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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.

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11 INTERVIEW OF: PAUL IRVING

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15 Friday, March 4, 2022

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17 Washington, D.C.

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20 The interview in the above matter was held via Webex, commencing at 3:02 p.m.

21 Present: Representatives Aguilar and Cheney.

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2       Appearances:

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5       For the SELECT COMMITTEE TO INVESTIGATE

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

7

8       [REDACTED] STAFF ASSOCIATE

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19       For PAUL IRVING:

20

21       AARON ZEBLEY

22       ROB LEHMAN

23       WilmerHale

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25       Washington, D.C. 20006

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2 [REDACTED] This is a transcribed interview of Paul Irving conducted by the  
3 House Select Committee to Investigate the January 6th Attack on the United States  
4 Capitol, pursuant to House Resolution 503.

5 Mr. Irving, could you please state your full name and spell your last name for the  
6 record.

7 Mr. Irving. My name is Paul Irving. And the last name is spelled I-r-v-i-n-g.

8 [REDACTED] Thank you, sir. In the room today are myself, [REDACTED]  
9 who is senior investigative counsel, and [REDACTED] who is on professional staff of the  
10 select committee. I would also note that, on the Webex, we have The Honorable Liz  
11 Cheney also joining us as well.

12 Let me take a moment to see if there is anyone else from the committee.

13 Ms. Cheney. Hi, Paul. Nice to see you. Thank you very much for being here  
14 today.

15 Mr. Irving. Hi, Congresswoman. Good to see you as well.

16 [REDACTED] And we also have [REDACTED] and [REDACTED] from the select  
17 committee as well. And I would also note that, for Mr. Irving, we have -- I will let your  
18 counsel introduce themselves for the record. Gentlemen?

19 Mr. Zebley. Good afternoon, Aaron Zebley.

20 [REDACTED] And, Rob, would you like introduce yourself, sir? Great. Rob, I'm  
21 sorry; I didn't hear. We had another technical glitch when you were speaking. Could  
22 you put your name on the record again for me, sir?

23 Mr. Lehman. It's Rob Lehman, L-e-h-m-a-n, with WilmerHale.

24 [REDACTED] Thank you very much.

25 This will be a staff-led interview, and members, of course, may choose to ask

1       questions also.

2                 My name is [REDACTED], and I am an investigative counsel with the select  
3       committee. Before we begin, I would just like to describe a few basic grounds rules. I  
4       will lead today's interview, but my colleagues may also have questions.

5                 Mr. Irving, you are permitted to have your counsel present at this time. They are  
6       already here, and they put their names on the record. This is an official court reporter  
7       transcribing -- there is, excuse me, an official court reporter transcribing the record for  
8       this deposition. Please wait until each question is completed before you begin your  
9       response, and we will try and wait until your response is complete before we ask our next  
10      question. The stenographer cannot record nonverbal responses, such as shaking of  
11      heads or hands, so it's important that you answer each question with an audible, verbal  
12      response.

13                 We ask that you provide complete answers based on your best recollection. If  
14       the question is not clear, please ask for clarification. If you do not know the answer,  
15       please simply say so. I also want to remind you it's unlawful to deliberately provide  
16       false information to Congress. And at the end, you and your attorney will have an  
17       opportunity to review the transcript.

18                 Any questions from anyone on the ground rules before we get started? Okay.

19                 Well, Mr. Irving, I appreciate your time, sir. I know that we have you scheduled  
20       for 2 hours, and so I'm just going to drive straight to the heart of what we would like to  
21       talk about today. I'll give you sort of an idea of framework of the topic areas that I  
22       would like to discuss with you today.

23                 First, I sort of want to have a discussion about the role of the Capitol Police Board  
24       when you were there, and what role it plays in requesting the National Guard, from a  
25       general perspective, right? Just sort of generally speaking, how does that process work?

## 1 What does that process look like?

2 Then move into sort of how that process played out with respect to January 6th  
3 and the days leading up to January 6th. I'd then like to talk to you about any discussions  
4 that you may have had with other members of the Capitol Police Board or with the United  
5 States Capitol Police regarding potential use of the D.C. National Guard up to and prior  
6 to -- up to and prior to January 6th, as well as on January 6th; any communications that  
7 you may have had with the Speaker of the House or anyone on the Speaker's staff to  
8 include, for example, Jamie Fleet, about the potential use of D.C. National Guard; and  
9 then just go through sort of whether or not you -- I know you had an official House,  
10 excuse me, official congressional-issued device when you were here. You were using  
11 that to communicate with folks. Just sort of talk through if you had any other devices  
12 and if you can recall whether or not you used those devices and who you may have talked  
13 to with respect to the issues we've already talked about.

14 So that's sort of the outline for where we're going to go today. Any questions  
15 about that from you or Aaron or Rob?

16 Mr. Irving. No?

## EXAMINATION

18 BY [REDACTED]

19 Q If you could, for the record, just give us your sort of brief professional  
20 background that leads you up to your formal position here with Congress.

21 A I was in law enforcement for 40 years off and on until I resigned in January of  
22 2021. I started my career in 1980 clerking for the FBI. In 1983, I joined the Secret  
23 Service as a special agent, retired after 25 years, was in private consulting, and then came  
24 up to the Hill and was sworn in in January of 2012 as the House Sergeant at Arms.

25 Q Thank you, sir. And can you just give me sort of a brief thumbnail

1 description of your duties and responsibilities as the House Sergeant at Arms?

2 A The House Sergeant at Arms is noted as the chief security and protocol  
3 officer of the House, so responsible for enforcing protocol measures on the House side of  
4 the Capitol and also implementing security measures on the House side of the Capitol.

5 Q And how does that position coordinate with, collaborate with, or work in  
6 conjunction with the Senate Sergeant at Arms and the United States Capitol Police from  
7 the perspective of overall security for the Capitol complex?

8 A For overall security of the Capitol complex, we would always try to have a  
9 coordinated approach. So coordination with the Senate was important. And the main  
10 point of contact was the Senate Sergeant at Arms. And the Architect of the Capitol was  
11 an important member of the board as well because many of the security measures  
12 involved physical security around the campus, and that was in the Architect's domain.  
13 And then we coordinated very closely with the chief of the Capitol Police.

14 Q Thank you, sir. You mentioned the Capitol Police Board, can you describe  
15 for us sort of what is the Capitol Police Board, who are its members, and sort of what are  
16 its primary functions?

17 A The Capitol Police Board is composed of the Sergeant at Arms of the House,  
18 the Sergeant at Arms of the Senate, the Architect of the Capitol, and the chief of the  
19 Capitol Police. And the purpose of the board is to have a coordinated effort in terms of  
20 implementing security for the Capitol Grounds.

21 Q And how often -- well, let me ask it this way, would the board meet regularly  
22 to discuss these issues? Did it meet in response to upcoming events? So how was that  
23 coordination carried out?

24 A The board would typically meet once per month, formally. And, in  
25 between that, we would have numerous conversations, mostly about issues related to

1 security not involving the board. I would have a conversation with the chief regarding  
2 House security measures or the Senate Sergeant at Arms would have discussions  
3 regarding Senate security matters. But, unless it was something that involved the entire  
4 campus, it was rarely a board issue.

5 Q Thank you, sir. And did the Capitol Police Board have any decisionmaking  
6 authority? And, if so, how was that exercised, and when was it exercised, generally  
7 speaking?

8 A The decisionmaking authority was exercised during Capitol Police Board  
9 meetings. And, if there was a decision needed outside of the meetings, the chief or any  
10 member could call for the board to convene or have a memo sent to all board members.

11 Q Thank you, sir. And, if everyone on the board -- so the Senate Sergeant at  
12 Arms, the House Sergeant at Arms, Architect of the Capitol, and the chief of the U.S.  
13 Capitol Police -- all have the ability to vote? Or did only some people have the ability to  
14 vote and not others?

15 A We all voted. The chief is noted as an ex officio member, and I don't have  
16 the -- all of the historical background on that, but he obviously would not vote on matters  
17 involving his personnel. But all four of us would certainly vote.

18 Q Thank you, sir.

19 So, moving to the use of the D.C. National Guard, in general, what role would the  
20 Capitol Police Board play in -- in the request or use of the D.C. National Guard to  
21 supplement security at the Capitol complex and/or for the U.S. Capitol Police?

22 A Any request for an outside entity assistance that involved the entire Capitol  
23 complex, as I referenced earlier, would be a Capitol Police Board -- typically it was, in my  
24 experience, a Capitol Police Board function.

25 Q And so, if something -- if there was any discussion about the need or the use

1       of the D.C. National Guard, is that something that would have been subject to the Capitol  
2       Board's approval before it could be exercised? Is that how that worked?

3           A     Yes, it would be a Capitol Police Board decision.

4           Q     And in the course of that decisionmaking process, sir, did -- was there any  
5       other coordination either vertically or horizontally with other organizations or offices in  
6       Congress that needed to be had before the Capitol Police Board could make a final  
7       decision on whether it's used? Did we need permission from the Speaker's House?  
8       Did we need to coordinate with other entities in the House and the Senate? I'm just  
9       trying to get a sense of what other players might have been involved in that kind of  
10      decisionmaking?

11          A     Decisions were -- security decisions were left to the discretion of the board,  
12       but certainly if a security measure was going to involve a business process change to the  
13       institution, given time, we would certainly brief our appropriators and authorizers and  
14       the joint bipartisan leadership.

15          Q     Okay. Let's make a distinction, at least for me in my mind, between sort of  
16       strategic decisionmaking and tactical decisionmaking. From a strategic standpoint, it  
17       sounds like what you just referenced, would that fall into sort of an overall strategy  
18       where it might have a long-term impact versus tactical, which might be something that's  
19       more day-to-day or operational that you can respond to something that's occurring? I  
20       guess I'm trying to get a sense of if you all also -- if you all made that distinction in your  
21       own minds, and if you did, you know, did you also sort of coordinate on tactical decisions,  
22       with respect to security?

23          A     I don't know if I understand your question entirely. I would say that, from a  
24       tactical perspective, we would make decisions without the input from congressional  
25       leadership. If we were looking to implement something maybe in your words, on a

1 strategic level, a longer term security measure that would typically affect access to the  
2 Capitol, for example, and we had time, we would certainly brief the joint bipartisan  
3 leadership. Does that answer your question?

4 Q Yes, sir, it does. And I apologize if my question was unnecessarily  
5 convoluted or confusing.

6 So, with that as the background, let's talk about the days leading up to  
7 January 6th, in particular. And just sort of walk me through from when you first became  
8 aware of or were approached about the potential use or need for the D.C. National Guard  
9 in response to January 6th.

10 A Okay. First, I want to reference back to my testimony -- Senate testimony.  
11 So I hope you have that in your record because I am going to paraphrase that.

12 Q Yes, sir, I do. I do have a copy of that. Thank you so very much.

13 A So your question, again, is the beginning of the discussion relative to the  
14 National Guard. Is that your question?

15 Q Yeah, I basically just want you to sort of walk me through sort of, in a  
16 storytelling format, when you first became of the National Guard is a potential player in  
17 January 6th and so how that story unfolded.

18 A To the best of my recollection, it was a phone call from the chief on  
19 January 4th, and we would have numerous phone calls throughout the day on a host of  
20 security issues. But it was not uncommon for me to receive a phone call from the chief.

21 He called to inform me that he had been offered National Guardsmen for the 6th.  
22 And I asked him for some further detail. He indicated that the offer was for  
23 approximately 125 unarmed National Guard. They -- the National Guard had made the  
24 offer as well to the D.C. Police Department. And I believe the chief said they were going  
25 to provide National Guard to D.C., the D.C. police, which was not uncommon for large

1 events.

2 I recommended -- I asked the chief what his thought was. He said he just wanted  
3 to talk to me and get my thoughts. And I said: Well, let's talk to Mike Stenger. He's  
4 also got a lot of experience here.

5 So we either conferred in or called back Mike Stenger and had a conference  
6 call. And we asked the chief to elaborate a little bit further, which he did. He said he  
7 had received the offer. And we asked what -- how he would utilize the troops. We all  
8 talked about the intelligence leading up to the day, how the troops would fit into the  
9 security plan. And the chief said that they would be utilized in similar fashion to the  
10 assistance provided to the D.C. police, namely, staffing intersections, traffic control to  
11 free up officers, but then could be used for crowd control.

12 We noted, the chief noted, we all noted that, unlike D.C. Metropolitan Police  
13 Department, the Capitol Police doesn't staff many intersections. So I remember the  
14 chief indicating that it would not really relieve many officers. He spoke to having a full  
15 contingent that day, all hands on deck.

16 And my recollection of the conversation was that, as we discussed the intelligence  
17 in light of the operational plan, the consensus was that we didn't need them. And,  
18 before the phone call ended, the chief was thinking out loud asking how we should leave  
19 it, how he should respond. And Mike Stenger said: Why don't you just tell them to be  
20 on standby?

21 And that was kind of the end of the conversation.

22 Q Okay. Sir, can we dissect that point of the story first before we move  
23 further? I appreciate that.

24 So you started off saying that Chief Sund came to you all with an offer from the  
25 D.C. National Guard for like how -- and that they had made a similar offer to Metropolitan

1 Police Department. Is that something that typically happens, where D.C. will say, "Hey,  
2 we're here to help if you want advice," you know, us reaching out to them for help?

3 A I don't -- I can't answer that. I don't know that. I don't know how many  
4 times the chief of police would receive a call for assistance. We typically received  
5 assistance from the Guard and other outside entities for major events. So that was not  
6 uncommon. But I can't answer your question in terms of how routine it was for the  
7 chief to receive such calls.

8 Q I appreciate that, sir. You also mentioned that, in your discussion, when  
9 you -- you and Chief Sund had sort of preliminary discussions and said: Hey, let's get  
10 Mike on the phone; he's got a lot of experience here. We get Mike on the phone, and  
11 we have a conversation.

12 You referenced being -- you referenced some intelligence. What intelligence  
13 were you aware of or did you have or you were provided to help inform your  
14 decisionmaking at that time?

15 A We had had an intelligence assessment for the 6th, and we also received  
16 daily intelligence briefings from Capitol Police. So that was primarily our -- the  
17 intelligence that I'm referencing. Occasionally, we would get intelligence from outside  
18 entities as well, but we didn't have any other intelligence at this point.

19 Q And the intelligence assessment that you referenced, was that from the  
20 Capitol Police?

21 A Yes.

22 Q And do you recall, sir, when you first received that? Had you had that prior  
23 to your conversation with Chief Sund about this topic, or did it come up sort of during  
24 that conversation, to the best of your recollection?

25 A To the best of my recollection, I had received it, I believe, the evening before

1 via email and certainly reviewed it. I made a practice to review intelligence assessments  
2 certainly by the following morning. And I had reviewed it by the time the phone call had  
3 taken place.

4 Q Okay. And, going back one step, just for a moment, the offer for help, you  
5 say, came from the D.C. National Guard. Do you recall if Chief Sund said it came directly  
6 from the National Guard versus somewhere else in DOD? I am just curious if you know  
7 where the incoming came from.

8 A I do not recall if he told us where; only that an offer -- he had been made an  
9 offer similar to what the D.C. offer, with fewer troops but --

10 Q And you said that, at the end or conclusion of that call, it was decided  
11 that -- we would put them on standby because we didn't really have the same use or  
12 number of traffic control points that, say, as the District of Columbia does. So, to the  
13 extent that the offer was for that, that it might not be as useful to us? Do I have that  
14 basically right?

15 A It was a combination of operationally the chief didn't feel that they would  
16 add much to his plan, and the intelligence really didn't speak for anything that we felt  
17 would justify the need for them.

18 Q Understood, sir.

19 And, if I can just focus on that intelligence assessment for a minute. So my  
20 understanding is that part of that assessment, there was a paragraph that talked about  
21 the Capitol itself and Congress itself being the target of the attack. Do you recall seeing  
22 that when you had the opportunity to review the intelligence assessment?

23 A I do. And would you like me to elaborate?

24 Q Yes, sir, please.

25 A And that was the reason for the chief articulating his enhanced security plan

1       during the phone call that we had: namely, all hands on deck, 1,200 plus officers,  
2       additional CDU units, enhanced CERT, Containment Emergency Response -- he went  
3       through expanded perimeter. He went through a lot of the additional enhancements in  
4       case we were experiencing -- in case we would have experienced some enhanced issues.

5           Q     Understood, sir. So the chief offered that up, it sounds like, in response to  
6       that part of the intelligence assessment. So it laid out the extra steps that he and his  
7       department were going to be taking to address those issues?

8           A     Yes.

9           Q     And do you recall -- again, I know it's a long time, and so a basic best guess is  
10       good, but do you remember how long that joint conversation was between you, the chief,  
11       and Mr. Stenger?

12          A     I would -- to the best of my recollection, at this point, maybe between 5 and  
13       10 minutes.

14          Q     Okay. And then that's where we stopped the story. So let me ask you, so  
15       we leave it -- we left it where Stenger recommended to Chief Sund: Hey, tell the troops  
16       to be on standby.

17          And then that call ended. So what happened next in the story, if anything?

18          A     Nothing, to my recollection, until we moved to a series of briefings we had  
19       the following day with our Appropriations Committee and authorizing committee and a  
20       joint call with the major chiefs of the national capital region.

21          Q     Okay. So and remind me what date was that? You said it was the next  
22       day. Was that the 5th?

23          A     The 5th.

24          Q     And was that a regularly scheduled meeting, or was that meeting in  
25       response to preparations for the 6th? What was the purpose of that?

1           A     The purpose -- it was a noon meeting, and the purpose of the meeting  
2     actually was something we used to do routinely before a major event, but in this case, the  
3     inauguration. It was a pre-inauguration briefing. We typically used to get together,  
4     but with COVID, it was determined to be, you know, a teleconference, similar to what  
5     we're doing now, with all the major chiefs of the national capital region. And, even  
6     though it was an inauguration-related meeting, the 6th was discussed as well since it was  
7     only a day away.

8           Q     Copy that, sir. So you said the chiefs -- the local chiefs of police, so that  
9     would include like the D.C., Maryland, and Virginia?

10          A     I can't recollect everyone who was on the phone.

11          Q     Sure.

12          A     But it was the D.C. the chief of police of the District of Columbia, the  
13     Metropolitan Police Department, I believe the chief of the Park Police, the agent in charge  
14     of the Secret Service field office, the assistant director in charge of the FBI field office. I  
15     believe General Walker of the National Guard was on as well. So -- and there were  
16     some other entities. I believe D.C. Metro transit chief. So it was all of the major law  
17     enforcement components of the national capital region.

18          Q     Okay, sir. And you said that meeting was primarily about inauguration, but  
19     the 6th was also discussed because it was the next day. Can you walk us through sort of  
20     what the conversation about the 6th was about?

21          A     I cannot recall since it's been a while. I would just say that the 6th did  
22     come up. Everyone expressed, to my recollection, satisfaction with the plan. The chief  
23     briefed to his plan similar to the conversation we had the day before. He said that he  
24     was satisfied with his plan. No one else provided any additional intelligence, and  
25     everyone felt that they were ready for the 6th.

1           Q     Okay. So, subsequent to that meeting on the 5th with the joint chiefs of  
2 police, were there any other meetings or conversations with anyone that you were  
3 involved in involving preparations or a response for January 6th, prior to the 6th itself?

4           A     So let me make sure I understand your question. You're asking were there  
5 any other meetings on the 5th?

6           Q     Yes, sir.

7           A     Okay. There was a briefing on the 5th with the chair of our authorizing  
8 committee, the Committee on House Administration, Zoe Lofgren. And there was also a  
9 briefing later in the afternoon on the 5th with the chair of our -- the Leg Branch  
10 Appropriations Committee, Mr. Ryan. So there were two briefings that I  
11 attended -- also, video conference, again similar -- the chief, I believe, was at his office  
12 and all of us in our respective offices. And the chief briefed his plan to the -- to our  
13 committees of jurisdiction.

14          Q     Yes, sir. And those meetings were scheduled, or was that sort of part of  
15 the planning and coordination and information process of getting ready for the 6th,  
16 letting people know sort of what was going on?

17          A     It was not out of the ordinary for us to brief our committees of jurisdiction  
18 before major events. I cannot recall when these meetings were set, but it was -- they  
19 were not impromptu. They had been scheduled.

20          Q     Understood, sir. And, to the best of your recollection, while Chief Sund was  
21 briefing both Ms. Lofgren and Mr. Ryan's groups, did he convey the offer of the D.C.  
22 National Guard, that the D.C. National Guard had made an offer? And, if so, do you  
23 recall sort of what that discussion was about, if any?

24          A     My recollection is that he briefed to his security plan, primarily, the Capitol  
25 Police security plan, and did indicate that the National Guard was also available if we

1       needed them and standing by. And there was not much more detail than that, to the  
2       best of my recollection.

3           Q     Copy that, sir. So there was a chief of police meeting on the 5th. There  
4       was the Ms. Lofgren meeting and then Mr. Ryan meeting. Any other meetings on the  
5       5th that you can recall about January 6th?

6           A     There were no other briefings that I attended with the chief. I believe  
7       there were some other briefings to the committees of jurisdiction as well from the Capitol  
8       Police and, again, not out of the ordinary that they were briefed, but I was not privy to  
9       those.

10          Q     Copy that, sir. And let me back you up in time back to the 4th and ask the  
11       same question. So, after the meeting with you, the chief, and Mr. Stenger, where you  
12       all decided the National Guard would be put on standby, were there any other meetings  
13       or discussions with anyone about preparations for January 6th? All that occurred on  
14       January 4th. I know that's a lot of Januaries, but were there any discussions that you had  
15       with folks on the 4th about the 6th?

16          A     Let me make sure I understand your question. So did I have any  
17       conversations with anyone else on the 4th regarding preparations for the 6th?

18          Q     Yes, sir.

19          A     Not to my knowledge. Only those conversations with Chief Sund and  
20       Michael Stenger.

21          Q     Okay. I appreciate that. Now, going back forward in time to January 5th,  
22       again making a distinction sort of meetings in one bucket, and conversations and  
23       discussions in another bucket, on the 5th, we talked about three different meetings.  
24       Were you involved in any other discussions or conversations, to your recollection, with  
25       anyone on the 5th about preparations for the 6th?

1           A     I had conversations, to the best of my recollection, with my immediate staff  
2 because I had staff in my Sergeant at Arms' Office that worked liaison with the Capitol  
3 Police. We talked about the assessments. We had another assessment, I believe, on  
4 the 5th that indicated that the chance of civil disobedience was remote, nothing that  
5 raised any of our concerns. So but no -- other than those meetings I just referenced,  
6 and maybe some meetings with my immediate staff, none that I can recall.

7           Q     I appreciate that, sir. Again, I know it's a long time ago, do you recall if in  
8 any of those discussions that the topic of the National Guard offer came up, or if you sort  
9 of briefed folks about what Chief Sund had shared with you about that?

10          A     I do not recall speaking to anyone about that. It was, again, a rather  
11 routine call I would take call from the chief, periodically. We would speak for a few  
12 minutes on a host of security topics. It was just another one of those phone calls. So,  
13 no, I don't recall discussing it with anyone.

14          Q     Understood, sir.

15          Mr. Zebley. [REDACTED] excuse me, one second, I apologize for interrupting. Do you  
16 mind if I chime in? I have two questions that might go into the issues that I think you're  
17 interested in.

18          [REDACTED] Yes.

19          Mr. Zebley. My apologies.

20          Paul, in the January 5th meeting with the chiefs of police, did General Walker  
21 mention the availability of 125 National Guards troops? Do you recall?

22          Mr. Irving. I don't recall if he reiterated -- I don't recall if he reiterated the offer,  
23 but he did say that, for those that were looking to National Guard assistance, to give him  
24 time because it was a rather involved process to get approvals through the various levels  
25 at the Department of Defense.

1           Mr. Zebley. Thank you. Thanks, [REDACTED].

2           BY [REDACTED]

3           Q     I appreciate that Aaron. And that clarification was helpful.

4           So, Mr. Irving, let's now move forward in time to the 6th itself, and let's -- and  
5     we're still in this topic area of discussion of use of National Guard. But I sort of want to  
6     start the story with, how did your day begin on the 6th and then sort of walk us up  
7     through any discussion that you may have been involved in or meetings regarding use of  
8     the D.C. National Guard.

9           A     On the 6th, my day was started off busy with preparations for the House  
10    floor for the electoral college vote. I might have had some discussions with the Capitol  
11    Police. I think I had a discussion with one of the assistant chiefs in the morning, giving  
12    me an update on preparations outside, that all was going well with their security plan.  
13    We were monitoring things further down the Ellipse, which is where the rally, the main  
14    rally was going to take place. But most of my work at that point was in the House  
15    Chamber getting ready for the electoral college vote.

16           Q     Okay. And, during that day, sort of when, if at all, is the first time that  
17    someone approaches you with their discussion about the potential need for the National  
18    Guard on the 6th itself?

19           A     My recollection -- and, again, I'll point you to my prior testimony on this,  
20    which was a little closer in time --

21           Q     Yes, sir.

22           A     -- was a call by the chief when we broke for the first break from the electoral  
23    college vote. We went into Chamber into session a little after 1 p.m., and we broke a  
24    little bit before 1:30. And it was a call by the chief informing me that conditions were  
25    deteriorating outside and he might be making a request for the National Guard.

1           Q     Okay. Was that just a conversation between you and the chief, or was Mr.  
2     Stenger or the Architect of the Capitol also part of that conversation?

3           A     No, I was in -- I had just returned to my office or was returning to my office  
4     from the House floor, and that's when I received that call from the chief.

5           Q     Okay. And so what was the -- what was sort of the -- your understanding at  
6     the end of that call? So he says: Hey, I think I might need help. We might need the  
7     National Guard.

8           So, when you left that call, what was your understanding about what next steps  
9     might look like?

10          A     That he would continue to brief me. But the fact that he mentioned a  
11     potential need for the Guard, I remember going back up to the House -- when I say the  
12     "House floor," the House Chamber, the Speaker's lobby to let the -- I believe it was the  
13     Speaker's chief of staff know that the chief was giving her a heads-up that the chief might  
14     be making a request for the National Guard, and I would be monitoring the situation and  
15     keep the Speaker's Office advised.

16          Q     Copy that, sir. And you advising the Speaker's office, was that something  
17     you would normally do, or just something you did because of the uniqueness of that  
18     situation? I am just trying to get a sense of which one it might have been.

19          A     Any change in security posture, given the time, I would give them a  
20     heads-up.

21          Q     Copy that, sir. And what response, if any, did the chief -- I think you said it  
22     was the chief of staff?

23          A     I believe it was the chief of staff.

24          Q     Yes, sir. And do you recall what, if anything, the chief of staff said in  
25     response to the information you shared with them?

1           A    I believe she said she would let the Speaker know. And I said okay.

2           Q    Okay. And so you said that phone call was somewhere like 1:50-ish in the  
3   afternoon or something like that? Does that sound right?

4           A    Well, that call was shortly before 1:30.

5           Q    Oh, I'm sorry. Before 1:30.

6           A    And then -- but then between -- maybe I spoke to her in the 1:35 to 1:40  
7   timeframe. And then there was some further discussion with the chief, back-and-forth  
8   phone calls, trying to get an update. And, sometime thereafter, I went to Mike Stenger's  
9   office and also told the Speaker's chief of staff that I was heading that way to get further  
10   updates.

11          Q    Copy that, sir. Before you went over to Mr. Stenger's office, do you recall  
12   sort of how many telephone calls or conversations you had with the chief going back and  
13   forth for status updates, best recollection?

14          A    A few -- I know that the records are there. You can see the records.  
15   Because the only calls I received from the chief were on my House cell phone,  
16   House-issued cell phone. And you had asked earlier; I did not use any personal phones  
17   or any other phones other than my House-issued cell phone. There were a few, and you  
18   can look at the record. The chief sometimes would call -- there would be just -- there  
19   would be just open time. There would be no discussion because he was busy. Sort of  
20   an open line. But then I remember going to Mike Stenger's office and then getting, you  
21   know, further updates. And then another call relative to the Guard once I was in his  
22   office.

23          Q    Copy that, sir. And, after the chief called you the first time to sort of say,  
24   "Hey, we might need the National Guard," but prior to when you got to Mr. Stenger's  
25   office, did you have a sense about how the situation was sort of devolving outside? So

1 what was your sense of what was going on, I guess is another way of asking it, after you  
2 hung up with the chief the first time about what was going on around the Capitol?

3 A If you're referring to maybe the 2 o'clock timeframe, that 1:45 to 2 o'clock  
4 timeframe?

5 Q Yes, sir.

6 A Conditions were rough. The Capitol Police were -- my understanding was  
7 they were busy with the crowd outside. But even at that point, I had no indication that  
8 it was any other an aggressive crowd. But I didn't have any other additional information  
9 other than that.

10 Q Copy that, sir. And you said you eventually made your way to Mr. Stenger's  
11 office. Was that around the 2 o'clock-ish timeframe?

12 A Yes.

13 Q And did you and Mr. Stenger have any discussions prior to your following  
14 update from the chief? Or sort of what happened once you got to Mr. Stenger's office?

15 A My recollection, he was there with his -- with some of -- with his staff. I  
16 think some leadership staff was there. And we were basically waiting for an update.  
17 We could see from his window that we had a large crowd outside but couldn't see much  
18 below us to determine the status at the various doors or points of entry. But we were  
19 just waiting for a status. And the chief then called -- my recollection was he called after  
20 2 o'clock. He called and asked for mutual assistance from the various police  
21 departments, which we certainly said was fine with us. We had -- we didn't feel that he  
22 needed our approval for that. And then it was shortly after that that he then called  
23 again and asked for National Guard -- permission for National Guard assistance. And, of  
24 course, we said absolutely. And that was -- so that was the next discussion regarding  
25 the National Guard.

1           Q     Copy that, sir. And you mentioned that it was you, Mr. Stenger, and some  
2 leadership staff folks in Mr. Stenger's office. For that initial phone call from the chief,  
3 had the Architect of the Capitol, was he a part of that conversation at the time, or did he  
4 get looped in at any point while you were with Mr. Stenger, to the best of your  
5 knowledge?

6           A     No, the Architect was not involved. Again, this was not a Capitol Police  
7 Board issue. This was an implementation of, you know, security and involving security  
8 around the Capitol. So, no, he, to my recollection and knowledge, he was not involved  
9 in any of the discussions or there.

10          Q     Understood, sir. And you mentioned that that was one phone call. Then  
11 there was a subsequent phone call where the request for National Guard support came  
12 from the chief, to which you of course said yes. Do you recall how long it was after that  
13 first phone call that you got that second phone call?

14          A     I would say it was several minutes. Maybe within 5 minutes.

15          Q     Okay. So pretty close in time.

16          A     Uh-huh.

17          Q     And, based on what I understood in the beginning of our conversation when  
18 you were walking me through, which I appreciate the backup about how the Capitol  
19 Police Board works, it was you and Mr. Stenger in the room. Was there a need to reach  
20 out to the Architect in the Capitol and say, hey, we got a vote on National Guard with just  
21 the two of you by yourselves, enough to say pull the trigger and go do what you need to  
22 do?

23          A     Had we had time, I would say we would have certainly had him in the  
24 discussion. But the chief said time was of the essence. He said conditions were real  
25 bad outside, and we just said go ahead and do it. And it was not uncommon for -- well,

1       not uncommon to have numerous discussions on security issues with the chief  
2       throughout a given day. But certainly Capitol Police Board decisions would involve the  
3       entire board.

4           Q     Copy that, sir. And, after that second phone call, where you all give the  
5       green light to move forward implementing the National Guard, to your knowledge or  
6       recollection, were there any other discussions after that involving the use of National  
7       Guard, or was that sort of the end of that particular part of the scope?

8           A     It was maybe a half an hour later that we got word that the Capitol had been  
9       breached, and we went into emergency planning mode. So, at that point, it was just  
10      getting Members safe, and we shifted. There was National Guard discussion later on in  
11      the afternoon once we were in our secure location and we were in the phase of getting  
12      the Capitol secure again and getting resources to secure the Capitol. So then there was  
13      further -- there was then continued discussions later that afternoon about the Guard.

14          Q     Copy that, sir. And I am going to talk about that in a second, but let's put  
15      that to the side and focus on prior to when you went into emergency mode. You had  
16      mentioned earlier that there was some folks, some other folks in the room. And, also  
17      during our conversation, you had mentioned the fact that, when you got the initial  
18      request from Capitol Police, you gave the leadership, the Speaker's Office a heads-up.  
19      Did you give a similar heads-up once you all gave the approval for Sund to move forward  
20      implementing the National Guard? I guess I am just trying to get a sense of what  
21      information intelligence sharing there might have been with congressional leadership  
22      prior to when you went into sort of lockdown emergency mode?

23          A     There was very little discussion, if any, because the period of time was so  
24      short from the time that he made the request to the time that the Capitol was breached.  
25      And I was then consumed with the emergency phase. And my discussions with

1 leadership were not until later that afternoon as we were working toward getting the  
2 Capitol secure again.

3 Q Copy that, sir. So let's move to that part of the discussion. How  
4 long -- when did lockdown mode resolve itself to the point that you could then shift your  
5 focus back to the subsequent discussions about the Capitol Police? Were you in  
6 lockdown mode for like -- was it like several hours? I'm just trying to get a sense of  
7 timing.

8 A I don't know if I understand your question. We -- once the Capitol was  
9 breached, we worked to get the Members secure and then were engaged in trying to  
10 secure the Capitol again, and that was throughout the afternoon. That was, you know,  
11 4 o'clock or 5 o'clock, or so. So a lot of discussions with the chief regarding the getting  
12 the Capitol back in coordination with local law enforcement. And he had had numerous  
13 discussions with us and local law enforcement and the National Guard. I don't know if I  
14 understand your question.

15 Q I apologize if it was confusing. I guess what I was trying to first understand  
16 was -- you sound like there was a definite shift in focus once you all moved into lockdown.  
17 So I was just curious sort of how long you were sort of in that posture. It sounds like it  
18 was several hours, you know, as the day progressed, which I understand. And then,  
19 based on your answer, I was just curious to know, as part of that response process,  
20 getting Members safe, getting people secure, you mentioned that there was some  
21 discussion about Sund's coordination with local law enforcement and the National Guard.  
22 Anything about those conversations stand out in your mind with the National Guard sort  
23 of already in place and working? Or was it -- were we still waiting for them to sort of  
24 become involved? I am just trying to get a sense of sort of where you thought they  
25 were in your overall security posture?

1           A     Well, we were trying to secure the Capitol throughout the afternoon, and  
2     the chief was trying to get the National Guard to respond to the Hill, and other local law  
3     enforcement. And my recollection was we had a local law enforcement response fairly  
4     quickly. The National Guard took longer due to some approvals required. But I just  
5     remember that the discussion involved the National Guard as other law enforcement as  
6     part of the plan to secure -- retake the Capitol or secure the Capitol.

7           Q     Copy that, sir. And, in your mind, from your perspective, when you are  
8     going backwards in time -- I apologize for the time jumping -- but when you and Mr.  
9     Stenger gave Chief Sund the go-ahead to use the National Guard, in your mind, was that  
10    the end of the discussion and there were no other approvals needed, or was there some  
11    other steps that either you or he needed to take to make that happen?

12          A     No, there were no other approvals needed. No.

13          Q     Okay. Do you recall -- and, again, I know this is a long time ago, so I am just  
14    asking for your best guess -- you mentioned earlier that there were other folks in a room,  
15    staffers from the leadership. Do you recall if any of them were communicating with  
16    others about the National Guard and their potential use prior to when you went into  
17    emergency mode?

18          A     I can't -- I don't know. I would have no knowledge of that.

19          Q     Okay. All right. So, once the Capitol is secured later in the  
20    afternoon -- and I am pretty sure I know the answer to this question, but I want to ask  
21    anyway -- any other discussions about the National Guard and other events and what  
22    they were doing in relation to helping to keep the Capitol secure, you know, once we get  
23    sort of to the end of the day, and you're moving out of your emergency posture mode?  
24    If that makes sense? If my question makes sense?

25          A     No. You're asking were there any other discussions regarding the National

1           Guard later on that afternoon or that evening?

2           Q     Yes, sir.

3           A     No, other than we were a little disappointed with the delay, but the -- but,  
4       no.

5           Q     Okay. I am going to pause here and ask if there's anyone else on the team  
6       who had any questions before I shift to sort of my next topic area?

7                                  ██████████ I just want to go back.

8                                  ██████████ Okay.

9                                  BY ██████████

10          Q     Hi, Mr. Irving. My name is ██████████ I just wanted to go back  
11       in time a little bit before January 6th to what your understanding was of the intelligence  
12       landscape or threat assessments going in. I know you mentioned some products that  
13       were issued by the Capitol Police. Just, generally speaking, is the Capitol Police  
14       Board -- who is the Capitol Police Board relying on for its threat assessments?

15          A     Primarily the Capitol Police and their intelligence unit, primarily.

16          Q     Do you have any other sources of information coming to you as the Sergeant  
17       at Arms or just in your personal kind of assessment of threats going into Jan 6th?

18          A     Yeah, it was routine for us to also monitor Homeland Security threat  
19       assessments. We would occasionally get threat assessments from the FBI and other  
20       partners, depending on what was coming in. But we had no other intelligence  
21       assessment other than the Capitol Police work product for the 6th.

22          Q     And there's two different work products. There is the January 3rd special  
23       assessment, which I believe my colleague referenced, and that is the one that references  
24       that the Capitol itself was a target. And I believe you said you read that, correct?

25          A     Yes.

1           Q     And that was part of what -- I want to make sure I'm clear here -- is what  
2 triggered Chief Sund's call to you on January 4th.  Is that how you understood it?

3           A     No, what triggered the call was the offer for the Guard.

4           Q     On that January 4th call about the offer, was there a discussion about that  
5 January 3rd special assessment?

6           A     We spoke about the intelligence during the call.  So I can't recollect exactly,  
7 but I'm sure we did because intelligence was the issue.

8           Q     Right.  So I'm just wondering, how does it weigh in that you have this  
9 intelligence product from the Capitol Police that says the Capitol itself is going to be a  
10 target and that there is an increased likelihood of violence?  And then you -- and you're  
11 weighing the consideration of an offer from the D.C. National Guard?

12          A     The verbiage that you're referencing was part of a multipage -- I think it was  
13 a 14- or 15-page report.  And most of the report spoke to rather peaceful groups.  Also,  
14 I believe, referenced the marches we had by the same group in November and December,  
15 which were primarily peaceful.  We had a few skirmishes.  The fact that we had  
16 verbiage indicating the Capitol was the target.  My recollection was we always felt the  
17 Capitol was the target.  So, when coupled with the other assessments, even the  
18 following day, that disobedience would be remote, improbable, when taken in totality,  
19 we were comfortable that the enhanced plan met the -- met the intelligence.

20          Q     I understand what you're saying.  However, I'm just wondering -- and  
21 you're right, that it is on the last page.  And I am bringing it up now to certainly send to  
22 you again to kind of refresh your recollection on it.  You're correct it's on page 13.  And  
23 I want to read part of that assessment.  It says:  Due to the tense political environment  
24 following the 2020 election, the threat of disruptive actions or violence cannot be ruled  
25 out.  Supporters of the current President see January 6th, 2021, as the last opportunity

1 to overturn the results of the Presidential election. This sense of desperation and  
2 disappointment may lead to more of an incentive to become violent. Unlike previous  
3 post-election protests, the targets of the pro-Trump protesters are not necessarily the  
4 counterprotesters that they were previously, but rather Congress itself is the target of the  
5 6th. As outlined above, there has been a worrisome call for protesters to come to these  
6 events armed, and there is a possibility that protesters may be inclined to become  
7 violent. Further, unlike the events of November 14th, 2020, and December 12, 2020,  
8 there are several more protests scheduled on January 6th, 2021, and the majority of  
9 them will be on Capitol Grounds.

10 I mean, just the last sentence here. I'll skip to the -- it's combined with "stop the  
11 steal's" propensity to attract White supremacist militia members and others who actively  
12 promote violence mainly to a significantly dangerous situation for law enforcement and  
13 the general public alike.

14 Now, my question is, was that -- you mentioned you read it, but was the weight of  
15 that considered of what this assessment was conveying?

1

2 [4:02 p.m.]

3           Mr. Irving. I believe it was, which is why the chief enhanced his security plan  
4 with additional manpower, perimeter, and additional resources. So --

5           BY [REDACTED]

6           Q    And the additional manpower, as you understood it, was an  
7 all-hands-on-deck posture from Capitol Police?

8           A    Yes.

9           Q    And is that what you believed occurred on January 6th?

10          A    I have no knowledge to anything to the contrary. I took the chief's plan. I  
11 believed what he told me, which was an all hands on deck on the 6th.

12          Q    And what about the perimeter changed as a result of this?

13          A    Well, we just -- we ensured we had an enhanced perimeter, which the chief  
14 said would be staffed accordingly as well.

15          Q    Does that mean the bike perimeter was extended, the bike racks?

16          A    Yeah. The bike rack was, to the best of my recollection -- again, I can't  
17 remember all the discussions now, but we did have a discussion about the bike rack, and  
18 it was extended fully around the perimeter. Many times we would have bike rack  
19 around a portion of the perimeter where we feel we're going to have the most -- the  
20 largest number of people. In this case, it was -- it was around the entire perimeter.

21          Q    And that's different from the fence that we see -- in fact, just yesterday -- I  
22 wonder if it's still up -- the fence that went up around the Capitol, correct?

23          A    Yes. That is correct.

24          Q    And was there ever a consideration to put up a fence around the Capitol as a  
25 result of reading and analyzing this particular part of the assessment?

1           A     No. I will tell you that in all of our collective experience, no. We felt very  
2 comfortable with the plan that we had in place based on -- based on the intelligence and  
3 what we now know was implemented, which obviously we know now was not enough,  
4 but at the time we felt comfortable.

5           Q     Were you aware of the increased activity on a website concerning the  
6 tunnels under the Capitol?

7           A     There was a notification of that at some point. I can't recollect now at this  
8 stage when. There was some notification of that, and my recollection, again, at the time  
9 was -- our interpretation was that not uncommon for protesters to look to entry points at  
10 the Capitol to ensure that members -- that they were visible to members.

11          Q     It wasn't uncommon for protesters to want to use the tunnel system to  
12 enter the Capitol. Is that what you're saying?

13          A     I wouldn't say the tunnel system. I would say that not uncommon for  
14 crowds and protesters to look to entry points to the Capitol. I cannot recollect what my  
15 analysis was at the time relative to this particular verbiage of the report you're  
16 referencing.

17          Q     So apart from the assessment, was there anything else that you were  
18 considering? Did you see any of the kind of what we now know are the open source  
19 warnings about different threads or different social media posts about a desire to storm  
20 the Capitol?

21          A     No. We had none of that intelligence or information.

22          Q     So the clearest kind of view of what you had was based upon this  
23 January 3rd special assessment. Is that fair?

24          A     Yes.

25          Mr. Zebley. Do you mind -- do you mind if I just chime in here? I apologize.

1       Paul has testified on these exact points before. I just wanted to make sure you guys had  
2       that in mind too. Because in his prior testimony, he pointed to January 3rd, including  
3       page 2 of the report you're reading from, where it says that it was expected to be similar  
4       to the two prior marches, and he looked at the daily intelligence reports between the 3rd  
5       and the 6th. I just wanted to make sure you had that as well where the assessment of  
6       violence was -- or, actually, of civil disturbance was remote to improbable. He also  
7       pointed to that.

8                  And then in his prior testimony, he also pointed to, in terms of the security plan,  
9       the all hands on deck, the 125 National Guardsmen on standby, MPD standing off to the  
10      north. Those were other features of the security plan that he's previously testified to.

11                 I just want to make sure you have that in mind as well. Apologies for the  
12      interruption.

13                 [REDACTED]

14                 Q     No, no problem. And I'm aware of that. I just want to draw attention to  
15      what Mr. Irving kind of pinpointed is that this paragraph was kind of -- would you  
16      agree -- was buried on page 13 of this product that the Capitol Police put out? It wasn't  
17      part of the bottom line upfront, correct, that the Capitol itself was a target?

18                 A     Are you asking me or Mr. Zebley? I'm sorry.

19                 Q     Mr. Irving, yes.

20                 A     Okay. Can you repeat -- I would just say that we took the entire report into  
21      context with our entire security plan and felt comfortable that our security plan met the  
22      threat.

23                 Q     And then there was also a January 5th daily intelligence report that came  
24      out, which, as you said, noted that the possibility of violence was remote to improbable,  
25      correct?

1           A     Correct. And even with the meeting with the major chiefs on the 5th, we  
2     had intelligence agencies there and they were very satisfied. No one brought anything  
3     up to the contrary.

4           Q     Did you see the daily intelligence report -- and I understand -- the question's  
5     slightly unfair. It's asking you to weigh in on the products put out by Capitol Police.  
6     But did you see that the January 5th product citing violence as remote to improbable as  
7     inconsistent with what I just read to you from page 13 of the special assessment?

8           A     No.

9           Q     And why is that?

10          A     Because, as I indicated, it was not uncommon for the Capitol to be a target  
11        for protests, and we felt that we were comfortable with -- that the Capitol Police  
12        intelligence was receiving all the information, all the intelligence from all of our partners,  
13        and was disseminating it properly.

14          Q     I just wanted to ask also about the January 5th meeting with, I think you  
15        mentioned bipartisan leadership. You mentioned Ms. Lofgren, as well as the meeting  
16        with Congressman Ryan. Did you have any contact with -- prior to January 6th, on  
17        that -- in that 5th time period with any staff from Senator McConnell?

18          A     No, I don't recall. It would have been uncommon for me to have any  
19        conversation with Senate staff. That would be Michael Stenger. But, no, I don't  
20        remember any contact with anyone from the Senate staff.

21          Q     I know you talked about the contact with Ms. Pelosi's chief of staff. Was  
22        that Terri McCullough, on January 6th?

23          A     That was -- yes. And I believe Jamie Fleet was also present during a portion  
24        of those discussions.

25          Q     The discussions on the 6th, is that what you're referring to?

1           A     Yes. He was also in the discussion with Ms. Lofgren on the 5th, by the way.  
2     I don't know -- that was in my testimony, I think, or let me make it -- my recollection is  
3     that he was also in the meeting on the 5th. I think I had also mentioned that.

4           Q     Was there any staff from the Speaker's office there on the 5th at any of  
5     those briefings?

6           A     That's what I meant. I think my recollection is --

7           Q     [Inaudible] Jamie Fleet, I'm sorry.

8           A     -- Jamie Fleet was in the Zoe Lofgren meeting.

9           Q     Okay. But was there any -- as you're aware, Mr. Fleet kind of has a dual hat  
10     there for Ms. Lofgren as well as Ms. Pelosi. Was there anyone who was a staffer from  
11     Ms. Pelosi's office --

12          A     No.

13          Q     -- that you're aware?

14          How about Representative McCarthy's office?

15          A     No. There was a separate briefing, I believe, with Mr. Davis, Rodney  
16     Davis' -- with Mr. Davis and his staff, I believe, also on the 5th, but that was either a  
17     deputy chief or assistant chief.

18          Q     Did you have a conversation with Jen Daulby about her concerns? That  
19     would be the staff director for Representative Davis.

20          A     What day would you be referencing?

21          Q     January 5th.

22          A     Not that I can recall. No.

23          Q     And then before I turn it back over, just on that offer of -- from -- that Chief  
24     Sund called you about on the 4th, do you have any insight into how the number 125  
25     National Guardsmen was ascertained?

1           A     No. I don't know how that number was ascertained or the 340 for the D.C.  
2     Metropolitan Police. I don't know.

3           Q     Okay. And it was just conveyed to you by Chief Sund that we have this  
4     offer for 125. Was there any level of detail about what they would do or where they  
5     would go, as conveyed by Chief Sund?

6           A     It was to -- the only level of granularity was that it would be -- they would  
7     perform the same functions as they were performing for the D.C. Police, which was traffic  
8     control at intersections to free up officers who could then be utilized for crowd control.

9                 [REDACTED] Thanks. Sorry --

10                [REDACTED] That's okay. [REDACTED]

11               So, Mr. Irving, we've been going for about an hour. We got about 45 minutes to  
12     go. Did you want to take a break or you okay to press forward?

13               Mr. Irving. I'm actually okay.

14               [REDACTED] Okay, great.

15               Mr. Irving. Are you all right? Do you want to take a break or --

16               [REDACTED] No, no, no. I'm fine. I just, you know -- I can keep going and  
17     going. I didn't want to -- I wanted to make sure I offered you the opportunity for a  
18     break if you needed one. And I also am mindful of everyone's time, so I'm going to try  
19     and keep us to our 5 o'clock ending time.

20               [REDACTED]:

21               Q     So, one, I appreciate you answering my colleague's questions. That was  
22     very helpful. As you know -- shifting gears a little bit. As you know from  
23     your -- because you talked about this in your Senate testimony, so what I'm about to ask  
24     you, you sort of already spoken about, but I was going to tug at it a little bit.

25               There was media reporting at the time that there was some concern by you and

1 perhaps Mr. Stenger or others on the board about the optics of the National Guard  
2 against the Capitol Dome and in the background and how that might not be a good thing  
3 and how that -- and how that may have impacted your decision making.

4 Did optics come up at all? Sort of what's your response to that?

5 A My response is I have no recollection of using the word "optics." And as  
6 I've said, the intelligence and the operational plan was front and center in the decision.

7 Q Copy that, sir.

8 At any point -- let me ask you this. So was there any other request made by  
9 Chief Sund to the Capitol Police Board for the use of the National Guard other than the  
10 one that you all granted on the 6th?

11 Did he -- so there's a previous conversation where he says, hey, we've got this  
12 offer, we talked about the offer. Then on the 6th, he says, hey, we need to pull the  
13 trigger, and you say, go, pull the trigger. Were there any other conversations with Chief  
14 Sund and you or anyone else on the Capitol Police Board where he was requesting  
15 permission to use the National Guard?

16 A No.

17 Q Okay.

18 [REDACTED]. Let me just ask -- sorry. Was the conversation on January 4th  
19 about the offer of the assistance, did you take that as a request for the National Guard  
20 from Chief Sund?

21 Mr. Irving. No, I did not take it as a request.

22 BY [REDACTED]

23 Q So the only request, in quotes, was the one on the 6th. Is that fair?

24 A Yes. From my perspective, yes.

25 Q Okay. And to your recollection, did Chief Sund go to anyone else on the

1       Board outside of you and make any request for the National Guard that you aren't aware  
2       of at the time?

3           A     I don't know. Not uncommon for him to have most discussions with the  
4       chair of the Capitol Police Board, and the chairman of the Board then was Mike Stenger.  
5       I don't know if he had any discussions with Mike Stenger that I was not privy to, but not  
6       to my knowledge.

7           Q     Copy that, sir.

8           And I know we -- you mentioned this, but I just sort of want to put a period on the  
9       end of this particular sentence before we move on.

10          But with regard to the use of other telephone devices. So I share with Mr.  
11       Zebley and Mr. Lehman, we had several numbers associated with you, mobile numbers.  
12       You said earlier that you only used one phone sort of in communicating about the events  
13       on January 6th. Is my understanding of what you said earlier correct?

14          A     Yes. I only utilized my House-issued cell phone, which was that [REDACTED]  
15       number. The other numbers were personal -- actually, two of them were old. The [REDACTED]  
16       numbers were old that I had not used in years. And then the [REDACTED] number is still my  
17       personal cell, and I never use that for business or during the day.

18           Q     Copy that, sir.

19          One of the -- shifting gears on you. So one of the questions that I have  
20       asked -- we have had the opportunity to speak with several people, including folks from  
21       the United States Capitol Police, and one of the questions I have asked and am very  
22       curious on your perspective on this is, did it ever occur to you that the Capitol itself would  
23       ever be breached? In other words, is that something that you all thought about, or was  
24       the notion that the Capitol actually being breached by people not something that anyone  
25       thought would actually occur?

1           A     It's a difficult question, because Capitol Police Board, from time to time,  
2 would talk about security measures and enhancing security. But to answer your  
3 question directly about breaching, I was comfortable the Capitol Police had a good  
4 perimeter set. Even though it was the people's House, it was more open and accessible  
5 than, let's say, the White House. I felt that the Capitol Police did a really good job and  
6 had a good security plan in place day to day.

7           Q     Appreciate that. And that's -- your answer is sort of is why I was asking the  
8 question, which is, was there -- from your vantage point as a member of the Capitol  
9 Police Board and the House Sergeant at Arms, was there ever any -- prior to the 6th -- any  
10 sort of planning, table top exercises, or anything regarding sort of what we're going to do  
11 if people actually breach the Capitol? Is that something that had been part of previous  
12 discussions, based on your recollection?

13          A     We -- in my almost 9 years there, you had many, many table top exercises,  
14 discussions, and always considered various scenarios. I can't recollect a specific scenario  
15 relative to a breach, but I would say we planned for many contingencies. And I was,  
16 again, very confident in the plan, especially as briefed by the chief. And in my  
17 experience over many inaugurations and State of the Unions and major events at the Capitol,  
18 Capitol Police did a really good job. And I was comfortable that day. So that's best  
19 answer I can give you.

20          Q     I appreciate that, sir.

21          And understanding that the question I'm about to ask you asks you to do a little  
22 bit of Monday morning quarterbacking. Post the 6th -- so understanding that up to that  
23 point you felt very confident about what the Capitol Police had done. Post the 6th,  
24 what were your feelings about how we did in response to the 6th? And then I sort of  
25 want to follow up that with, you know, what are some things that we could've done

1 better, from your perspective, if anything?

2 A You know, [REDACTED] on that one, I'm going to disappoint you, because I  
3 don't -- I have to wait for the investigation to unfold. I was not privy to all of the  
4 security issues that took place on the 6th, and so I really would prefer not to venture an  
5 opinion and just wait for the committee to do its investigation and make an assessment.

6 Q I appreciate that, sir. So thank you for that.

7 [REDACTED] I'll pause here and again ask, does anybody have any questions on  
8 this topic area before I sort of ask my final set of questions?

9 BY [REDACTED]:

10 Q I just want to go back. Sorry.

11 So I have a question about kind of the committees of jurisdiction over the Capitol  
12 Police Board, particularly the House -- or the House Oversight Committee -- sorry, I'm  
13 blanking out -- CHA as they call it here on the Hill. Do you call it that, Mr. Irving?

14 A Yeah, CHA, the Committee on House Administration. Yes, I'm familiar with  
15 the term.

16 Q So what's your relationship in terms of -- they're obviously the committee of  
17 oversight, but in terms of the relationship you have with the staff as well as the Members,  
18 and how much do they weigh in to decisions made by the Capitol Police Board?

19 A We had frequent interaction with the committee, with the staff from the  
20 Committee on House Administration, because, as you noted, they were our committee of  
21 jurisdiction. And any time we sought to implement a security measure, we would let  
22 them know because chances are their phones would ring if a Member was  
23 inconvenienced, let's say, if we had to close a door or close off a street, something from a  
24 security perspective. So there was frequent interaction. I always felt very comfortable  
25 that they gave the Board -- they respected our experience and let us do our business.

1        We would just brief them from time to time, depending on the security postures we  
2        would take.

3            Q      Was there ever any security measure that you asked for that the committee  
4        denied?

5            A      No. Not to my knowledge. Not that I can think of.

6            Q      Any ask from Capitol Police, would that go through the Capitol Police Board  
7        or did they have their own avenue to ask CHA?

8            A      My recollection is that the Capitol Police Board -- I'm sorry, the Capitol Police  
9        also briefed CHA. And I can't remember all the instances, but they would also brief the  
10       committee -- I think they would brief CHA on the House side and maybe Senate rules on  
11       the Senate side on things they were doing. But I -- I don't know if they would go to CHA  
12       and ask. I think most of that was just done -- the committees relied on the chief to  
13       exercise his judgment and supported him.

14           You know, certainly, if there was a major -- as I alluded to earlier, a major business  
15       process change that would affect access or what have you, we would want to ensure that  
16       our committees understood what we were doing and voice their concern and counseled  
17       us. But you'd have to ask the chief his interaction with CHA. I do know he briefed  
18       them from time to time.

19           Q      Right. So just wanted to make sure that there was no instance or authority  
20       that required the chief to go through the Capitol Police Board to make any requests of  
21       CHA.

22           A      No, not to my knowledge. He would go to see them all the time.

23           Q      Did you become aware or re-aware of any requests from the Capitol Police  
24       that was denied by CHA?

25           A      No. No, I can't think of any.

1           Q     Was there ever any -- a request for funding for additional training or  
2     additional equipment that you became aware of that was denied?

3           A     Not that I'm aware of. I know the appropriators were -- you know, briefing  
4     appropriators is always tough, for those of you that are on the Hill, and they would, you  
5     know, certainly question our security measures, but, no, I don't recall any instance of  
6     denying a request.

7           Q     And I just want to kind of unpack this concept of the request by Chief Sund  
8     for National Guard, again, before January 6th. So it's our understanding that Chief Sund  
9     believes he did make a request, however, it was not viewed to be a formal request by  
10    yourself. Can you -- can you try to reconcile that for us?

11          A     I really can't. I did not see it as a request. It was merely one of many  
12    phone calls to discuss security preparations for the 6th. So I cannot reconcile, no.

13          Q     Well, it was one of many phone calls, but as long as I'm clear, there was only  
14    one call on January 4th where he mentions the National Guard. Is that correct?

15          A     I believe so.

16          Q     Was there any response back from you or Mr. Stenger that he should  
17    connect with General Walker about having the National Guard on standby?

18          A     Okay. Can you repeat that question again? I'm sorry.

19          Q     Sorry. Was there any response from you or Mr. Stenger about having  
20    General -- talking to General Walker informally to have Capitol Police -- or  
21    sorry -- National Guard on standby on the 6th?

22          A     No. When the chief briefed to his plan, the three briefings the following  
23    day when he expressed confidence in his plan, the same confidence he expressed with us,  
24    was never an issue.

25          Q     What was never an issue?

1           A     Well, the National Guard. I mean, the chief had many an opportunity to  
2 raise it, if he had -- if he was going to claim that he'd put a request in and it was being  
3 denied, I mean, he had many an opportunity to raise that with -- on the following day,  
4 and it never came up. So I never -- it never occurred to me that we had a difference.

5                         [REDACTED] I just want to pause for a second and acknowledge that  
6 Congressman Aguilar has joined the call.

7                         [REDACTED] Yes. Good afternoon, Congressman.

8                         BY [REDACTED]

9           Q     So at no time on January 5th during the briefings to the committees, to the  
10 staffers, did Chief Sund, did he ever mention the National Guard or did he ever mention  
11 the offer of assistance by the National Guard?

12          A     He mentioned the National Guard as part of his plan, that he had National  
13 Guard on standby and was very satisfied with that.

14          Q     And you were satisfied with that as well?

15          A     Yes.

16          Q     Was there ever any discussion where you felt that he was advocating for the  
17 National Guard? In other words, in any of these conversations, was there a sense of him  
18 weighing in on it? There's a difference between, hey, the National Guard's been  
19 offered, what do you guys think, or, hey, maybe we should take them up on this offer.  
20 Where did this conversation fall?

21          A     I'm trying to explain it in other words, and I just -- I think I've answered the  
22 question. The first phone call was to tell us he received an offer, and within minutes he  
23 seemed satisfied, and we moved on and that was it. He was satisfied the following day  
24 in all the briefings and it never came up again.

25          Q     And I'm asking because of the insistence by Mr. Sund who's testified publicly,

1 as you know, that he requested the National Guard. So sometimes the tone of these  
2 conversations matter in terms of perception, right?

3 So I think what you're saying is you saw it as no advocacy on his part that it was a  
4 request?

5 A Right. He had so many avenues. He could've written an email, asked the  
6 executive assistant to the Capitol Police Board to have us vote on it, things that we  
7 normally did in the course of business to expedite Capitol Police Board decisions, and we  
8 made decisions in minutes. It was very simple. So, no, there was just no -- he had  
9 many avenues, many opportunities, and he just didn't. And I thought he was  
10 comfortable, and that was confirmed the following day.

11 And Steve Sund's a career 30-year veteran, aggressive, not shy. He's a -- he  
12 would've said something, I thought, had he felt otherwise.

13 Q And we talked a little bit about the reasons why, as you say, you came to a  
14 consensus that you didn't need the National Guard, and a lot of that was based upon the  
15 intelligence products. Was there ever any discussion of the appearance of how it  
16 would've -- of having the National Guard on the Capitol campus for the joint session?

17 A I don't recommend that. I mean, I don't recollect that. I don't recollect  
18 any --

19 Q I'll want to explain the question, because we've learned -- because the word  
20 "optics" can at times be loaded in many different contexts. So sometimes there can be  
21 a conversation of the appearance of the military and could be perceived as interfering  
22 with the electoral process.

23 Was there any kind of that discussion at any time with Chief Sund that could have  
24 left him the impression that you were concerned about optics?

25 A I can't remember. I don't think so. I'd refer you, you know, back to my

1       testimony, which was closer in time to the event. But I just -- I can't recollect anything  
2       that would lead him to that conclusion.

3           Q     And I'm done. I just have a couple more questions. From -- obviously, the  
4       Senate side conducted an investigation, you testified for the hearings there and as did Mr.  
5       Sund. And I just want to ask about one thing he said. He stated that you were, quote:  
6       Mr. Irving was concerned with the slash optics of having National Guard present and did  
7       not believe the intelligence warranted assistance from the National Guard and, therefore,  
8       did not support the request.

9           Again, we talked about how he perceived it as a request and the optics. My  
10      question is: Did Chief Sund believe the intelligence warranted assistance from the  
11      National Guard in any conversation that you had with him?

12          A     Not to my recollection. The three of us were of the same opinion, and he  
13       didn't allude to the fact that he -- it was his opinion that, from an operational perspective,  
14       they would not add much to his plan at all, if anything. So that was also part of  
15       the -- but no. We were all in sync on the intelligence, to my recollection.

16          Q     And he conveyed that to you, that the National Guard's presence would not  
17       add to the security posture?

18          A     That was my recollection of the conversation on the 4th.

19          Q     And you agreed with that?

20          A     Yes. But I deferred to him because, from an operational perspective, the  
21       Capitol Police were directly under his command, and I took -- I took his word for it.

22          Q     Did Mr. Stenger offer a dissenting view or he was in concurrence with that?

23          A     My recollection is that he was in concurrence. We deferred those sort  
24       of -- those operational issues to the chief.

25          Q     And we talked a little bit about the staffers of the congressional leadership

1 prior to January 6th, but prior to January 6th, did you have any conversations with the  
2 Speaker herself?

3 A No. Yeah, no. No.

4 Q On January 6th, sorry, I might've missed it, did you speak with the Speaker?

5 A Not to my recollection, no. No.

6 Q Did you have contact with Jamie Fleet that day?

7 A On the 6th, yes.

8 Q Do you remember when and how you communicated with him?

9 A We communicated by phone, and he may have also been in Mr. Stenger's  
10 office around the 2 o'clock hour when we were huddled.

11 Q And when you were in that -- in the House Chamber, was there any  
12 other -- did you ever see Mr. Fleet that day, or were all the communications via email or  
13 phone?

14 A I really can't remember. I'm going to speculate that I saw him because he  
15 was frequently on the floor, but I can't give you a specific -- probably is the best I can do  
16 on that. I just can't remember.

17 Q And when did you leave your position?

18 A January the 11th is when my -- I believe is when my resignation was  
19 effective.

20 [REDACTED]

21 Q Okay. So one follow-up question based on what [REDACTED] talked to you  
22 about and then one small topic area, and then I think we're done.

23 So just -- so to narrow the questions regarding the Speaker and Mr. Fleet. Did  
24 the Speaker or Mr. Fleet ever weigh in on any decision making regarding the  
25 implementation of the National Guard for January 6th?

1           A    Can you repeat the question? I think the answer's no, but I just want to  
2 make sure I hear the question correctly.

3           Q    Sure. Did the Speaker herself or Jamie Fleet weigh in directly on the  
4 decision making to employ the National Guard on January 6th?

5           A    No.

6           Q    Okay. Okay. You mentioned that your resignation was on the 11th, sir?

7           A    I believe so, yes, effective the 11th, even though, I believe I was -- I think I  
8 submitted my resignation on the 7th or the 8th. I can't remember.

9           Q    Okay. And was that just for personal reasons? Had you already planned  
10 on retiring? I'm just trying to get a sense of if you want to share with us why you  
11 decided to resign at that time.

12          A    The timing was rela- -- my understanding was that the -- it was the Speaker's  
13 intention that I resign, and I resigned, again, it was either the 7th or the 8th.

14          Q    And why do you say you believe it was -- that that was the Speaker's  
15 intention?

16          A    Conversations with the Speaker's staff.

17          Q    Were those post-January 6th?

18          A    Yes, on the 7th.

19          Q    And do you recall who those conversations were with?

20          A    I believe primarily Jamie Fleet, and I might've also had a conversation with  
21 Terri McCullough, but I believe primarily with Jamie Fleet.

22          Q    Okay. And any conversations with the Speaker directly about it?

23          A    No.

24                 BY [REDACTED]

25          Q    What was the basis of the reasons for why you should resign as conveyed to

1 you by Jamie Fleet?

2 A I can't recollect the conversation exactly, but we had a major security breach  
3 at the Capitol and I was one of those in charge of security, and I accepted responsibility  
4 for that.

5 Q Did you resist in any way to not resign?

6 A No.

7 Q And was that a discussion with anyone else present?

8 A Not that I can recall.

9 Q Was it conveyed to you that that was -- that was -- by Mr. Fleet that that was  
10 the desire of the Speaker, as you testified to? Or was it a suggestion, is my question?

11 A You know, I really can't remember the exact context of the conversation,  
12 other than it was clear that my resignation would be in order, and that's what I did.

13 Q Do you know if that was a phone conversation or an in-person conversation?

14 A I believe it was a phone. I believe I was in my office and I believe it was a  
15 phone conversation.

16 Q Was it your understanding that the other members of the Capitol Police  
17 Board would also be asked to resign?

18 A I did hear that the chief was going to resign, and I also heard, also, that Mr.  
19 Stenger was going to resign. So my understanding was the three of us were going to  
20 resign.

21 Q Was that conveyed to you by Mr. Fleet or did you learn about that  
22 afterwards?

23 A I can't remember the sequence of events, I really can't. I know that it was  
24 the day after. It was a lot of phone calls. I think I had a couple hours sleep. I can't  
25 remember the exact sequence.

1           Q     Understood. I just -- I'm just wondering, based upon what you've told us  
2 and what you've testified previously to, it sounds like, as you said, that you felt that the  
3 decision making prior to January 6th was correct, right? You viewed the intelligence,  
4 there was an operational plan that you were aware of that Chief Sund put forth, and you  
5 felt comfortable going into the 6th. Is that fair?

6           A     That is fair.

7           Q     So apart from your responsibility of securing the Capitol, was it conveyed to  
8 you that something went wrong by yourself or the Capitol Police Board?

9           A     Well, we were breached and so, in my mind, something went wrong.

10          Q     What did go wrong?

11          A     The security -- the security was not -- did not match the threat.

12          Q     So looking back, what should've the security been?

13          A     I will leave that to the investigation.

14          Q     Understood. But given your experience and your, you know, deep  
15 knowledge about how the Capitol works, and your law enforcement perspective as well,  
16 can you offer anything as to what could've been done better?

17          A     You're asking for, again, my opinion, and I don't have all of the facts in terms  
18 of how security broke down and what issues transpired on the 6th that led to what we  
19 now know happened, so I would wait till we get those facts.

20          Q     So I just want to -- when you asked for resignation, is it merely because you  
21 were the House Sergeant of Arms or was there a discussion about a decision that you  
22 made that led to the breach resulted in your resignation?

23          A     I believe it was my position as a senior law enforcement security official, and  
24 I was responsible and accepted responsibility.

25          Q     And it sounds like you didn't give any pushback to that decision making; you

1 understood the reasons for it?

2 A Absolutely, yes.

3 Mr. Zebley. I just wanted to point out this is in his statement for the record.

4 He addresses this issue head on.

5 [REDACTED] I know. I'm familiar with the statement. Sorry. We  
6 cannot -- just so you know, Mr. Zebley, we cannot necessarily incorporate those  
7 statements. We can incorporate the public statement, but the Senate has not provided  
8 us those statements or -- officially. So I understand that's why I have to ask some of  
9 these questions. They have to sign off on it. They haven't provided it.

10 Does anybody have any other --

11 [REDACTED] I have one final question.

12 Mr. Irving, I want to thank you for your time and just ask you: Is there anything  
13 else from your perspective that you think the committee should know or would be helpful  
14 as it moves forward in its investigation that we haven't already discussed today?

15 Mr. Zebley. Before he answers that, I apologize, do you mind if we take  
16 5 minutes so we can talk to Paul and then we'll come right back on the line? Just given  
17 the comment that was just made, that you don't have on the record materials we've sent  
18 to you, there are some things, I think, we might want to make sure are on the record.  
19 But if we could just take 5 minutes, we could mute you guys and I'll call him. I didn't  
20 appreciate all the materials that we sent to you are not in your records, so there might be  
21 some things we want to put on the record.

22 [REDACTED] That's fair. Thanks.

23 Mr. Zebley. Okay. We'll mute you and we'll go on a different line. Thanks,  
24 guys.

25 [Discussion off the record.]

1                    [REDACTED]. All right. Mr. Zebley, I understand that you all wanted to offer  
2 something -- let me back up.

3                    I had asked a question, was there anything else that would be useful for us to  
4 know, and you all wanted to take a moment to discuss and come back to us. So the  
5 floor is yours.

6                    Mr. Zebley. I appreciate it.

7                    I just had two quick follow-up questions for Mr. Irving to offer a couple of  
8 additional points, and then Mr. Irving will speak to materials that he would like to just  
9 make sure are included in the record.

10                  So my first question is: During your -- the briefing by Chief Sund with  
11 Representative Lofgren on January 5th, did Representative Lofgren ask Chief Sund  
12 whether he was satisfied that he had enough resources for what was anticipated for the  
13 next day's events, January 6th events?

14                  Mr. Irving. Yes, she did. She asked him if he felt comfortable with his  
15 resources, if there's anything else he needed, and he said he was very comfortable with  
16 his resources, not only his staffing, but also having the National Guard on standby. So  
17 he said he was very comfortable.

18                  Mr. Zebley. And then jumping to January 6th, you talked earlier about the  
19 go-ahead decision -- or the go ahead that was given to Chief Sund, and there was a  
20 moment where we were discussing whether or not the Architect of the Capitol was  
21 involved in that or whether you contacted him.

22                  I wanted to ask: What is your understanding of your authority to say go ahead  
23 with the National Guard without the full Capitol Police Board in the event of an  
24 emergency?

25                  Mr. Irving. Only in the event of an emergency would I feel that I and/or any

1 other Board member could authorize or give a go-ahead. But absence that, I would not  
2 have the authority. We need the full board to make a decision like that.

3 Mr. Zebley. And then just to -- back over to you, Mr. Irving, about the records  
4 you want to include in the record as materials.

5 Mr. Irving. Yeah. If we could, my request to the committee would be to submit  
6 my -- the testimony that I submitted. It was my February 23rd Senate testimony, and all  
7 of the associated materials, if the committee would accept those, and my counsel  
8 certainly can send you that material. So that would be my request.

9 [REDACTED] Thank you, Mr. Irving. We appreciate that. And I believe that  
10 we already have some, if not most, of those materials, but it is helpful, and I appreciate  
11 you putting the request on the record. So thank you very much.

12 [REDACTED]

13 Q So I have two very discrete questions that are different from one another,  
14 and then I think we'll be wrapped up.

15 So the first one deals with contact with other folks from Congress. So [REDACTED]  
16 [REDACTED] asked you if you had spoken with Senator McConnell and some other folks.  
17 Do you recall, prior to the 6th, around the 5th or the 4th, receiving a request from  
18 Congresswoman Boebert's office to meet with her?

19 A Yes, I do.

20 Q Tell me about what you recall about how you became aware of that request  
21 and what was that all about.

22 A I cannot recollect all the details of how the request came in, but she -- I think  
23 I spoke to someone from her staff and she was interested in pursuing the restriction on  
24 firearms to the House floor. And that's about as much I can remember. And I never  
25 met with her because I left shortly thereafter.

1           Q     Do you recall if that was the limit of what she was interested in? In other  
2 words, was there any discussion -- did she want to talk to you about anything that was  
3 going on with the 6th or the preparation with the 6th, or was it just limited to that topic  
4 area that you just described?

5           A     To the best of my recollection, it was just that topic. It was not uncommon  
6 during new Member orientation to brief Members about rules, regulations, and then a  
7 Member wanting a followup, and I believe that's what the issue was articulated to me as.

8           Q     Copy that, sir.

9           And you said you didn't meet with her. Did you meet with anyone from her staff  
10 about that issue or any other issue?

11          A     No. It was set for sometime in the future, and then it just never happened.

12          Q     Okay. So that's discrete question number one.

13          Separate and distinct discrete question number two. So we talked about your  
14 official House cell phone that you used during the time. Based on the records that we  
15 have, there appears to be a gap in phone records from sometime on the 5th to sometime  
16 on the 6th. And I guess my question to you is: Do you have any understanding about  
17 why that gap would be? Was your phone -- did your phone stop working? Were you  
18 having issues with it? We're just trying to understand if it's an issue with where we got  
19 the information from or if there's some other reason why there would be that sort of gap.

20          A     I cannot speak to a gap. I didn't know there was a gap. There would be  
21 no reason, from my perspective, because I used it continually.

22          Q     Copy that.

23          Mr. Zebley. I'm sorry to interrupt again. I'll follow up with you afterwards and  
24 see what we can do to help, because we've seen the records and there is no gap. And  
25 the records we obtained came from the Hill.

1 [REDACTED] Okay. Well, then, why don't -- Aaron, why don't you and I  
2 have -- we'll discuss that afterwards sometime early next week.

3 [REDACTED] You done?

4 [REDACTED] Yes.

5 [REDACTED] Okay. I appreciate you following up with that, Aaron.

6 BY [REDACTED]

7 Q I just want to make sure I understand. When you turn your phone in, Mr.  
8 Irving, do you turn it in -- who's the authority that then takes it over, the House Sergeant  
9 of Arms or the House Committee? Who has it?

10 A My recollection is that the day that I left, I turned in -- I don't know if it was  
11 the day that I left. I can't remember exactly when, but I turned my House phone in to  
12 the Sergeant at Arms' office because I considered it their property, House property,  
13 House Sergeant at Arms issued property, and that's who I turned it in to. So that's who  
14 would have it.

15 Q And as you said, was that the only phone that you were using from  
16 January 5th and January 6th?

17 A That [REDACTED], yeah. The cell number, and then maybe my [REDACTED] hard line to my  
18 desk, but those would be the only numbers I conducted any business on. Personal cell  
19 was in my bag somewhere. I mean, I just never used it during the day.

20 Q Understood. And just one final kind of question on kind of the overall part  
21 of the process for the National Guard. I just wanted to be clear about what, if any, role  
22 Speaker Pelosi has in terms of requesting the National Guard.

23 And to be crystal clear, does the Speaker's office have any involvement, or was  
24 there any consideration of the Speaker's office to request the National Guard prior to  
25 January 6th or on January 6th?

1           A     No. I always felt that I had full authority to implement security decisions as  
2 I deemed appropriate. So no.

3           Q     And the theory, which you may or may not be aware of, that Speaker Pelosi  
4 had the authority to call the National Guard that day, based upon your knowledge of the  
5 Capitol Police Board's authorities and the requests that were made, is there any accuracy  
6 to that claim?

7           A     I cannot speak to that and, again, my memory is faded, but I -- looking at the  
8 Capitol Police Board rules and regulations, I believe we -- we would brief the joint  
9 bipartisan leadership. But I can't -- I can't answer your question. I don't know. I just  
10 know that I was given broad authority to implement security decisions, and --

11          Q     But as my colleague went through, the Speaker's office isn't part of that  
12 process in terms of requesting the National Guard, correct?

13          A     Correct. It would just be on the notification side. I think I've spoken to  
14 that, but --

15          Q     Right. So apart from briefing the Speaker's office, they don't weigh in on  
16 the request. Is that fair?

17          A     That's fair.

18          Q     And I just want to read a statement from the President that was issued on  
19 January 6th of this year that states, quote: The reason for January 6th was that millions  
20 of people in our country know the election was rigged and stolen, and Nancy Pelosi  
21 refused to put the requested 10,000 troops in the Capitol 3 days earlier, as strongly  
22 recommended by me. She didn't like, quote, the look.

23          Do you have any knowledge about a request for 10,000 troops for the Capitol by  
24 President Trump?

25          A     No.

1           Q     And would Nancy Pelosi have the authority to put 10,000 troops at the  
2     Capitol?

3           A     I don't know. I don't know the answer to that. I know it would not be the  
4     protocol we would follow. She would defer to her security team.

5           Q     But she doesn't fall into the protocol, is that fair to say, to request National  
6     Guard for the Capitol Police?

7           A     I'm sorry. I didn't understand your question.

8           Q     She doesn't fall into the protocol --

9           A     Right. Right. It just would not be -- right. That wouldn't be the normal  
10   course of business. Security would be in our purview.

11          Mr. Zebley. I'm sorry to interrupt. I think there's -- I understand -- I think I  
12   understand the question, but I feel like you guys are missing each other a little bit. I just  
13   want to be crystal clear that Mr. Irving is testifying he doesn't know what the Speaker's  
14   authorities are. He can speak to what the Capitol Police Board does and how it  
15   proceeds and how he proceeds, but I just don't want there to be any disconnect there  
16   that that's what he's describing.

17          Mr. Irving. Thank you. That clarifies it.

18          [REDACTED] I understand that. I just want to be crystal clear that the  
19   Capitol Police's Board's authority do not involve the Speaker's office on the flip side of  
20   what you're saying. So what Mr. Zebley is saying is you don't know what the Speaker's  
21   office authorities are, however, as far as the Capitol Police Board's authorities to request  
22   the National Guard, you did not -- it did not include the Speaker's office?

23          Mr. Irving. Correct.

24          Mr. Zebley. Right. What Mr. Irving has testified to is that he would notify. I  
25   mean, just --

1 [REDACTED] Yes.

2 Mr. Zebley. Yes. Got it.

3 [REDACTED]. I know -- I want to make sure we're clear on this as well.

4 Prior to January 6th, you did not have contact or conversations with Speaker  
5 Pelosi or Senator McConnell, correct?

6 Mr. Irving. That is correct.

7 [REDACTED] And on January 6th, you had contact with Speaker Pelosi. Did  
8 you ever have any contact on January 6th with Senator McConnell?

9 Mr. Irving. No. The contact on the 6th was later on in the day as we're trying  
10 to get the Chamber ready for the session. But no -- no conversation with Senator  
11 McConnell.

12 [REDACTED] I don't believe we have anything else --

13 [REDACTED] I have one more. Sorry.

14 [REDACTED] Oh, sorry.

15 [REDACTED] Just to tie a bow on the authorities' questions, and I know I asked  
16 this before, but I just want to make sure I'm clear. When you gave the go order on  
17 January 6th to deploy the National Guard, it was your understanding that you didn't need  
18 any other approval or authority to make that happen. Do I have that correct?

19 Mr. Irving. Correct. We were in a state of emergency and I felt, being with Mr.  
20 Stenger certainly, we had the authority.

21 [REDACTED] Thank you, sir.

22 [REDACTED] Mr. Aguilar or Ms. Cheney, do you have any questions for Mr.  
23 Irving?

24 Mr. Aguilar. No questions.

25 [REDACTED] Ms. Cheney?

1 [REDACTED] She left.

2 [REDACTED] Okay.

3 [REDACTED]

4 Q And just one more question concerning Representative McCarthy. Did you  
5 have any contact with him, prior to January 6th, in the --

6 A No. Not that I can recall, no.

7 Q Did you have contact with any -- with his staff or Luke Murray?

8 A Are you asking --

9 Q Prior to January 6th, yeah.

10 A Oh, prior to the 6th? Luke -- yeah, I would have contact with Luke Murray,  
11 yes. Luke was his national security advisor, to the best of my recollection, and we would  
12 speak about issues, but none relating to the 6th. So if you're asking about the  
13 timeframe from the 4th to the 6th, the answer would be no.

14 [REDACTED] Okay.

15 [REDACTED] Anything else?

16 [REDACTED] That's it.

17 Mr. Irving, I do appreciate it. Sorry it was kind of rapid fire there at the end,  
18 but --

19 [REDACTED] Yeah. We do want to thank you for your time, Mr. Irving.

20 Rob and Aaron, thank you for participating as well. Any final questions or  
21 concerns on your end before we close the record?

22 All right. I appreciate it. And, Aaron, I'll look forward to you and I connecting  
23 next week.

24 Mr. Zebley. Very well.

25 [REDACTED] Thank you, folks. Have a great weekend. Thank you for your

1 time.

2 [Whereupon, at 5:09 p.m., the interview was concluded.]

2

3

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

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10 Witness Name

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**Witness Name**

15

Date