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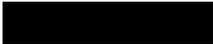
TRANSCRIPTION

INTERVIEW OF
GENERAL MARK A. MILLEY

Case Number: 20210115-069052-CASE-01

April 8, 2021

Transcript Prepared by:


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PROCEEDING

1
2 [REDACTED]: Good afternoon. Today is April 8, 2021 and the time is 1504. I am [REDACTED]
3 with the Department of Defense Office of Inspector General. On the phone with me are my
4 colleagues [REDACTED] and [REDACTED]. The witness General Mark Milley, and General Mark
5 Milley's [REDACTED] General Milley and [REDACTED] [REDACTED] are
6 located in the Pentagon. [REDACTED], [REDACTED], and I are located in our respective telework
7 locations in the State of Virginia. We're conducting this interview as part of our review of the DoD's
8 involvement leading up to and during the civil disturbances in the District of Columbia including the
9 U.S. Capitol on January 6th, 2021. At this time General Milley, I ask you to please acknowledge that
10 this interview is being recorded?

11 GEN MILLEY: This is General Milley. I acknowledge this interview is being recorded.

12 [REDACTED]: Also please acknowledge that I provided you a copy of the DoD OIG Privacy Act
13 Notice?

14 GEN MILLEY: I acknowledge that DoD IG provided me a copy of the DoD IG Privacy Act
15 Notice.

16 [REDACTED]: Thank you. I will now administer you the oath. Please raise your right hand.

17 GEN MILLEY: Right hand is raised.

18 Whereupon:

19 GENERAL MARK A. MILLEY

20 was called as a witness, placed under oath, and provided the following testimony:

21 EXAMINATION

22 BY [REDACTED]:

23 Q: For the record please state your full name and spell out your last name.

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1 A: Full name is Mark Alexander Milley. Last name spelling is M-I-L-L-E-Y, General, United
2 States Army, Chairman of the U.S. Joint Chiefs of Staff.

3 Q: Thank you, and during this interview, General Milley, we will first focus on DoD's
4 preparation and involvement prior to January 6th, and then we will transition to DoD's
5 involvement on January 6th. So, please walk us through your involvement prior to January 6th to
6 prepare the DoD to support federal and local officials from when you first became aware of
7 possible demonstrations on -- for January 6th through the receipt and approval of the request for
8 assistance, and please we ask that you be as detailed as possible and highlight any dates, times,
9 meetings, phone calls, decisions, advice or any concerns related to this matter. Feel free to refer to
10 any of the documents that I sent you including your calendar.

11 A: Okay. Let me -- can I just talk like free play here or am I doing question/answer,
12 question/answer, question/answer?

13 Q: Free play.

14 A: Okay. So, breaking it up in the before and during. In the before piece I really want to
15 start probably in the summer, in the late May/early June timeframe because that's the period in
16 which you get the George Floyd murder, or death that occurs, and then all of the surrounding
17 unrest that went with that to include the events of 1 June, and the events of 1 June are preceded
18 by two or three days of rioting and civil disturbance here in D.C., and then this -- sort of this
19 continuous drumbeat of civil unrest throughout the summer, and in the fall, and in the winter,
20 etcetera, and you're familiar with it. I won't tick off all the events Seattle, and Portland, and New
21 York, and so on and so forth. We the Joint Staff at my direction every morning we were tracking in
22 addition to worldwide events and things overseas of which there are many, we are tracking civil
23 disturbance in the United States. And when I say "tracking" I had the Joint Staff report, set up a

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1 system of reporting in the morning at our normal 7:30 meeting, and we can make available to you
2 those slides, the reports from every morning and it's June, July, August, September, October, all
3 the way through, right? In fact we still do that by the way. So, we can make available to you, the
4 DoD IG, all of those briefing materials and I think they're worth wild at lease perusing in order to
5 show that we're monitoring domestic civil unrest. A couple of I think things that jump out. One is
6 over the course of time you've got in the United States about 276 cities that are over 100,000
7 people. You've got 37 cities that are over 500,000 and you've got one city, well, you've got nine
8 cities over a million, and one city over five million. I tell you that because we're monitoring this
9 and all these different cities and on a given day, on an average day you're going to have one, or
10 two, or three of these cities at some sort of civil unrest generally relating to the George Floyd
11 incident and subsequent incidents involving Antifa, Black Lives Matter, Proud Boys, the Host
12 Keepers, and these various groups on either the right or the left that were in conflict and you
13 remember all the stuff from Seattle with respect to I think it was the Chop Zone at one point and
14 then it became the Chaz Zone and so on. SO, I say that because we're monitoring all this stuff the
15 entire time. We also are keenly aware on the Joint Staff that we are in a period of political season.
16 We are aware and monitoring foreign intelligence service activities as well, and we're monitoring
17 overseas activities with Russia, and China, and North Korea, and Iran, all of that. There's a whole
18 set of context to everything that we're talking about. I think that's important to bring out, but we
19 can provide you those slides for sure and the briefing materials. Specific to --

20 Q: Thank you.

21 A: -- to the 6th -- specific to the 6th of January. I want to back up a little bit more because
22 there is a series of events leading into the election which caused a variety of people to have a lot
23 of suspicions, and conspiracy theorist, and tall the avaskirts that went around with the election.

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1 The election happens on the 3rd and it becomes pretty obvious pretty quick that it's going to be a
2 contested election. Now, leading up to that I pretty routinely gave out public statements that
3 talked about the military being apolitical entity and that we the military will stay out of domestic
4 politics. I did that on the 2nd of June. This is after the events of the 1st of June down at Lafayette
5 Square which is now Black Lives Matter Square or Plaza. So I issued out a statement on the 2nd of
6 June. Issued out a subsequent series of basically public statements and/or stances. That include
7 sworn testimony to Congress. That include responses to the record to Congress, to Representative
8 Slotkin and Representative Sherrill. We can provide those to you. It included an interview with NPR
9 that talked about the military being apolitical and not being involved in politics. We can -- and then
10 -- and there's a whole series of other sort of statements etcetera. The point being is that the
11 United States military is an apolitical entity and it's absolutely imperative that we stay out of
12 domestic politics. We are not the determiners of who's going to be the President of the United
13 States. That is determined by the American people through the electoral process, and then if
14 there's a contested election that is determined in courts and then the certification of the Electoral
15 College which is what was going on on the 6th. So, and as you also know because of the domestic
16 civil unrest there was a variety of discussions throughout the summer and in the fall of the use of
17 the military and there was things like the Insurrection Act, that became a big thing and eventually
18 led to a falling out between Secretary Esper and the President, President Trump. And so I say all of
19 that kind of a context leading into this. So, then you get the election on the 3rd, and then on the
20 9th Secretary Esper is removed from office. He's fired. And then you get Secretary, Acting
21 Secretary Miller comes in along with some other folks as the civilian leadership within the
22 Department of Defense and that's on the 9th of November. On the 11th I give a speech at the
23 opening, the ribbon cutting of the Army Museum at Fort Belvoir on Veteran's Day on the 11th.

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1 Again, reinforcing that we the military, apolitical, we stay out of the politics. It's a contested
2 election. This is going to be determined in the courts and by the Legislative Branch and the
3 Certification of the Electoral College. Things are starting to heat up in terms of the contested
4 election piece post-election in that November/December timeframe and on or about the 19th is
5 the first record I have of conscious memory of the 6th being potential disturbances, and the 19th
6 President Trump, on 19 December he issues out a plea, which I pulled off the internet and, hang
7 on one second. Let me pull that up here. And I'll just read it to you. It says, this is 19 December,
8 Peter Navarro releases a 36-page report alleging election fraud and it says, "Great report, Peter.
9 Statistically impossible to have lost 2020 election. Big protest in D.C. on January 6th. Be there. Will
10 be wild." You might remember that Tweet. And then the next day on the 20th once we give you
11 these slides as I went through the kind of daily report from the Joint Staff. The next day you'll see
12 an entry in the Domestic unrest update where the Joint Staff reports, "Potential protests events in
13 D.C. on the 6th of January." So, you asked about when did we become aware. That's kind of the
14 first point from my memory where I can recall something's going to happen on the 6th. Now
15 having said that we also knew because it was scheduled that there would be a certification of the
16 Electoral College on the 6th and I knew that would be politically contentious but I didn't think that
17 there be violence and protests or any of that at that point. So that's on the 19th/20th. You get into
18 now you get into for the preparatory period you get into indicators and warnings which I think is
19 major theme that is worthy of elaboration by somebody. I don't know if it's you or somebody else.
20 But the indicators and warnings I'm talking about are indicators and warnings of violence. So,
21 we're talking first of all the President does, I counted upwards of 10 Tweets, there may be more or
22 less. All of these Tweets are rallying cries for people to come and protest in Washington D.C., and
23 these Tweets happened on the 19th as I already mentioned, 26 December, 27 December and 30

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1 December, and then on 1 January, 3 January, and then on 5 January there's four Tweets all trying
2 to rally people to D.C. So, in addition to that there are applications for people to protest, exercise
3 their 1st Amendment right so to speak, and I forget exactly how many there were, but it's a lot. It's
4 like 25, 30 or even more applications for various groups to protest and we're tracking this now.
5 We, the Joint Staff, are starting to track through the Metro Police Department and through FBI,
6 etcetera. The consistent theme on the indicators and warnings though is chatter, sizable crowds,
7 1st Amendment protests, no specific intelligence of violence, and that's very consistent
8 throughout the entire time. There was one FBI report that was noted in the media after the event
9 of the 6th. I went back and pulled that FBI report. That FBI report was issued out by the Norfolk
10 Division of the FBI on 5 January. I never saw that FBI report. I don't think anyone on the Joint Staff
11 saw it, or maybe they did, maybe they didn't, but even in hindsight as I read that report, even in
12 hindsight it is not something that you could actually action with any degree of specificity, and even
13 as you look at this report it has some very violent language in it, but I would also tell you that
14 when the FBI talks about "chatter" there is tons of this chatter prior to the event and there is tons
15 of this chatter right now as we speak, and it's every day. So, I have on my iPhone, I'm going to pull
16 up here in just a second. [REDACTED]
17 [REDACTED] on any given day
18 you're going to see on there, 10, 20, 30, 50 kind of Tweets from different people around the
19 country that are really extraordinary inflammatory. This is today for example Tweet 22 minutes
20 ago. It says, "All ATF agents will get the rope." And then there is like five of these things in the last
21 hour. So, when the FBI says "chatter" that's what they're talking about. You've got all these Tweets
22 out there on social media that talk about all of this violence and there was plenty of that ahead of
23 time. There was plenty of it after the fact, after the 6th. There's plenty of it right now. We the

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1 United States Military do not surveil our domestic population. It is illegal. So, we rely on domestic
2 law enforcement activity from the FBI and local police for any sort of early warning of significant,
3 domestic problems. And leading up to the events of the 6th we, the Joint Staff, I the Chairman, and
4 I don't believe DoD ever got anything specific that was actionable that would indicate the sky size,
5 scale, the scope of the attacks that occurred on the Capitol on the 6th of January. Here's what we
6 did have. We knew there was going to be a protest. We knew there was going to be a large
7 gathering of people. The population, or the estimate of the crowd size prior to the event varied
8 and it grew over time. It started out as there was going to be about five or 10,000 and then as you
9 got closer to it it grew to 10 to 15. Just prior to it there were reports that it could be as big as 20 or
10 25, and then on the actual day of the event you start getting reports of 25,000 or so. The reporting
11 that I have after the event is that the number of people that arrived in D.C. in order to protest the
12 election from one side of the spectrum or the other were upwards of 45,000, and that's a police
13 post-6 estimate. So, I don't know if those are accurate or not. But we had varying size crowds so
14 we knew there was going to be a large crowd on the 6th. We knew that there was mostly going to
15 be Trump supporters. We knew that they planned to have a rally at the Ellipse down around the
16 White House. We knew that they planned rallying at a couple of other different locations, the
17 Washington Monument, the Capitol. We were concerned about potential violence going to
18 happen at the African American museum. We thought maybe there could be something at the
19 Lincoln Memorial because we knew some of these groups coming in were pretty hard right in
20 terms of background supporting the Confederacy and all that kind of stuff, so Lincoln Memorial
21 kind of was the obvious one. We were thinking perhaps there was going to be some violence in
22 and around the Martin Luther King Memorial. We looked at what we thought were the most, and
23 this is really FBI Police, what's the most likely and dangerous sort of thing? The most likely course

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1 of action, this is kind of very typical military planning, but the most likely course of action that was
2 briefed and planned against were large crowds, mostly peaceful, with small numbers in the high
3 hundreds or low thousands of groups that would be violent and they would do what they did back
4 in I think it was November and December which was break down into small 10, to 12, to 15 people
5 groups that would roam the streets after the sun went down, and they would try to find counter-
6 protesters, and there would be fights on the street. That's what the MPD thought. That's what FBI
7 thought. That's what was kind of briefed to everybody as being the most likely course of action.
8 The most dangerous course of action people were talking everything from potential airplanes, you
9 know 9-1-1 type of stuff. Airplanes crashing into the Capitol or other things like that, but both
10 were considered very unlikely. The most likely be a large crowds and then when the sun goes
11 down you were likely to see various small groups throughout the streets of D.C. just causing
12 general havoc, fighting each other, beating people up, and so on and so forth. I don't recall a single
13 briefing where anyone every briefed that there was going to be, I don't know 20 to 30,000 people
14 go down to the Capitol and conduct a coordinated assault from multiple directions to seize and
15 take over the Capitol, threaten the Vice President of the United States, and the Speaker of the
16 House, and so on, and try to violently prohibit, or prevent the certification of the electoral vote.
17 Should that have been seen ahead of time? Maybe. Maybe not. I don't know. I'll let others figure
18 that out but I know that that was never discussed as a real possibility. So that's important I think
19 from an intelligence standpoint in the preparatory piece. Secondly is the DoD role and I want to
20 talk there on, in this in the preparation. There are processes that govern the use of the U.S.
21 military, whether it's National Guard or active duty on the streets of America, and there are very
22 strict laws that we should adhere to at all times when we even contemplate the use of the military
23 on the streets of America, and those laws are there for good reason, good historical reasons, and

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1 it's not easy. The process is not easy to deploy U.S. forces, military forces on the streets because
2 we as a nation generally think that there should be a clear dividing line between law enforcement
3 and military action. So, the bar is pretty high to deploy forces, as it should be, on the streets. So,
4 prior to the event of the 6th, there were a series of meetings and I'll run you through those in a
5 few minutes. There were a series of meetings, preparatory meetings at our assistance by the way,
6 at the assistance of the Department of Defense, a series of interagency meetings and internal DoD
7 meetings in preparation for the events of the 6th and it was clear that the consensus view is law
8 enforcement on point, on lead it's a law enforcement activity. And that if you need military
9 support either from the Guard or active duty then there are established procedures and processes
10 by which you can access that by sending in a request through the Department of Defense. It will
11 get evaluated and then if approved you'll get the support necessary. So, the process is important
12 prior to the event, prior to the events of the 6th, that there's a process in place to do that and I'll
13 walk you through the estimates leading up to that. The other thing that's important is the
14 command and control piece prior to the event. So, back in D.C. unlike a state the District of
15 Columbia is unique and I think this needs to be brought up because a lot of people don't -- frankly
16 don't quite understand it even today. The District is not a state with a governor like Virginia, or
17 Pennsylvania, or whatever the state is. In a state the governor is the Chief Executive and that
18 states governor has the authorities by law over the use of that state's National Guard unless the
19 President activates and federalizes that states National Guard and takes them away from the
20 governor, but up until that point the Governor has control over their own National Guard. The
21 District of Columbia is not a state. So, the way it works in the district is that the President of the
22 United States is the Governor of the District of Columbia by law. In 1969 the then President, Nixon,
23 delegated the roles and responsibilities and, not responsibilities but the duties and authorities of

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1 the governor to the then Secretary of Defense, and then the Secretary of Defense at the time Mel
2 Layard he further delegated the responsibilities and authorities, and the duties of governor to the
3 Secretary of the Army. And since 1967 (Sic) that's the way it's been in D.C. So the governor of D.C.
4 for the employment of the Guard and the chain of command of the National Guard in D.C. is the
5 Commanding General of the D.C. Guard, in this case Major General William Walker, to the
6 Secretary of the Army, Ryan McCarthy, or then Ryan McCarthy in the events of the 6th, then to the
7 Secretary of Defense, Acting Secretary Miller, then to the President of the United States, President
8 Trump. And people can argue that's not a good way to do things or not, but that is the legal way to
9 do it, and secondly is I'm counting about 13 or 14 different police agencies, law enforcement
10 agencies in Washington D.C. So, you've got the Metro Police for example. You've got the Capitol
11 Police which is significant in this particular case on the 6th, but you've also got Secret Service, FBI,
12 the Park Police, the Homeland Security, Force Protection Police, and so on. You've got a lot of
13 these federal agencies. Each one has a different mission. Each one has different jurisdictions and
14 responsibilities. The Department of Homeland Security for example they protect federal buildings.
15 Secret Service protects the President and the White House. Park Police protects the monuments.
16 Metro PD [inaudible]. Capitol Police does the Capitol. So, they all have different jurisdictions. So,
17 command and control on any event in D.C. can get very complicated. It was complicated over the
18 summer. It was complicated on the 6th, and it's complicated now, and it's still complicated. And
19 one of the things that is important is to go ahead and designate what's called a lead federal agency
20 and in some certain specific things the President or the administration will designate a National
21 Security Special Event. For the events of the 6th there was no National Security Special Event
22 designated, nor is there any precedent for that happening for the counting of electoral ballots.
23 National Security Special Events typically are things like inaugurations. But there was a lead federal

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1 agency designated and that was the Department of Justice. Now what's important here is that
2 Attorney General Barr had since resigned or been fired. I'm not sure which one it ended up being
3 but he resigned prior, sometime I think it was in December and Acting Attorney General Rosen was
4 the Acting Attorney General. So you've got Acting Attorney General Rosen. You've got Acting
5 SecDef Miller. You've got Acting Secretary of Homeland Security Wolfe, and a variety of other
6 acting secretaries. But the lead federal agency was designated as the Department of Justice and
7 they are the ones when you're designated a lead federal agency by process that's the one who's
8 supposed to coordinate and synchronize the federal response on anything that's occurring in D.C.
9 So, that's processes, indicated warnings, some of the command and control pieces I think that are
10 important to bring out some of the Tweets, the lead federal agency piece that I jotted down.
11 Specifically as you lead up into these events here and I'm looking at the timeline, we'll provide you
12 this timeline by the way. I think you already have it. Actually I think you guys sent it to me but I'm
13 filling in some gaps in this timeline that you sent. So, as we lead into this thing the lead federal
14 agency, Department of Justice establishes a crisis coordination center downtown. They do that I
15 think it's on the 20th or 21st in order to coordinate activities, it's at the FBI building, in order to
16 coordinate activities for the various folks that are involved in this thing. Some of this is being done
17 virtually. Some of it's being done in person. We, Joint Staff, participate in that. We have folks,
18 LNOs, etcetera. DoD has people. Key DoD guys, by the way if you haven't interviewed a key one is
19 Bob Salesses. He's got a lot of the detail here. Another one is Ken Rapuano who's a subject matter
20 expert on all this stuff. If you haven't interviewed them they're worthy of getting their views
21 because they'll be able to walk you chapter and verse through the rules, the regs, the processes
22 and all that there. So, then on the 20 -- let's see where am I? On the 28th we're looking at
23 estimates, crowd estimates, this is in the morning brief. The crowd estimates, and this is in the

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1 morning brief and the crowd estimates of somewhere around 15,000 for the 5th and 6th of
2 January, and that's an estimate. I'm looking at the charts here, 28 December estimate. Jump to the
3 31st. Hang on one second. There you go. Jump to the 31st, I'm looking at an entry, it says, okay
4 now I get in these requests. I'll cover the requests in a second. I'm just leading up to the general
5 stuff here. There's a series of meetings. I need to talk to you a little bit about, I mean a key
6 meeting is on the 3rd, which you're probably interested in. Secretary Miller and I went to and
7 there's a series of interagency phone calls. But you sent me these requests so let me address those
8 for a second on these documents that you sent, and these are requests from the Mayor and the
9 MPD. So, Ken Rapuano or Bob Salesses, they went out and they talked to all the various police
10 agencies prior to the 6th and they report back that they said, "Hey, do you need any DoD
11 support?" And all of them said, "No." Except the MPD through Mayor Bowser. So, I don't have the
12 date/times when Rapuano and Bob Salesses talked to these guys, but they went to the Capitol
13 Police for example and said, "Do you need military help?" "Nope. We've got it. We're the Capitol
14 Police. We're trained. We do this all the time. We're in good shape." They go to DHS and Wolfe
15 and his guys, "Nope. We're good. We're protecting the federal buildings. We've got it." Go to the
16 Park Police, "Nope. We're good. We've got the monuments. We've got all the cops we need. We
17 don't need -- we don't want to militarize anything." Secret Service, White House, "Nope. We've
18 got everything we need." So they basically would go around to all the various security services that
19 are in D.C. and they offer military support, National Guard support really, and they get told, "No."
20 Except Mayor Bowser. Mayor Bowser and the MPD come back and they say, "You know. We do
21 need some help. We need traffic control points too, and we want these guys not to have helmets.
22 No riot gear. No weapons. We want them to wear orange reflective vests. We want to make sure
23 they have those light wands type thing, and we want to basically to be able to control people,

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1 population, movement in and around the Ellipse.” And the letter or the memos that you have are
2 accurate in the sense of the number of people which I believe from memory, I’m letting all -- I’ve
3 got the letter right in front of me but I think it’s 340. There’s different shifts. I think they said 90 on
4 a given shift, and 180, etcetera, and you can get all the detail. We’ve got the document. We can
5 provide you the documents of all that, but bottom line it’s a relatively small number, and she
6 explicitly said, “Not armed. No helmets.” Etcetera, etcetera. The clear intent was, “Do not
7 militarize the city.” And the mission was traffic control points in and around the Ellipse, not down
8 at the Capitol. In addition to that they wanted the standard kind of Chem/Bio response unit which
9 is a small unit we have available for various events here in D.C. So we put that on standby for
10 them. They also asked for a quick reaction force of 40 or so, and they were going to be stationed at
11 Andrews, and the Armory, and that was also D.C. Guard so that was provided, and of note by the
12 way that quick reaction force I don’t know the exact number but I think it’s -- I think 16 or 18 of
13 that quick reaction force were Air Force F-16 mechanics. These guys were not SWAT Team guys,
14 Delta Force, and SEAL Team 6. They weren’t even from the same unit. They were D.C. Guard but
15 some of them were Air Force, some of them from Army. They’ve kind of got this mix potpourri of
16 folks in that “QRF”. But and it’s relatively small. It’s a platoon size, 40 guys. And that’s it. That was
17 the only request prior to the events of the 6th for military capabilities. Hang on. I’ve got my
18 phone’s ringing. My guys will get that outside. So anyway that’s it prior to in terms of requests for
19 assistance, and you have those memos. When we receive a request for assistance which is part of
20 the process. It was a series of meetings and again, I don’t have the memo from the Mayor but
21 there’s a series of meetings that the Army’s going to. The Joint Staff is involved in these meetings.
22 Secretary McCarthy and so on and so forth. I think the first, if I’m not mistaken the first written
23 request I think I’m looking at the documents you sent shows Mayor Bowser, she sends it in on 31

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1 December to William Walker who then flips it over and starts the process. So, 31 December that's
2 probably about right. There's probably a couple of phone calls before that. I imagine there's
3 probably some e-mail a couple of days before that because that's a written formal request, and
4 then there's a paper that you sent me signed by Dr. Rodriguez from the Homeland Security,
5 Emergency FEMA guys part of D.C. and they're requesting, and that's -- you get this process take
6 place between the 31st receipt of written request and out through I think it's the 4th, I'm looking
7 at your document, I think the 4th is when the final approval for these guys and in between that
8 there's all kinds of staff meetings. I'm not in these meetings, but there's all kinds of staff meetings
9 about, "Okay. Rules of engagement. Do you wear a helmet? Don't you do this and don't you do
10 that." And then there's this note you sent me which is accurate. Which is this memo from Acting
11 SecDef Miller which talks about the employment guidance in the District of Columbia National
12 Guard. So this I think is worthy of commentary which is Secretary Miller had a series of meetings
13 with Secretary McCarthy and me about the proper employment of the Guard in the City, and
14 Secretary McCarthy consistently said, "Hey, we need to keep a -- we need a scope, or exact task,
15 and purpose, and rules of engagement, and so on." And we all agreed and that's especially
16 important given the lessons learned from the summer where I think there was a series of things
17 that occurred like the use of helicopters, and there was some ISR, and there was other things.
18 There was a significant militarization of the Capitol in the summer that people all learned lessons
19 from, important lessons. So, to the point where Secretary Esper, by the way, issued out a
20 memorandum in the summer. So, during one of these meetings, Secretary McCarthy and the rest
21 of us kind of agreed, he suggested that we resurrect the Secretary Esper summer memo, for
22 Secretary Miller to sign. So, the memo that Miller signs on January 4th it's not exactly word-for-
23 word, but it's similar and it really is talking about employing the lessons learned from the summer.

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1 So I'm looking at it and it says, and this is the memo that translates into a subsequent memo from
2 McCarthy to Walker, and this is the memo where General Walker asserts in this testimony to
3 Congress that he had -- it's one of the articles you sent me, that he had authorities taken away
4 from him. And so this memo is applying lessons learned from the summer, number one. Number
5 two, it's not really, at least as far as I know, and you guys can dig out the exact rules, regs, and
6 laws, but as far as I know it's not the purview of any military officer in the active duty, reserve, or
7 guard to deploy military forces on the streets of America under their own authority. I don't believe
8 that any officer in the uniformed military, guard, reserve, or active, has that authority on their
9 own. That authority must come from civilian authority, civilian control of the military, and in the
10 case of D.C. it must come from the President, Secretary of Defense, or the Secretary of the Army,
11 and what I'm really talking about here is law enforcement, right? So, if you're going to employ the
12 military, guard, reserve, or active in support of law enforcement or do law enforcement like
13 activities then you've got to have civilian authority to do it, and nobody can do that on their own.
14 So, that's what these letters are all about. It's about civilian control of the military and rightly so
15 and they put constraints, "they" being the civilian leaders in this case Miller and McCarthy, put
16 constraints on the use of the military in accordance with the intent of the Mayor of D.C. So it's not
17 an attempt to constrain the use of the military, it's an attempt to --- it's not something to prevent
18 and take powers away from people, it's trying to scope the use of the military appropriate to the
19 request and the processes that are in place. So, in this case as you look at the memo and I think
20 you probably have the memo right in front of you, the one signed by Miller, it says, "Hey, without
21 my subsequent personal authorizations then that D.C. Guard is not authorized the following:
22 Weapons, ammo, bayonets, batons, ballistic protection, helmets, and body armor." And that's
23 exactly, first of all, no police agency except D.C. asks for military help at all, and the one that did

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1 ask for help explicitly said, "No weapons. No body armor. No helmets, etcetera." And then it goes
2 on. You can see the rest of it. So, that's the context by which those two memos are signed out on
3 the 4th, and that process occurs really between the 31st of December I guess and the 4th of
4 January to get all of that kind settled and laid flat. And let me shift gears for a moment to where
5 I'm at, right? So, I am on, I think you -- you have my calendars is that true? You guys got those?

6 Q: No, I do not. We don't have your calendar.

7 A: Oh, okay. I thought I sent them to you. I'll get -- just -- I'll take a note to self. [REDACTED] I
8 want to make sure they get my calendar, right? Didn't you ask for a calendar from like the 19th on
9 or something like that?

10 Q: Yes, I -- yes.

11 A: [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]. The week of the 14th of December I'm in the Middle East and I'm visiting a variety of
16 countries, Cutter, Kingdom of Saudi Arabia, UAE, and Israel, and I return on the 19th of December
17 and that's the same day remember as Trumps first Tweet. Then on the 20th which is a Sunday, and
18 by the way I'm doing these Joint Staff Updates, those morning updates I'm talking about with
19 those slides and all that, I'm doing those every day to include Saturday, Sunday, even while travel.
20 We put that system into place over the summer. So, on Sunday I get my intel update at home.
21 [REDACTED] and I get my Joint Staff Update to include the civil
22 unrest piece. On Monday the 21st I've got, you know how they do portraits, I hate to say this in --
23 this is going to sound weird, but you know they do portraits for SecDef, and Secretary of the Army,

1 etcetera and Chairman, and Chief of Staff of the Army? So, we did a portrait unveiling for me
2 because I was Chief of Staff of the Army. That's Monday morning. [REDACTED]
3 [REDACTED] Then I'm on leave. Now even though
4 I'm on leave, I'm on local leave [REDACTED]. Even though I'm on leave, which is
5 where my quarters are, I'm on leave from the 22nd of December through the -- and I'm back to
6 work, technically back to work on Monday, but on Sunday I obviously do a few things, but I work
7 every day by the way. I'm on leave, but I'm taking these meetings. These are telephonic
8 conferences these interagency meetings, and [REDACTED]
9 [REDACTED]. Anyway, so when you look at my calendar and you see "leave" you'll see a
10 couple of entries like "Joint Staff Updates" and stuff like that, that's kind of what you'll see. Now,
11 let me fill in some of the gaps for you, because the calendar doesn't show every little phone call all
12 over the place, and if you'll bear with me for a second as I go through this timeline. So I'll start. We
13 already talked about the 19th and 20th we start picking up these Tweets, and we're doing these
14 morning reports, and then the 31st I'm showing that the D.C. Mayor, the D.C. Director for
15 Homeland Security they request the Guard assistance. You have that memo. It explicitly states no
16 Guard personnel should be armed etcetera, and I acknowledge and am in receipt of that memo on
17 the 31st along with the SecDef, SecArmy, and so on. We have a telephonic meeting. This is
18 Secretary McCarthy, myself, Secretary -- Acting Secretary Miller, I'm not sure who else is on that
19 phone call. It's a phone call. It's a teleconference. In any event Secretary McCarthy reviews the
20 bidding of that request and we discuss fulfilling it, the puts and takes, etcetera, which obviously
21 eventually we do. Later on so that's at [audio cut out], is what I'm showing here. Later on that day
22 I get a briefing, this is still on the 31st. I get a briefing from my guys. The briefing was provided to
23 my people by the Army staff on the D.C. Guard plan of support. In that briefing, we can provide

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1 you the briefing. These are slides. There's an estimate of 15 to 20,000 demonstrators. The support
2 plan states that law enforcement expects Proud Boys and Antifa to participate. Incidents of assault
3 on each other with protesters, counter protesters may be likely. It talks about the armed -- it talks
4 about armed Oath Keepers coming in from Virginia, and it says, "But no indication that any of
5 these groups are planning to attend any event in D.C. proper." So, make what you can of that. And
6 what I said according to notes here, what I said is to my 3 and the briefers, "Monitor this closely. I
7 expect it will further develop closer as we get close to the 6th of January." And that's -- somebody
8 wrote it down as a quote from me from the briefing so I probably said it. And then e-mails back
9 and forth, we'll provide you these e-mails on these concepts of operation that are being developed
10 for the Guard and all of that. 1 January I show on a timeline that I have hear on 1 January that the
11 SecArmy and SecDef are approving the use of the Guard, but I want to modify that because I think
12 that was verbal at that point. They were basically saying approving concept and all that, but you
13 can tell, it's not until the 4th that you get kind of written final approval. But before the 4th there's
14 a lot of planning, coordination, and commitment. So a lot of that verbal, but it's in that window of
15 the 1st through the 4th that you are getting all of these and I show a note saying it was approved
16 as early as the 4th, or the 1st rather. And then I've got a -- do you already have -- let me ask you
17 this. Do you already have the CONOPS? I don't know -- I don't know. I guess I can provide them to
18 you, but you may already have some of this stuff. Do you already have the CONOPS from the Army
19 or the D.C. Guard on the employment of the Guard?

20 [REDACTED]: [REDACTED], do you want to answer that?

21 A: If you don't I can get them to you. I just don't want to make double work on everybody.

22 [REDACTED]: I believe we do, but if -- but I'm going to annotate that and we'll discuss it
23 after we come off record.

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1 A: Great. Okay. And then so at, let's see. I'm showing on the 1st of January, it's just a --
2 okay. That's not. Let me bounce to this -- there are other various meetings, etcetera. On the 23rd,
3 or correction on the 2nd of January rather, I'm showing that there is a conference call at 1330. I'm
4 looking at this log. So, let me -- that's the 2nd. The 2nd at, bear with me for a second. Okay. So, let
5 me make sure I get the time right. Yeah, here you go. Okay. At 1330 on 2 January there's a
6 conference call and on the call is Acting SecDef Miller, and then his Military Assistant Fenton, OGC
7 Paul Ney [audio cut out], Tony Tata, Hokanson, Commander of the Guard Bureau, or Chief of the
8 Guard Bureau, General McConville, Chief of Staff of the Army, Secretary of the Army McCarthy, the
9 Ops Guy from the Army Staff Chris LaNeve, Brigadier General Chris LaNeve, and Joe Francesco who
10 is like one of the assistants to Secretary Miller, and I think that's it. So, in that call, this is on the
11 2nd, 1330, in that call there's a discussion of the concept of the operation, discussion of the, or I'm
12 sorry, also by the way in that -- my bad. Also in that call is Rosen, Acting DoJ, or Acting AG rather,
13 the Department of Interior and I forget his name, but he's the Acting Department -- maybe he was
14 not the Acting. I think he might have been the real deal there and confirmed for Department of
15 Interior, DHS Wolfe, and I think that might have been it. So, what's discussed there are the
16 requests from the -- from a Metro PD, concept of the operation is a briefing basically on law
17 enforcement intel, which is the same gist that I gave you before, the indicators and warnings, a lot
18 of chatter, nothing specific. We talked about crowd estimates of 15 to 20,000 at this point. I've got
19 a note here it says, "Upwards of 23 groups that applied for protesting." It talks about Proud Boys,
20 Antifia, others. It goes over the amount of law enforcement that is available in D.C. which is
21 considerable. It's like [REDACTED] or something like that. They talked about external
22 perimeters/internal perimeters and talked about lead federal agency, setting up a command post,
23 and all those sorts of things. So, rules of engagement, that's that -- so that's that phone call. That's

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1 on the 2nd at 1330. Then let me shift gears to the 3rd. So, on the 3rd of January, so on the 3rd of
2 January I think the two key things to point out there are two events. One is at 1300 which is an
3 interagency phone call similar to the one I just described. [REDACTED]
4 [REDACTED]. So, at 1300 in that call you've got
5 Secretary -- Acting Secretary Miller; Secretary of the Army McCarthy; Cash Patel, who's the Chief
6 of Staff to Secretary Miller; Fenton, Military Assistant to Miller; Deputy Chief of Staff Joe Francisco
7 again; Paul Nye again; AG Rosen; DHS Wolfe. I'm showing Charlie Gambaro who was an assistant
8 to Secretary Miller; Secretary of the Interior; Dep SecDef Norquist. I'm showing Robert O'Brien
9 from the White House; and General McConville; and me. So and there may have been others on
10 there, but those are the ones that I noted down. So, in that meeting at 1300 it's again a review of
11 the intel, same thing. Nothing specific. A lot of chatter. These meetings by the way I think this is
12 important to point out. These meetings even though the lead federal agency was the Department
13 of Justice, these meetings were being driven by the Department of Defense. The reasons these
14 meetings were happening is because it was the Department of Defense. It was me, Secretary
15 McCarthy and Secretary Miller, and others were insisting we do these coordination meetings.
16 That's the only reason they were happening at all. So, just as an aside. So, on this particular
17 meeting again, we go over intel. We go over the request for assistance from the Mayor, they talk
18 about crowd size at this point. Estimate's the same, 15 to 20,000. We talk about where they'll be,
19 at the Washington Monument, on the Mall, Freedom Plaza, Lafayette Square Plaza/Black Lives
20 Matter Plaza, Capitol, White House, Ellipse, Department of the Interior, Secretary Department of
21 the Interior, Secretary of the Interior, he specifically said, "No, added requests are needed from
22 the National Guard from him. Don't anticipate making any requests. I brought people in from the
23 other parts of the country. We're in good shape." Attorney General Rosen, similar comments,

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1 "We're in good shape. No need for support from DoD. We have a fusion center set up at FBI." And
2 then he reinforced the fact of a lot of chatter but nothing specific. DHS Secretary Wolfe said similar
3 assessment. His Director of Ops, I forget what the guy's name was. I think his name is [REDACTED] but he
4 briefed an assessment. It was very similar to, "A lot of chatter. Nothing specific." He did say that
5 they would have a situation -- a virtual situation room set up. They see no specific threat to federal
6 buildings. They do have additional police that they brought in from various federal police forces
7 underneath DHS. They did talk about -- he did specifically say that this is the, DHS Chief, said, "Our
8 greatest concern is when the sun goes down that it will be similar to 12 December and 14
9 November with small groups roaming the City getting in fights with each other." Secretary of the
10 Army briefed the concept of operation for the National Guard, the TCP and the basic National
11 Guard stuff. I mentioned and I emphasized "lead federal agency and the law enforcement needs to
12 be the first responder, and that ultimately this is police work." Everyone agreed to that. Obrien at
13 the White House he just wanted to make sure everyone was wired with the Secretary, or
14 correction, with the Secret Service. Wolfe he mentions Customs and Border Patrol, ICE, FDS, and
15 brining in additional capabilities, but no specific threats. And then that's pretty much it. It's a basic
16 status update by everybody kind of around the horn, and then it concludes with, "Hey, we're going
17 to do another follow-up call the next day." So that's at whatever time that was, 1300. Okay. And
18 then at I'm looking at the [REDACTED] one here. I'm just seeing if there's something in between. Just so
19 you know I'm on phone calls with other things like 1530 to 1600 [REDACTED]

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 [REDACTED] hang on one second. Hang on guys, [REDACTED]. Just pause
17 for a second.

18 [REDACTED]: We're going to pause the recorders. The time is 1610.

19 [The interview paused at 4:10, April 8, 2021.]

20 [The interview resumed at 4:11, April 8, 2021.]

21 [REDACTED]: The time is now 1611. Same persons are present.

22 BY [REDACTED]:

23 Q: Please continue.

1 A: [REDACTED]

2 [REDACTED] At the tail end of that the President -- I stopped talking, Pompeo stops talking
3 and the President turns to Miller, Acting SecDef Miller, and at that point he talks about the 6th.
4 The events on the 6th, and the President essentially there's nothing really dramatic here. Just right
5 off the bat. So there's no -- there's all kind of RUMINT out there, conspiracy theories, and stuff, it's
6 none of the above. The President just says, "Hey look at this. It's going to be a large amount of
7 protesters come in here on the 6th, and make sure that you have sufficient National Guard or
8 Soldiers to make sure it's a safe event." And Miller responds by saying, "Hey, we've got a plan, and
9 we've got it covered." And that's about it. That's -- there's not any real elaboration. Secretary
10 Miller subsequently did an interview that is in the open media with Vanity Fair. He talks -- I can't
11 quite figure out when he talks about what the President said in the -- did you guys see that
12 interview in Vanity Fair?

13 Q: No.

14 A: Okay. You should pull that article because Secretary Miller, and this is out there in the
15 media so as you do this kind of report I think you're going to have to answer the mail on this
16 particular issue, on this -- I think the IG is probably the best people do to do this, but he goes --
17 Secretary Miller says in this Vanity Fair article that the President of the United States tells him
18 10,000 -- you know, I want 10,000 troops, etcetera in the Capital City. Now that's true that
19 Secretary, or the President said that to Secretary Esper in the summer for the events around 1
20 June. The President said, "I want 10,000 troops." And that led to this whole kind of controversy
21 about Insurrection Act and so on, which ultimately leads to Secretary Esper being fired. In the
22 meeting on the 3rd of January there was no discussion to my recollection, and I'm sitting there and
23 I'm paying close attention to all of this stuff. There was no discussion of 10,000 troops. It was just

1 what I just described which was, "Hey, I don't care if you use Guard, or Soldiers, active duty
2 Soldiers, do whatever you have to do. Just make sure it's safe." That was the extent of it. Nothing
3 more, nothing less, and then we left. Was there or was there not a subsequent discussion between
4 the President and the Secretary of Defense? I don't know. That meeting on the 3rd of January at
5 [REDACTED] that was the last time I have spoken to President Trump, or have seen President Trump,
6 other than seeing him on TV. So, there's no interaction, and people are going to want to know this.
7 There's no interaction for me anyway on the 4th, the 5th, or the 6th, or anything afterwards with
8 President Trump. I cannot confirm or deny if there was a phone call or meeting between President
9 Trump and Secretary Miller before the events of the 6th. I don't know that. I'm 100 percent
10 confident that there were no phone calls, interactions with Secretary Miller and President Trump
11 on the day of the 6th from 1430 on and I say that with confidence because I'm with Miller from
12 1430 on until almost midnight sort of thing. So, there was no interaction with the President. I only
13 bring that up because I know who said what to whom, and the President, and this, that, and the
14 other thing. That's the sum total of the discussion with the President, and that's on the 3rd in this
15 meeting which has got a lot of attention, the meeting from the [REDACTED] So, let me -- that
16 takes us up to the 3rd. On the 4th is additional interagency meetings or phone calls actually. Is the
17 one at 1700. It's essentially the same gist as basically the same as the previous one which is an
18 update. Let me go to it real quick. So, this is at 1700 on the 4th. It's the same people that are in
19 this meeting, this is Miller, and McCarthy, and me, and Chief of Staff, McConville, Hokanson,
20 Rapuano, Nye, Cash Patel, Fenton, D [audio cut out], Attorney General, FBI, and there's others. So,
21 again, same drill. An intel update. A lot of chatter, nothing specific. This is reviewing the bidding on
22 all of the -- on all of the concept of the operation of the National Guard. Interestingly, or important
23 here is Major General Walker is in this meeting and he says, "He's not inclined to need any

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1 additional support. He's got what he needs." And it's basically an update. They go around the horn
2 from everybody. It wasn't anything particularly unusual. It was just an update, an interagency
3 phone call. And then that takes us up to the 4th. There was some intel and I don't remember off
4 the top of my head. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] And some people have conflated that as some sort of table top exercise for
11 civil unrest. [REDACTED]

12 [REDACTED] We can talk more in detail on our follow-on
13 session about that. There is a -- also on the 5th we do another interagency call I think showing that
14 we have an 8:30 call with the Assistant SecDef or the Acting SecDef rather, and this has to do with
15 [REDACTED]. And I'll stop there, but that takes us up through more or less

16 the 5th. I can fill in gaps with you in more detail on anything relating to that and what we'll do is
17 we'll provide you, if you want to use them, we'll provide you the slides, the morning briefs, all of
18 that. And that takes us essentially up to the 5th. So, in short, in sum, in terms of preparatory

19 activity. Intel and warning. The intelligence available to the Department of Defense did not
20 indicate anything approaching the size, scale, scope or a level of violence of the crowd on the 6th.
21 It just it wasn't there in any meetings I was in. Secondly is the preparatory work for using the
22 National Guard that was flushed out pretty rigorously through the processes that we do have, and
23 it was determined by the requesting agency, the various police agencies and the Metro Police,

1 etcetera that all they wanted was 340 Guardsmen in bright shiny orange vests, and do traffic
2 control points, and then a small QRF. Nothing suggesting that they needed to have thousands of
3 Guardsmen in the event of a mass attack on the Capitol. There are other things going on, [REDACTED]
4 a wide variety of other things, which I won't go into necessarily. There were meetings and
5 preparatory work, interagency, lead federal agency, Cabinet level meetings did occur prior to the --
6 prior to the 6th. So, there was due diligence being done. It wasn't that people just kind of blew this
7 thing off, and I would tell you that most people thought that, and I say most people, but these are
8 the police agency, the law enforcement agencies responsible to handle this, thought they had a
9 reasonable and adequate amount of force to be able to deal with whatever might happen in terms
10 of these large crowds and the most dangerous course of action that people consistently talked
11 about were small groups, Proud Boys, or Oath Keepers encountering other small groups of Antifa
12 and having brawls on the streets of Washington D.C. So, that's the preparatory work. Let me close
13 by one last thing because you sent it to me, which is the newspaper article where I say, and we'll
14 pick this up in the next session, where I say "lightning speed". When I said "lightning speed" in an
15 interview I meant lightning speed. I knew what I was saying and I knew who I was saying it to. In
16 my professional opinion the D.C. National Guard and we'll get into this more in the event itself in
17 the next session, but the D.C. Guard from a cold start without having the entire D.C. Guard on
18 alert, on standby because of all of the preparatory activities that I just went over, the D.C. Guard
19 from a cold start in about 3 hours were able to alert, marshal, get to the Armory, and deploy to the
20 Capitol in about 3 hours. [REDACTED]

21 [REDACTED] So, I think the D.C. Guard acted, and DoD acted with extraordinary speed given the
22 circumstances and the preparatory work that was done prior. If people had anticipated size,
23 crowd, levels of violence, and scales and scope, then I would agree with you that 3 hours is too

1 slow, but given the intel warnings a head of time, given the lack of requests for assistance by the
2 various police agencies, and given the stance that the D.C. posture, the alert posture that the D.C.
3 Guard was in prior to the event on the 6th, I do think they responded and the DoD responded
4 quite quickly on the 6th, and I'll stand by that forever. Anyway so let me cut it off there pending
5 any questions you might have and let's make sure that we pick this up again because I do want to
6 finish this story. I want to give you my view of this on the record. So, over to you guys.

7 Q: Thank you, General. Yes, just a quick read out. Do you have any comments or concerns
8 about how we conducted this interview?

9 A: Not at all.

10 Q: We ask that you not discuss the matters under review with anyone other than [REDACTED]
11 [REDACTED] and this does not restrict your right to contact an IG or a Member of Congress. The time is
12 now 1624.

13 [The interview terminated at 4:24 p.m., April 8, 2021.]