure we're postured supporting law  
19 enforcement to get Congress back in there as soon as possible to ratify the election.

20                 Q     I believe -- and I'm trying to find it -- in the IG report, it states -- the IG report  
21 would be exhibit 31, page 59. And I'm sorry to be detailed about this, but I think it's  
22 important to clarify.

23                 Do you have that, Preston, page 59?

24                 Mr. Burton. I do. I do. Thank you.

25                 BY [REDACTED]

1           Q     So the third paragraph there, it says: Mr. McCarthy arrived at MPD HQ at  
2 approximately 4:05 p.m.

3                 Now, if you drop down, it says: Mr. McCarthy then telephonically briefed Mr.  
4 Miller and General Milley on the draft plan. Mr. Miller concurred with the plan and  
5 authorized the deployment of the D.C. National Guard to the Capitol.

6                 And I just want to understand what you're saying.

7           A     What I'm saying is that it appears that McCarthy interpreted the guidance  
8 and the order at 3:04 differently than I relayed it, which I think is completely acceptable  
9 based on the chaos that's going on and not to be pedantic, but I will. You know, we  
10 talked about fog and friction, Clausewitz, the genius. So I suspect that there's -- I did not  
11 communicate effectively or he did not receive guidance correctly, and he thought that he  
12 needed my approval to further -- to execute the mission to go to the Capitol to reinforce  
13 and support law enforcement.

14                 That's the only thing I can come up with. I don't know. I just -- it's one of those  
15 things that I was hoping you guys would figure out, but I don't know why that occurred.

16           Q     So, in your mind, you did not -- you wouldn't agree that he needed your  
17 concurrence with the plan and that you did not need to authorize the deployment? In  
18 your mind, at 3:04, that deployment authorization had already occurred?

19           A     That's exactly -- you described it exactly the way I was -- that was what I  
20 intended and was my expectation. And somehow a miscommunication or based on  
21 culture upbringing, he might've had a different view based on his experience, and he felt  
22 he needed to come back to the boss again, which he did not need to do.

23           Q     So -- but also, as has been reported in the press, that this deployment order  
24 at 4:32, General Walker said that he did not receive it at 4:32 and, in fact, he received it at  
25 5:08 from General McConville.

1           Can you -- do you have any insight into how that discrepancy occurred?

2           A     I have no insight. I'm trying to figure it out myself because I don't know  
3     what happened.

4           Mr. Burton. [REDACTED] I would just note that the timeline provided in the  
5     inspector general report sent -- the DOD inspector general report says at 4:35 that  
6     General Walker was informed, which is --

7           [REDACTED] Yeah. Correct. The D.C. National Guard timeline has it at  
8     5:08. So that's part of the --

9           Mr. Burton. I understand. On page 45 of that, I just wanted to point that out.

10           BY [REDACTED]

11           Q     Okay. Understanding what you've identified as kind of the gap in  
12     communication here, what could have been done better in terms of the -- that time  
13     period between 3 to 5:22?

14           A     There's a lot going on. It's easy to Monday morning quarterback and, you  
15     know, try to go back in time. So much is going on, and ultimately in the military, we  
16     have a culture and an expectation of passing guidance to your subordinates, and then  
17     they execute, and they also understand what's going on on the ground and know how to  
18     modify guidance.

19           So, at that point, you know -- we don't have time. I was going to give a historical  
20     analogy, but this is kind of like D-Day. People that are on the ground in Europe and that,  
21     of course, that's existential and really something -- you know, doggone, Marshall and  
22     Stimson, the Secretary of the War back in the Pentagon are not getting involved on  
23     what's going on in terms of changes of plans.

24           They regard -- they rely on their two-star generals and below to be doing that.  
25     So -- but, however, I want to note, you know, the difficulty and complexity of military

1 operations. And I just want to highlight, you know, I have a moral, ethical, professional  
2 responsibility to the loved ones of those that we're going to put in harm's way, and it's  
3 completely appropriate for them to take a little bit of time to make sure the planning's  
4 good and they know what's going on.

5 So that's why I -- listen, there's nothing better -- I would like nothing better in the  
6 world than to be the hero of this horrendous experience and to have the military come in  
7 like the cavalry and save the day, but I'm sorry. It's just not -- it's not a movie. It's not  
8 a Netflix series. It's not how the military works, and to have to move across a dense  
9 urban environment, re-mission, re-equip, and get up to speed, this happened remarkably  
10 fast in terms of how the military works to re-mission and get a force out there.

11 So I don't know -- there's a lot of confusion within the Army. You see it. I see  
12 it. I don't know. Here's what I know: At 3 o'clock, at -- I get briefed at 3:04, order I  
13 give is to mobilize the entire National Guard and get forces to the Capitol as soon as  
14 possible.

1

2 [2:05 p.m.]

3

BY [REDACTED]

4 Q During this time also -- and I'm not going to go through all of them -- you  
5 obviously had calls with Members of Congress expressing the urgency of the arrival of the  
6 D.C. National Guard. Did you -- did that prompt you to check in with Secretary  
7 McCarthy as far as what was happening?

8 A So the way I was raised, based on I don't know how many years in combat, is  
9 when you're in a situation of high stress, you trust your people to do it. And the worst  
10 thing you can do is have the boss breathing down your neck every 15, 20 minutes. And I  
11 thought I had good communications with McCarthy. We were checking in every about  
12 30, 45 minutes, it looks like. So, no, because I knew how the Army works, that they  
13 were moving. They were doing what they're supposed to do.

14 Now, the Walker stuff, clearly there was a communications problem somewhere  
15 in there. I'd like to highlight I'm sitting by a phone that I can talk -- when I was in that  
16 office, I could talk to anybody anywhere in the world with a click of the button, and that's  
17 why it's really important that we talk about this -- we talk about those two memos.

18 If he felt that he was in a jam and he wasn't getting the support he needed, or  
19 better yet, if he didn't have the communications ability, because that happens all the time  
20 that your cell phone coverage doesn't work, you know, there's plenty of opportunity he  
21 could have bypassed McCarthy and come straight into the Pentagon, and I would have  
22 been happy to give him additional guidance.

23 So I'm not making excuses or anything. I'm really coming back to the  
24 fundamental nature of just the chaos of that day and these situations where you do the  
25 best you can, and communications breaks down right when you need it. And at the end

1 of the day, the D.C. National Guard got out there as soon as they could. I was really,  
2 really impressed with how they got out there.

3 Yes, it would have been great if the QR -- I don't know what the QRF would have  
4 done if they rolled in earlier. I mean, there are 45 of them. I don't know how that was  
5 going to work, but that's what the mayor wanted, so that's what we provided.

6 Q And it sounds like from your military training, you gave the order, you --

7 A Ma'am, ma'am, it's not just training. I've been in combat for, I forgot,  
8 24 months, so -- but we could talk training too. Happy to. Sorry. I got a little  
9 emotional there. I apologize.

10 Q Sorry. I didn't mean in any way to be disrespectful when I said that. But  
11 just to translate this to civilians, it sounds like from your 3 o'clock, 3:04 order, you trusted  
12 those who were beneath you, General -- Secretary McCarthy and General Walker, to  
13 devise the plan and execute the plan, and you had no pause or concern about the timing  
14 that it -- the time that it took. Is that fair to say?

15 A Yes, ma'am. I apologize again. I'm sorry. I got a little emotional.

16 Q No problem.

17 A Yeah. You're right. Yes. That's exactly it.

18 Q So the response to General Walker when he says, I would have immediately  
19 deployed -- immediately pulled all the guardsmen that were supporting the Metropolitan  
20 Police Department to go to the Capitol, what -- what's your response to that?

21 A I'd really love to learn more about that, what his decisionmaking was. I  
22 said earlier, and I mean this sincerely, you have to trust your people on the ground. It's  
23 really easy to, you know, second-guess and -- you know, Monday morning quarterback.  
24 I don't know what he was experiencing. We never -- he never shared that with me.  
25 I haven't spoken about that with him. So I'm going to support his decision on the

1 ground and, you know, we paid a lot of money and spent a lot of time to prepare him for  
2 that day. And, you know, at the end of the day, I'm very confident he felt he did the  
3 best he could.

4 Q And do you have any visibility into what occurred between 3 to 5 with kind  
5 of the planning that was occurring and what was conveyed to the D.C. National Guard?  
6 Was there any --

7 A No, I -- no, I don't.

8 Q And just one more thing just to put the General Walker -- I guess, how do  
9 you reconcile when you say -- again, not putting words in your mouth -- when you say you  
10 defer to the folks on the ground for painting the picture? Is General Walker -- when  
11 General Walker states, and he said this at a hearing back in March: We already had  
12 guardsmen on buses ready to move to the Capitol. Consequently, at 5:20 p.m., the  
13 District of Columbia National Guard arrived at the Capitol. We helped to reestablish the  
14 perimeter.

15 So in his view, as he states, those 105 member -- 155 members were ready hours  
16 earlier, and their assistance could have made a difference in pushing back the crowd.

17 A Why didn't he launch them? I'd love to know. That's a question I was  
18 hoping you'd find out. I've launched QRF without approval more than once, so I don't  
19 know. Beats me.

20 Q I think his response would be that he was waiting for the order from either  
21 Secretary McCarthy or yourself.

22 A A two star general. One of the most senior military Army leaders, and  
23 that's why I would -- I don't know what happened.

24 Q So just so I'm clear, that that would be between Secretary McCarthy and  
25 General Walker in terms of why General Walker didn't move them?

1           A     No. It's between General Walker and General Walker. If you're the  
2 person on the ground in the Army, and you realize that there's something that is  
3 unpredictable or unexpected and you have the ability to influence it, the culture, the  
4 training, the education, the expectation of you, the American people, is that you will  
5 execute and do what you can, even if it costs you your job. That's not what this is about.  
6 This is about, you know, doing what we have trained and educated and put -- experienced  
7 you to do.

8           Q     But, Mr. Miller, General Walker's response to that would be that Secretary  
9 McCarthy was telling him he couldn't go until he was provided an order to deploy.

10          A     I am biased and follow -- and just based on my experiences of being in those  
11 situations, I don't know why he made the decision he did. General Walker made that  
12 decision and didn't launch the QRF, but I don't know. Maybe he has a really good idea.  
13 We never discussed it. I haven't seen anything more than what I've seen in the press.

14                 [REDACTED] Does anybody have any questions on this?

15                 BY [REDACTED]

16          Q     Okay. Going back to the day of and after the 3 o'clock order, there's also  
17 some statements that were released by President Trump. In particular, there was a 3:13  
18 tweet by the President: I'm asking for everyone at the U.S. Capitol to remain peaceful,  
19 no violence. Remember, we are the party of law and order. Respect the law of our  
20 great men and women in blue.

21                 Did you become aware of this tweet during -- on January 6th?

22          A     I -- I'm sure it came up on the ticker or on the screen, but I wasn't -- you  
23 know, I wasn't really paying that close attention to them. Yeah, I was aware eventually  
24 that he sent something out.

25          Q     And there was also a video released by him at 4:17, about an hour later.

1 Did you -- was there any attempt by you to contact anyone at the White House to get the  
2 former President to issue a statement to order folks to leave the Capitol?

3 A I was -- I did not, no.

4 Q And did you have any communication with any -- with the President that  
5 day?

6 A I did not have any communication with the President that day. I know we  
7 had some calls to the White House, so that was kind of my vehicle for -- or they were on  
8 our -- on some calls, so I felt like I knew what was going on.

9 Q Apart from the interagency calls that are in the outline later that day around  
10 6 or 7, did you have any direct contact with Mark Meadows?

11 A No.

12 Q No?

13 A No.

14 Q Were you aware of Mr. Patel's conversations with Mr. Meadows that day?

15 A No, I was not.

16 Q Did he convey anything to you as far as what the White House was  
17 communicating?

18 A No, he did not.

19 Q Publicly, Mr. Patel has stated that he was -- they were -- we, he said we -- I  
20 don't know who the we is -- were on the phone with Meadows all day.

21 Would you be included in that?

22 A I was not. No, I was not.

23 Q Did you speak to the Vice President that day?

24 A Yes, and it's in the timeline. I can't remember if he called or I -- he called  
25 me.

1           Q     Can you describe that conversation?

2           A     Very brief. I -- as I've stated in the previous testimony, I was surprised -- I  
3     didn't know he was still at the Capitol. I was surprised, and I thought it was maybe  
4     unprofessional. I said, you're still there. He goes, yeah, I'm here. And it was  
5     extremely short.

6                 And I just highlighted -- he said we -- you know, you've got to resolve this in terms  
7     of, you know, clearing the Capitol. And I just highlighted that District of Columbia  
8     National Guard, the National Guard was activated, and we were throwing every asset we  
9     could marshal to support law enforcement. It was -- I don't even remember. The call  
10    was so short.

11           Q     What would you describe the tone of the call?

12           A     Hyper professional. Very focused.

13           Q     Was it your sense that he was asking you for an update on the D.C. National  
14    Guard or directing you to get the National Guard there?

15           A     Well, he's not in the chain of command, so he did not order me. I did see  
16    something in the press about that. That did not happen. It was more an update about  
17    what was happening in regards to DOD. So, no, there was -- I didn't interpret for a  
18    moment -- he didn't say or direct or order anything, because I -- he's not authorize -- or  
19    he's -- that's beyond his authority, and he didn't do that.

20           Q     Did he express any concerns about his safety?

21           A     No. That's what I was more concerned with, and he said, I'm fine.

22           Q     I'm sorry, I might just ask. That was a direct call between you and the Vice  
23    President. It wasn't an interagency call. Is that right?

24           A     It was a direct call between the two of us.

25                 [REDACTED] Before I move off of January 6th, does anybody have any

1       questions?

2           Ms. Cheney. Some. Yeah, I have a question.

3           So, Mr. Miller, did you try to reach President Trump that day?

4           Mr. Miller. No, I did not.

5           Ms. Cheney. And why not?

6           Mr. Miller. I had all the authorities I needed to perform my duties and  
7 responsibilities that day and didn't need any further guidance from the President.

8           Ms. Cheney. And when you say you spoke to people at the White House, who  
9 were you talking to at the White House?

10          Mr. Miller. I don't know who was on the calls. They were interagency  
11 synchronization calls, ma'am. I know Ambassador O'Brien was on there. I want to say  
12 I think Pat Cipollone, whatever, the President's attorney might have been -- was on there.  
13 I don't know more than that.

14          But what's I meant by having -- you know, having someone from the White House,  
15 knowing what they were thinking and what was going on there.

16          Ms. Cheney. And so in terms of the authorities that day to call out the Guard,  
17 where did those authorities for you come from?

18          Mr. Miller. Those authorities resided with me, and once Speaker Pelosi and  
19 McConnell and the rest of the crew at that call, I'd already done it, but we had a request  
20 by that point in from Mayor Bowser, who had the legal authority to request it. But then,  
21 of course, the follow-up call where it was quite clear that the political leadership desired  
22 DOD support. So I felt at that point I had all the authorities I needed and was  
23 sufficiently, you know, in accordance with how we do things.

24          Ms. Cheney. Thank you.

25          [REDACTED] Any other questions on January 6th? I just want to --

1 BY [REDACTED]

2 Q Did -- after that time, after that day, did you have any meetings with  
3 President Trump?

4 A I did. We looked at that yesterday. I think it was a week -- a week later or  
5 so. I believe that was -- yeah. It had to do with a force structure issue about the Space  
6 Force. But, yeah, I was -- my next communication was about a week later.

7 Q Was there any discussion about January 6th?

8 A No.

9 Q And how would you describe his demeanor?

10 A It was typical. And I don't want to misspeak, but I think it had to do with a  
11 basing decision for Space Command, but I might be off on that. But the  
12 meeting -- he -- his demeanor was the same as I had come to expect.

13 Q Did you have any -- it's been reported that the President was in a dark place  
14 or in a -- emotionally not in a good spot. Did you have any observations of that?

15 A I observed -- I did not observe that. I observed that he was of typical  
16 demeanor and just typical to what I had experienced prior.

17 Q Are you also aware of the press reporting about some of the calls that  
18 General Milley made to his counterpart in China?

19 A I specifically authorized that call, yes.

20 Q And what -- for what purpose?

21 A That was a quick stand-up meeting. He said, I'm going to call my  
22 counterparts, just give them -- you know, check in with them and tell them, you know,  
23 don't take advantage of this -- the situation that you see is not -- doesn't reflect, you  
24 know, what's really going on. The institutions are holding and will continue to hold.

25 So I -- that one, you know, there was that book. One of them said he called his

1 Chinese counterpart. I misspoke at one time. I completely authorized that call to  
2 his -- to talk about the things I just described.

3 Q Was it not -- was it any other country other than China that he reached out  
4 to that you authorized?

5 A It was -- I -- it was basically call down the list. I'm sure he probably called  
6 the Russians, Germans, Brits. I don't -- it was such a standard thing, you know. Hey,  
7 I'm calling my counterparts. I said, good idea. Absolutely.

8 Mr. Burton. And just to be clear [REDACTED] you're talking about a call after  
9 January 6th. There would have been two such calls reported in the book. It refers to  
10 two such calls. The one you're talking about is the one the next day.

11 Mr. Miller. Right.

12 BY [REDACTED]

13 Q Right. I think what press here said -- there was a scheduled call, but then  
14 there was an outreach made the next day, January 7th.

15 A Yeah.

16 Q Did you see any -- go ahead.

17 Mr. Burton. [REDACTED], I think the book reports a call back in November or even  
18 prior to that, and that's not one that he has any -- well, I'll let him answer the questions,  
19 but that's not the call we're talking about.

20 Mr. Miller. Right.

21 BY [REDACTED]

22 Q Did you see anything inappropriate about reaching out to the list of  
23 countries that you say?

24 A Yeah. I felt it was pretty much in our job jar and something we needed to  
25 do.

1           Q     Why did you need to do it?

2           A     Just to make sure that they didn't take advantage of this perception that  
3     the -- that civil war was breaking out in the United States and that the national security  
4     structure in the United States was irrevocably damaged. So I thought it was absolutely  
5     prudent and appropriate to reach out, just go, hey, don't -- our force is still here. We're  
6     so -- it's solid. The Constitution still exists.

7           Q     Did you see it any way as it's been described in the press as undermining the  
8     chain of command, the authorities, or dereliction of duty, whatever phrases have been  
9     used?

10          A     I attrib- -- those statements I thought had to do with the reported call Milley  
11         had with his Chinese counterpart when Esper was there about that he would warn the  
12         Chinese or something to that effect of a -- if the United States was going to attack the  
13         Chinese. If those reports are accurate, which General Milley has never confirmed or  
14         denied, he said he hadn't read the book, that's -- now, that's a different subject. But the  
15         calls that I authorized I felt were completely appropriate and necessary.

16          Q     And, again, during the same time period of post-January 6th, did you -- there  
17         have been reports that Cabinet members discussed invoking the 25th Amendment.  
18         Were you aware of any of those conversations?

19          A     No, I wasn't.

20          Q     Was there any mention to you by General Milley or anybody else about  
21         potentially invoking the 25th Amendment?

22          A     No one discussed it with me or -- even in passing or anything. I wasn't  
23         aware -- other than what the media reported. But, no, I -- none of my advisors and the  
24         people I worked with was -- did -- we didn't talk about it.

25          Q     In your House testimony, on the last page, you said that you -- you've been

1       asked by the media whether I believe the President was responsible for the events that  
2       occurred on January 6th. And you state: I stand by my prior observation that I  
3       personally believe his comments encouraged the protesters that day.

4                  What did you mean by your prior observa- -- observations?

5       A     I think that was in one of those articles or VICE or something, some -- I think  
6       it was that Vanity Fair thing, if I recall correctly, that I -- like you just noted, and I haven't  
7       changed my mind one bit.

8       Q     I believe you stated it was a cause and effect, meaning the words of  
9       President Trump affected the crowd, correct?

10      A     Yeah. We can go into some Socratic philosophical argument, but at the  
11     end of the day, the President's comments, as I understand them, to his supporters  
12     definitely added to the challenges.

13                  I also want to highlight, I got yelled at by somebody on the House when I said  
14       that -- you know, that I changed my opinion based on new information. But I -- if you  
15       recall, I noted during this House thing that it was quite clear after I saw more video that  
16       there were organized assault cells which, to me, indicated an organized -- some sort of  
17       organized conspiracy, which I got shouted at. I can't remember who shouted at me.

18                  It was -- I just wanted to highlight that I think every time we do this, I learn more,  
19       and every time I read another article or see something, so that -- I just wanted to  
20       highlight, and I appreciate what you guys are doing, trying to get to the bottom of this  
21       because it's really, really super important, but I just wanted to highlight what you're  
22       doing, and that is things change constantly.

23                  So -- but I still stand by my statement about President Trump, his -- I wouldn't call  
24       it incitement -- I'm not a lawyer -- but it definitely was not helpful that day. And it had  
25       an impact on, you know, a really horrible event at the Capitol, in the Capitol.

1           Ms. ████████ Ms. Cheney, do you have anything else?

2           Ms. Cheney. Yeah. I just wanted to ask, Mr. Miller, had you heard that day of  
3       the resignations of -- and I guess the next day, the resignations of some of your  
4       colleagues, Secretary DeVos and Secretary Chao and Mr. Pottinger, the Deputy National  
5       Security Advisor? Did you hear of those at the time?

6           Mr. Miller. Yes, ma'am. Of course, I heard of those. I think Pottinger had  
7       already planned to step down that day, so let's -- I don't think he did -- I think he -- that  
8       was a scheduled departure, not a resignation at that time. But, yeah, I was very aware.

9       Yep.

10          Ms. Cheney. Did you --

11          Mr. Miller. Pretty -- sunshine patriots, you know. It's easy to do this job when  
12       everything's chocolate and roses, but it's a different thing when -- these things. So I was  
13       a little bit bothered by their actions.

14          Ms. Cheney. And what do you mean by sunshine patriots?

15          Mr. Miller. When you -- when you're a civil servant, when you volunteer to serve  
16       this country, you serve in good times and bad, and we were at -- had 20 something days  
17       left, you know. There were enough challenges right there. He didn't need to be  
18       changing leadership in the middle of that.

19          Ms. Cheney. Did you, yourself, think of resigning?

20          Mr. Miller. Absolutely. Yes, ma'am.

21          Ms. Cheney. And can you tell us a little bit about why that is?

22          Mr. Miller. My father's a career civil servant. I'm a civil servant. Just -- like I  
23       said, sunshine patriots. You don't get to choose when you serve. You don't get to  
24       choose who you serve. When you're asked to serve this country, and you're a great  
25       example and other people on this call, you serve, and you do your job the best you can.

1       So that's why.

2           And, ma'am, you notice I didn't say because I was irreplaceable. Absolutely not.  
3       The Department of Defense would have continued on with dignity and honor. So I don't  
4       want to give that impression like, oh, if I left, who's going to keep the wheels on? No.  
5       The thing would have kept going. But I also knew that I had a responsibility to this  
6       country to just see it through the final, at that point, 2 weeks, and try to do what I could  
7       to make sure the inauguration went off appropriately.

8       Ms. Cheney. Thank you.

9           And then -- so when is the last time that you've spoken to President Trump?

10       Mr. Miller. Can't even remember. I think I had one call with him way -- like a  
11       month or so after leaving office, but haven't spoken with him since. It was a very short  
12       call, just, you know, hey, what are you doing, how are you? Fine, thanks. It was  
13       cursory.

14       Ms. Cheney. And so has President Trump or anybody at the White House,  
15       anybody who was there with you at the time, has anybody reached out to you about your  
16       testimony, either your previous testimony --

17       Mr. Miller. No.

18       Ms. Cheney. -- or you being here?

19       Mr. Miller. No. Just -- I know counsel talks to other people, but I haven't had  
20       any -- I haven't talked about -- other than, you are testifying? I'm like, someday, but, no,  
21       not anything more than just in passing.

22       Ms. Cheney. Have you talked to Johnny McEntee?

23       Mr. Miller. Yeah, I've talked to McEntee a couple times. Again, just like, hey,  
24       checking in. Basic, you know, network stuff is the way I interpreted it.

25       Ms. Cheney. Did you talk about the test -- your testimony in front of any of

1 these congressional committees?

2 Mr. Miller. No.

3 Ms. Cheney. Thank you.

4 BY [REDACTED]

5 Q Mr. Miller, we're wrapping up. I just want to get your response to some  
6 theories that are out there about DOD's response on January 6th. One of them was  
7 that, noting the timing of the -- President Trump's video at 4:17 and that this -- that the  
8 deployment authorization did not occur until after that video was made public, meaning  
9 the 4:17 to the 4:32 verbal order. Did that public statement, the video from President  
10 Trump, have any impact on DOD's authorization?

11 A None whatsoever.

12 Q Did you watch it at that time and when it was first issued?

13 A I can't recall.

14 Q Was there any -- ever a concern that by deploying the Department -- by  
15 deploying the D.C. National Guard from -- to the Capitol, that it would be -- that the  
16 President may prevent or delay DOD from protecting the Capitol? Was there every any  
17 concern?

18 A No. My -- no. I think I understand what you said. There was no plot or  
19 guidance not to deploy. The biggest concern, as I noted in my opening statement, was  
20 the concern that, if I would have put troops up on Capitol Hill without approval by the  
21 authorized folks on Capitol Hill from the legislative branch, that that would have been  
22 seen as extremely provocative, if not supporting this crazy narrative that the military was  
23 going to try to overturn the election. So that was more important.

24 But, certainly, when the decision was made that civilian law enforcement was no  
25 longer capable of handling the situation for whatever reasons you find out, no, there was

1 no -- that never, ever was even a thought.

2 Q I want to kind of wrap up here with an eye towards recommendations as far  
3 as how -- I think we spoke a little bit about how this all could have gone better, and what  
4 you see as the gaps and failures here from January 6th.

5 A I think at the end of the day, I mean, this is what -- this is why it's so  
6 important, what you guys are doing. But, at the end of the day, there was a failure of  
7 planning and execution by a lot of different elements. I'm going to highlight it and I'm  
8 going to reinforce it till the day I die that, in this democracy, the use of the Armed Forces,  
9 the Department of Defense, for civilian law enforcement, the best civilian law  
10 enforcement, is something that has to be taken with -- it is so important that it's done  
11 correctly and with great forethought, because this -- that's the institution that absolutely  
12 is the most powerful in the world, and only use the Department of Defense to support  
13 civilian law enforcement when the three categories are met that I already referred to as  
14 authorized valid request, all other civilian law enforcement is exhausted, or there's a  
15 complete civil breakdown.

16 And, you know, I said that to somebody, and they're like, yeah, well, what  
17 happened on the Capitol? I'm sorry this sounds so coldhearted, and the horror and  
18 trauma that day, I can't imagine the folks that were up there and having to experience  
19 that, like many on this call, but there was some sort of breakdown in response that -- and  
20 it was a very localized surge of violent protesters that -- and I'm just -- I'm intrigued by or  
21 concerned about how civilian law enforcement will respond to this.

22 And I just would like to highlight that it's a recipe for disaster to use and expand  
23 the authorities of the Armed Forces domestically. We know that. We have historical  
24 examples of Kent State of wide-scale violations of American civil liberties with us -- with  
25 them. I'm not -- not us anymore, with the Department of Defense doing domestic

1 intelligence gathering.

2 So, I think, you know, at the end of the day, somehow that should -- and I don't  
3 know -- I still don't understand how you all are organized up on the Hill for law  
4 enforcement. I still can't figure that out, who would have approved requesting a  
5 National Security Special Event. But we have the mechanisms in place in our  
6 government to, you know, do these things, and they weren't done that day. And you  
7 brought it up earlier.

8 So that's where I'm kind of -- where my head is in trying to figure those things out.  
9 And I just want to highlight, you know, the nature of our bureaucracy, it's we're not  
10 capable of pulling off, I mean, like some of these crazy conspiracies. So that's why I  
11 thank you for the time.

12 Do you have anybody on there that has military or police experience? Because I  
13 also am very concerned with the fact that only 6 percent of this Nation are veterans.  
14 We wouldn't have -- be having these discussions in the 1950s where 50, 60 percent of  
15 Americans were veterans or knew somebody. So that's what -- that's why I get very  
16 frustrated at times. And I'm glad I had the opportunity to share with you, and thank you  
17 for asking all these questions so we can have them on the record.

18 Ms. Cheney. I wanted to thank you for that, Secretary Miller. I think that these  
19 are really critically important issues. The, you know, importance of civilian control of  
20 the military, the importance of the division between law enforcement operations and the  
21 responsibilities and the role of the military, those are all critical.

22 There have been press reports out there that you may have seen that are not  
23 accurate that suggest that the committee is somehow not looking at the response that  
24 day. And as you now see, as one part of that effort, talking to you about what happened  
25 that day is really important.

1           I hope you'll also look at the indictment that came out yesterday, 11 individuals  
2 indicted for seditious conspiracy. And, you know, one of the things that struck me, and  
3 I -- you know, when you talk about the President's remarks at the Ellipse, those are  
4 certainly part of the story, but, you know, the Justice Department has been very  
5 thorough. And, clearly, if you look at the indictment, they've got access to encrypted  
6 communications between individuals where they're talking to each other saying -- you  
7 know, one of them said: Trump says it's going to be wild. It's going to be wild. He  
8 wants us to make it wild. He called us all to the Capitol and wants us to make it wild.  
9 So, gentlemen, we're heading to D.C. You know, pack your shit.

10           So I think it is -- you know, the response is a critically important part of this, but  
11 also, why was it that there were individuals, and now we see 11 of them indicted for  
12 seditious conspiracy, attempting to obstruct an official proceeding of Congress,  
13 attempting to use violence to overthrow an official proceeding, to overthrow the  
14 government of the United States.

15           So it's a much bigger, much larger set of issues, and appreciate very much your  
16 time with us here today.

17           [REDACTED] can I jump in just on a couple things at the end?

18           [REDACTED] Yeah, of course. It's all you.

19           [REDACTED]. Thank you.

20           BY [REDACTED]

21           Q     Secretary Miller, there's one specific proposal that's already been introduced  
22 in Congress, in part, based on the experience of January 6th, and that's giving the Mayor  
23 of D.C. the authority, much like a State Governor, to control the deployment of the  
24 National Guard.

25           As someone in the current chain of command there, I'm just curious if you have a

1 view about that possible change giving her or the person in that position essentially the  
2 gubernatorial power to call up the D.C. Guard.

3 A Being a private citizen, I'll tell you exactly what I think, and take it or leave.  
4 Heck, yeah. I mean -- and I'm not going to get into the whole statehood thing, because I  
5 know that's your world, the political side, but the mayor should absolutely have greater  
6 control over the D.C. National Guard. I do not know the history. And I'm sure there's  
7 all sorts of reasons that are constitutional, way beyond what I understand, so I'm just kind  
8 of popping off, but there's got to be a way to integrate her or the mayor into this process  
9 of work meaningfully and more proactively.

10 Q Yeah. D.C. is a unique animal, as you know, right. This isn't New York City  
11 where an event like this would have more of a clear, unified command. There's a  
12 patchwork of agencies that are responsible primarily for different parts of the city.

13 Do you have any thoughts prospectively about the improved coordination or  
14 processes in the National Capitol Region given that -- that multijurisdictional approach?

15 A It just doesn't seem that hard to me, but when we get involved with the  
16 politics of that thing -- and I highlighted earlier the jurisdiction of the streets versus the  
17 sidewalk versus inside the facade of the building, you have three different jurisdictions.  
18 And I guess that's probably why the National Security Special Event process is so helpful.

19 But there's -- I'll tell you. I don't understand all the background and all of the  
20 intricacies of it, but it certainly is something that should be addressed. And it seems to  
21 be but then you get into bureaucratic turf wars, your world, not mine, and -- but gosh  
22 darn. You sure hit the nail on the head. You've got all that confusion about who does  
23 what to whom. It gets really, really complicated, and that's at the best of circumstances,  
24 much less in the trauma and the chaos of something that happened -- like happened on  
25 January 6th.

1           Q     Yeah. You know, we're blessed with abundant law enforcement resources,  
2     but given the different agencies, coordination is so crucial, right. There's got to be  
3     unified command and planning and training and operational consistency, and that's hard  
4     to achieve when you've got lots of different agencies.

5           So I just want to stress that, you know, part of our focus on the select committee  
6     is reconstructing what happened, but a big part of it is the prospective recommendations,  
7     as [REDACTED] and the vice chair indicated. And didn't mean for this to be sort of an  
8     ongoing discussion. If there are other thoughts you have about that, through  
9     Mr. Burton, we'd be happy to consider that. You know, someone with your experience,  
10    military and in the Department of Defense, we'd appreciate that perspective.

11          A     Thank you, sir.

12          Q     Yeah. And thanks again for being here.

13          A     You're welcome.

14               BY [REDACTED]

15          Q     Mr. Miller, I just want to ask if you thought -- two things. One,  
16     whether -- you've mentioned a little bit about the intelligence going into it, whether you  
17     think a joint intelligence bulletin issued by the Bureau and DHS might have impacted the  
18     security planning?

19          A     You've already heard my cynicism about the intelligence products that we  
20     spent how much money on, and there's a reason that they're very conservative in their  
21     assessments. So, in theory, yes, that would have been great. But if it was just more  
22     pablum about, like, on this hand, but on this hand, I don't know. It's -- you know,  
23     ultimately -- but that's the nature and the culture and what we expect from our  
24     intelligence services, to be very careful about that. But that's something I hope you ask  
25     about recommendations. That's something that really I hope we can work through.

1           But, you know, you guys know as well as I do, the failure to -- I mean, the  
2 intelligence community hates open source intelligence. Oh, that's not real intelligence.  
3 You go on all day about that, but we also know now 70 to 80 percent of crypt key  
4 information is publicly available. And I think a lot of this information, I know, was  
5 available. And I don't know what the status of the intelligence community was that day  
6 in terms of monitoring that stuff.

7           So you asked for recommendations. That's something that I'm really passionate  
8 about too, is changing our culture behind, you know, how we do our assessments and our  
9 analysis.

10          Q     And you see the challenge of the domestic monitoring, obviously, versus  
11 tracking al-Qaida --

12          A     We don't -- FBI knows how to do it. And huge oversight challenges that  
13 you guys get to handle, you know. Like, that goes without saying, because the best laid  
14 plans always end up being perverted along the line. You know, they start with the best  
15 of intentions, but, you know, 20 years later, look at VICE and the other stuff. It just kind  
16 of gets morphed into something it wasn't designed for.

17          But I've got to tell you. I've got -- we've got great people out there in the  
18 intelligence community. The domestic piece was really radioactive, though. I know  
19 you guys are aware of that. Nobody wants to do that, because all you're going to do is  
20 get called up in front of y'all and get hammered for trying to do your job, but that -- you'll  
21 work through that, I know.

22          Q     Thank you for that confidence.

23          If there had been a request by the Capitol Police for the D.C. National Guard prior  
24 to January 6th, would that have impacted the response time?

25          A     Oh, absolutely, yes, in a positive way. Or if it was -- if the request was for

1        National Guard support on the Hill or in a nearby area, would have been happy to provide  
2        it. Never got asked.

3            Q     And it would have impacted in that they would have been prepositioned to  
4        respond or how?

5            A     Oh, yeah. I mean -- but, you know, you guys are dealing with -- you're  
6        working through that. But █ brought it up too, the joint training and synchronization.  
7        We can do all that. We've done it before. But, yes, if -- you know, obviously, I wish  
8        that would have happened so we could -- wouldn't be having this conversation right now,  
9        that that would have been requested, and we would have provided -- the Department of  
10      Defense, I would have provided that thing without hesitation.

11           Q     I don't have anything --

12           A     But again -- but again, remember, if I would have done that beforehand, I  
13        would have created a constitutional crisis if I would have put troops up on the Hill or even  
14        around it beforehand. So I just want to make -- I'm not trying to be politically, you  
15        know, motivated here, but that would have -- I would not -- I would have needed serious,  
16        serious support from political leadership to do that. And so --

17           Q     You mean without an invitation from Capitol Police, without a request from  
18        Capitol Police?

19           A     Well, Capitol Police, I would have -- if I got a request from Capitol Police, I  
20        would have assumed that the police commissioner or the board or whatever approved  
21        it --

22           Q     The board.

23           A     -- so that it would have been a valid request, yeah.

24           Q     Right. But you're saying on your own, if you had done that without a  
25        request, it could have potentially created a constitutional crisis?

1           A     I think -- that's -- maybe I'm hyperbolic and hyperventilating, but I think it  
2 would have been -- it would not -- it would have been not helpful at all for what -- where  
3 we were in the country that day, that or the day prior.

4           Q     Right. I just wanted to draw that distinction.

5           I don't have anything else.

6                [REDACTED] Ms. Cheney?

7           Ms. Cheney. [REDACTED] I just wanted to ask one other question.

8           Mr. Miller, we talked a little bit earlier, and you mentioned that you have not been  
9 speaking with President Trump but that your counsel has been talking to other lawyers.  
10          Do you know if your counsel's been speaking to the lawyers for the President?

11         Mr. Burton. I'm happy to tell you that a lawyer for President Trump contacted  
12 me -- let's see, prior to Secretary Miller's testimony as a result, I think, of the White House  
13 Counsel's Office -- his testimony last spring, the White House Counsel's Office, I think as a  
14 courtesy, communicated with a lawyer somehow affiliated with the prior administration  
15 as to whether they wanted to interpose some executive privilege objection. I provided  
16 to that lawyer an overview of the two conversations, the January 3rd and the January 5th  
17 conversations, so if they wanted to raise some issue. I -- they did not.

18          And then in connection with a lawsuit that is currently pending in the D.C. District  
19 Court, a lawyer who identified himself as a lawyer for President Trump, called me not  
20 about Mr. Miller's testimony, but as -- called me about different requests regarding  
21 Mr. Miller in connection with that lawsuit.

22          So those are two contacts I've had from lawyers who say they represent President  
23 Trump in some capacity.

24         Ms. Cheney. Thank you.

25         [REDACTED] Is that it for anybody else? [REDACTED]?

1                   [REDACTED] Unless, Secretary Miller, there's anything else we haven't asked you  
2       that you want to make sure we know before we stop.

3                  Mr. Miller. I want -- it's Friday. I want you all to have a little bit of a weekend.  
4       I could go on for the next 3 days, but I won't do that for you, and thanks again for  
5       doing the job.

6                  Good luck with everything. And, doggone, we need a good, clean investigation,  
7       and, you know, recommendations. So if I can help in the future, please let me know.  
8       Thank you.

9                   [REDACTED] Thank you so much. I appreciate your time.

10                 [REDACTED] Yeah. Thank you.

11                 [REDACTED] Thank you. We're off the record.

12                 [Whereupon, at 2:51 p.m., the interview was concluded.]

1 Certificate of Deponent/Interviewee

2

3

4

4 I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the  
5 answers made by me to the questions therein recorded.

6

7

8

9

10 Witness Name

11

12

13

14

15

Witness Name

Date