

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

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**HEARING**  
BEFORE THE  
**COMMITTEE ON  
OVERSIGHT AND REFORM**  
**HOUSE OF REPRESENTATIVES**  
ONE HUNDRED SEVENTEENTH CONGRESS  
FIRST SESSION

—————  
JUNE 15, 2021  
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*The documents entered into the record by unanimous consent (UC's), and Questions for the Record (QFR's) are listed below.*

- \* UC - Report, Revolver News; submitted by Rep. Gosar.
- \* UC - Article, "The False and Exaggerates Claims Still Being Spread about the Capitol Riot;" submitted by Rep. Biggs.
- \* UC - Article, "As the Insurrection Narrative Crumbles Democrats Cling to it More Desperately than Ever;" submitted by Rep. Biggs.
- \* UC - Article, "The January 6th Insurrection That Wasn't;" submitted by Rep. Biggs.
- \* UC - Article, "FBI Seize Congressional Cell Phone Records Related to Capitol Attack;" submitted by Rep. Biggs.
- \* UC - Letter, Senator Ron Johnson's June 7, 2021 to the Department of Justice; submitted by Rep. Herrell.
- \* QFR's: to Flynn; submitted by Chairwoman Carolyn B. Maloney.
- \* QFR's to Piatt; submitted by Chairwoman Carolyn B. Maloney.

*These documents are available at: docs.house.gov.*



**THE CAPITOL INSURRECTION:  
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**Tuesday, June 15, 2021**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON OVERSIGHT AND REFORM,  
*Washington, D.C.*

The committee met, pursuant to notice, at 2:32 p.m., in room 2154, Rayburn Office Building, Hon. Carolyn Maloney [chairwoman of the committee] presiding.

Present: Representatives Maloney, Norton, Lynch, Connolly, Krishnamoorthi, Raskin, Khanna, Mfume, Ocasio-Cortez, Tlaib, Porter, Bush, Davis, Wasserman Schultz, Welch, Johnson, Sarbanes, Speier, Kelly, Lawrence, DeSaulnier, Gomez, Pressley, Quigley, Comer, Jordan, Gosar, Foxx, Hice, Grothman, Cloud, Gibbs, Higgins, Norman, Sessions, Keller, Biggs, Clyde, Mace, Franklin, LaTurner, Fallon, Herrell, Donalds.

Chairwoman MALONEY. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time.

I now recognize myself for an opening statement.

Today the Committee on Oversight and Reform is holding its second hearing on the January 6 insurrection. As we examine the events of that day, we must keep at the forefront that January 6 was the deadly culmination of weeks of increasingly desperate efforts by former President Trump to prevent the peaceful transfer of power and overturn the lawful results of the 2020 Presidential election.

Just this morning, the committee released documents we obtained showing that in the weeks leading up to the January 6 attack, President Trump repeatedly pressured the Department of Justice to overturn the election he had lost. President Trump sent bogus election fraud claims to Jeffrey Rosen just minutes before he announced on Twitter that he was appointing Mr. Rosen as acting Attorney General. When that didn't work, President Trump used official White House channels and a private attorney to pressure DOJ to file a lawsuit in the Supreme Court to nullify the election, but only in states he lost. When the Department refused, President Trump attempted to replace Mr. Rosen with another DOJ official, who appeared willing to embrace these conspiracy theories and further the President's corrupt ends. In an email released by the committee, one DOJ official called the conspiracy theories pushed by the White House "pure insanity."

After his efforts to pressure the Department of Justice failed, President Trump grew even more desperate, and so on the morning of January 6, he sent an angry, violent mob to the Capitol. The goal was to use violence to stop Congress from certifying that Joe Biden won the election. In other words, Donald Trump was attempting to instigate a coup or, to use his own words as he gave literal marching orders that morning, President Trump wanted the rioters to “Walk down to the Capitol. Fight like hell. Stop the steal.” And the rioters responded. They marched to the Capitol, forced their way inside, violently attacked the police, and put the lives of the Vice President and Members of Congress and their staffs in grave danger. Thanks to the bravery of our law enforcement, including the U.S. Capitol Police and D.C.’s Metropolitan Police Department, the mob was defeated, and Congress certified the results of a free and fair election.

But make no mistake: the men and women on the front lines of that battle faced terrible odds on January 6. They were beaten, bludgeoned, and pepper sprayed. Many officers from the Capitol Police lacked the equipment and proper training to confront such a violent mob, and others felt they did not receive the instructions and support from superiors that they needed as conditions deteriorated.

Mr. LYNCH. Is the chairwoman muted?

Chairwoman MALONEY. No.

Voice. I can hear her.

Chairwoman MALONEY. Last week, in consultation with Ranking Member Comer, the committee invited the acting chief of the Capitol Police, Yogananda Pittman, to testify today about these challenges. I am very disappointed that Chief Pittman has declined to appear today. However, she has committed to testify, and I can announce today that she will appear before this committee on July 21.

The Capitol Police were gravely unprepared on January 6, but they could not be expected to repel the worst attack on the Capitol in 200 years on their own. Unfortunately, our committee’s investigation has revealed that the Federal Government failed to sound the alarm before January 6 and was slow to respond once the attack occurred. Today, we are joined by three witnesses who can shed light on those failures. First, we are joined by FBI director, Christopher Wray. The FBI is our Nation’s leading law enforcement agency and is tasked with preventing domestic terrorism.

In the weeks before January 6, online forums erupted with threats of violence against lawmakers and the Capitol. One FBI field office warned that violent extremists were preparing for “war.” Yet the FBI failed to use all of its tools to warn of the looming assault. It did not use or issue a formal intelligence bulletin about the threat, and it did not pass on key intelligence to the leaders of the Capitol Police. Five months after the attack, we still do not have the full story of these failures because the FBI and Department of Justice have not fully cooperated with this committee’s investigation. This delay is unacceptable, and it makes us more vulnerable to yet another attack.

Today, we also welcome General Charles Flynn and Lieutenant General Walter Piatt who worked on the Army staff on January 6.

Neither of these career military officers was in the direct chain of command on January 6, but they both participated in key discussions about how the National Guard should respond. That response took far too long. Documents obtained by the committee show that beginning at 1:30 p.m., top officials at the Defense Department received at least 12 urgent requests for help from the Capitol Police, the mayor, and other officials. But after a series of delays, the National Guard did not arrive until 5:20 p.m., more than four hours after the Capitol perimeter was breached. This is a shocking failure, and today we intend to get to the bottom of why it happened.

At our last hearing, I was deeply dismayed that some of my Republican colleagues denied basic truths about that day. So let's be clear. The attack was an insurrection. It was not a peaceful protest or a normal tourist visit. It was an insurrection. You don't have to take my word for it. The top Republicans in Congress—Senate Minority Leader McConnell and Republican Leader McCarthy—have both acknowledged that the events of January 6 were “an insurrection.” As the next step in our investigation, the committee has requested transcribed interviews with former White House chief of staff, Mark Meadows, who directly pressured DOJ officials at least five times to investigate false claims of election fraud. We also plan to interview former Acting Attorney General Jeffrey Rosen and other senior officials with firsthand knowledge of President Trump's campaign to overturn the 2020 election. We must never forget the horrific events we witnessed in January or dishonor those who risked their lives to protect ours. This committee will continue to fulfill its duty and investigate the attack on January 6 with every means at its disposal.

Before I conclude, I would like to play a short video to remind everyone of exactly what transpired on that day. Please play the video.

[Video shown.]

Chairwoman MALONEY. I now recognize the distinguished ranking member, Mr. Comer, for an opening statement.

Mr. COMER. Well, thank you, Madam Chair, and before I begin my remarks on today's hearing, I just wanted to followup on some of the comments that you made at the beginning of the hearing referencing flouting the rules and things like that. I think we were all on the House floor last night, and we saw what I haven't seen since before the pandemic. There were probably 325, 350 members all on the House floor probably 30 minutes voting. I saw maybe 10 members who had masks on. I believe they were on your side of the aisle. And it was like we were back to normal in the House of Representatives.

Just like I made a couple of trips to Washington to the downtown area over the last two days, and in the restaurants, they are not requiring masks. The restaurants are back at full capacity, and we need to be back at full capacity and operate just like we are back to normal because we are. We have made great progress with this. And, you know, what we are hearing when we spent the last three weeks traveling the district, all of our districts, listening to the job creators and the employers of America, they are frustrated because they can't find workers. It is a bigger problem than inflation. It is

a bigger problem than all of these Biden policies that are starting to kick in and be so detrimental to our economy.

The biggest problem is a lack of workers, and we need to demonstrate in Congress, we need to show leadership that we are back to normal. We are going to get back to normal. We are going to get back to work in person, and that is what we are very happy to demonstrate here today. So I just wanted to make that statement, and I certainly hope that we continue the work and the demonstration that we are leading on this, and that we can have in-person hearings with in-person witnesses, and that we can get back to normal and do the business of the people. We would love to have a lot of hearings, and we send you letters almost every other day requesting certain hearings.

When you talk about the rules, we have requested many times to have Dr. Fauci come and explain what he meant in those emails that have become public. We would love to ask questions as we try to lead and get our economy back to normal. So there are a lot of things that I think this committee could do together in a bipartisan way. And I am glad to see everybody back in the committee room, and we will get started with today's hearing.

And I must say today's hearing appears to be part of a pattern by Democrats to hold unproductive, partisan hearings to advance a political narrative rather than make our government more efficient, transparent, and accountable to the American people. Last week, this committee held its second hearing on the opioid crisis by discussing a bankruptcy bill that isn't in this committee's jurisdiction. The Democrats' star witness for that hearing was a Democrat donor and book author who had no knowledge of bankruptcy and provided zero new information to this committee.

In what has become a trend, this week, the committee is holding its second hearing on the events of January 6. This second hearing will also likely provide no new information. That is because the Democrats' star witness, FBI director, Christopher Wray, has already testified multiple times before Congress about the events of January 6. In fact, just last week he testified for five hours before the House Judiciary Committee answering dozens of questions that will likely get repeated for him here today. Last month, the committee's first hearing on the events of January 6 uncovered absolutely zero new information. Even CNN called the hearing unproductive. Democrats seemed upset that witnesses could not answer due to longstanding executive privileges and interests that have been upheld by the courts for generations.

So today, the Democrats want to try again. Unfortunately, they aren't going to do much better. Director Wray cannot talk about ongoing investigations and ongoing matters. It is the nature of his job, and it is the same stance held by his predecessors. The Democrats know this. Just like last week, however, this second hearing isn't about gathering facts. It is about gathering political points. Director Wray is here for one reason only, and that is to add an aura of credibility to this overtly political hearing. That is because the Democrats have invited none other than Michael Flynn's brother, Charles Flynn. They have also invited Lieutenant General Walter Piatt. Combined, these two individuals have nearly 80 years of decorated service in the U.S. Army. They were not in the chain of



command on January 6. They did not have the ability to order troops to move or to order them to stay on January 6. They didn't have that ability.

Democrats want them to testify about a single phone call on January 6 that they may or may not have been on, let alone participated in. If Democrats really wanted answers, they would have demanded or subpoenaed Acting Chief Pittman to testify at one of their two hearings on the January 6 attack. Instead, they left it to us, the committee Republicans, to invite the acting chief, which we did. Of course, unfortunately, the minority does not have subpoena power. Pittman served as the head of the Capitol Police intelligence unit on January the 6. I mean, how could you have a credible hearing, much less two credible hearings, on January 6 when you don't invite the acting Capitol Police chief, who just so happened to be in charge of intelligence on January 6?

Given last week's bipartisan Senate report outlining her ineffectiveness leading up to January 6, her presence here today would have been productive, but she declined to be here today. Instead, she is in her office just steps away from this room watching another hearing on TV, a hearing that she claims she may need to respond to in some fashion. It is no wonder that 92 percent of the rank-and-file disapprove of the job she is doing.

Every one of us here wants answers, but because she never worked for President Trump, the Democrats have shown no inclination to compel her testimony. It seems her testimony wouldn't fit into Democrats' destructive, partisan narrative of the events of that day. Unfortunately, politics is the only lens through which Democrats seem to conduct committee business these days. It is why the committee held several hearings during the previous Administration about conditions at the border, yet now when the crisis is far worse and illegal border crossings are at a 20-year high, Chairwoman Maloney refuses to hold a hearing. We first asked for a hearing over 100 days ago, but the only response we have gotten is crickets. And with mounting evidence COVID-19 originated from the Wuhan lab, Republicans have repeatedly called on Democrats to investigate the origins of the virus to help prevent future pandemics, but Democrats have refused. Instead of holding communist China accountable, Democrats say they will only continue to investigate the Trump Administration.

Under the leadership of Democrats, this committee is not about finding the truth. It is not about conducting meaningful oversight. It is only about politics. It is past time Democrats to get back to this committee's mission of identifying and preventing government waste, fraud, abuse, and mismanagement, and ensuring the Federal Government is effective, efficient, transparent, and accountable to the American people. Today's partisan hearing fails our committee's mission. The American people deserve answers about the attack on the U.S. Capitol and expect transparency and accountability from their leaders, but, sadly, today's hearing shows Democrats continue to prioritize politics over the American people.

Madam Chairman, I sadly yield back.

Chairwoman MALONEY. The gentleman yields back. Ms. Pitman will be testifying before the committee on July 21.

Now I would like to introduce our witnesses. Our first witness today is the Honorable Christopher Wray, who is the director of the Federal Bureau of Investigation. Then we will hear from Lieutenant General Walter Piatt, who is the director of the Army staff. Finally, we will hear from General Charles Flynn who is the commanding general of the U.S. Army Pacific. The witnesses will be unmuted so we can swear them in. Please raise your right hand.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[A chorus of ayes.]

Chairwoman MALONEY. Let the record show that the witnesses answered in the affirmative. Thank you.

Without objection, your written statements will be made part of the record. With that, Director Wray, you are now recognized for your testimony.

**STATEMENT OF THE HONORABLE CHRISTOPHER WRAY,  
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION**

Mr. WRAY. Good afternoon, Chairwoman Maloney, Ranking Member Comer, and members of the committee. Thank you for this opportunity to talk about the FBI's work leading up to and following the siege here at the Capitol on January 6. It's been more than five months since the violence and destruction of that day, and I am no less appalled today than I was then, and no less determined to do our part to make sure that it never happens again.

On January 6, our country witnessed an angry mob attack the U.S. Capitol in a failed attempt to interfere with our democratic process, an assault where you, the Members of Congress, were victims, but where all Americans, in a sense, were victimized and more than 100 law enforcement officers were injured in just a few hours. Such acts of domestic terrorism are an affront to the rule of law and have no place in our democracy, and the FBI's agents, analysts, and professionals, alongside our partners, have been working around the clock to track down those who participated in the attack to hold them accountable. We have already made close to 500 arrests with more sure to come.

Unfortunately, January 6 wasn't an isolated event. Domestic terrorism has been and continues to be a top concern for the FBI, so much so that over the past three years, we doubled our domestic terrorism investigations and arrests, in no small part because of the rise in racially and ethnically motivated violent extremists which I elevated to our highest threat priority level back in 2019, and because of the rise in violence from anti-government, anti-authority actors over the past year, including on January 6. I have also repeatedly highlighted the severity of the threat more than a dozen times in testimony over the years since I took office.

Now, thankfully, the FBI is far from alone in this fight. Earlier today, Attorney General Garland announced the first-ever National Strategy for Countering Domestic Terrorism. The strategy calls for a sweeping response to the pervasive domestic terrorism problem, one that demands attention from all of us. It serves as a commitment from the U.S. Government to work with our state, local, and foreign partners, and with private sector partners to share domes-

tic terrorism-related information, prevent domestic terrorism recruitment and mobilization to violence, and disrupt terrorist activity here in the homeland before it happens. It is also a thoughtful response that carefully balances American safety and security with the civil rights and civil liberties we all cherish.

Before I take your questions, I do want to talk for just a moment about an issue that was front and center during the riots on January 6 and that also hits very close to home at the Bureau. Over the past year, we have seen a troubling uptick in violence against members of the law enforcement community. That is not just counting the Capitol attack on January 6 or the attacks against hundreds of officers across the country during the civil unrest last summer. We are also seeing it, tragically, in the number of line-of-duty deaths. In just the first five months of 2021, 37 officers have been murdered on the job, far surpassing the number from this time last year. Now, to put that in perspective, that is almost two law enforcement officers violently killed every week, and that is not counting all those officers who died in the line of duty facing the countless other inherent dangers of the job, like from a car accident in pursuit after a subject, or drowning during an attempted rescue, or even the scores of officers who died from COVID-19 because, of course, law enforcement kept coming to work every day despite the pandemic. Nor is it counting all those officers who have been badly, badly injured on duty and thankfully survived, but whose lives and whose families' lives are forever changed as a result.

The loss of any agent or officer is heartbreaking for their families, for their agencies, and for the communities they serve. We in the FBI know that all too well with the terrible loss of Special Agents Laura Schwarzenberger and Daniel Alfin down in Miami just this past February. Since I came on board as director, I have made it a point to know when any officer is shot and killed in the line of duty anywhere in the United States. I read about their career and about their family before personally calling the chief or sheriff of their department to offer mine and the FBI's condolences and support. Since August 2017 when I started in this job, I have made more than 200 of those calls. Now, with each one, I think about the family members, friends, and colleagues rocked by the loss of a loved one, the careers cut short, and the communities hurting.

And I bring this up today because if we're not careful, we could find ourselves taking for granted the sacrifices law enforcement officers and agents make every day to keep all of us safe. It takes a pretty special person to get up in the morning and be willing to put his or her life on the line for a total stranger, and to do that every day, year after year after year for an entire career is extraordinary. So we owe a debt of gratitude and a heck of a lot of respect to the brave men and women who choose to protect and serve their fellow Americans, people like the Capitol Police and Metro PD officers who bravely defended you and this building on January 6, and especially those who've made the ultimate sacrifice, like Dan Alfin and Laura Schwarzenberger, whose memories we honor every day through our work, along with the countless others we as a Nation have lost throughout the year. All of us here today have a shared

responsibility to take a stand to protect our communities, to support those who serve in law enforcement, and to condemn violence regardless of its motivation. And we in the FBI are ready to use all the tools at our disposal to do just that, to uphold the rule of law and to fulfill our mission to protect every American.

Thank you for this opportunity to appear before you today and for your continued support of the FBI. I look forward to your questions.

Chairwoman MALONEY. Thank you for your testimony. Lieutenant General Piatt, you are now recognized for your testimony. Lieutenant General?

**STATEMENT OF LIEUTENANT GENERAL WALTER E. PIATT,  
DIRECTOR OF THE ARMY STAFF, UNITED STATES**

General PIATT. Chairwoman Maloney, Ranking member Comer, and distinguished members of the House Committee on Oversight and Reform, good afternoon. My name is Walter Piatt. I serve as the director of the Army staff. Thank you for the invitation to appear before this committee to speak to you about the Army's actions in support of the events that took place on January 6 in our Nation's capital.

Before I begin, I would like to extend my sincere and lasting gratitude to the brave men and women who heroically defended the Capitol on January 6 and, without question, saved many lives. I also wish to extend my deepest sympathy to the families who lost loved ones that day.

In the days leading to January 6, my role was to assist then Secretary of the Army, Ryan McCarthy, and to ensure that the Army provided the D.C. National Guard with the resources they required to accomplish their mission. The Army's role on January 6 began as unarmed support by the D.C. National Guard to the Metropolitan Police. By midday, the mission had changed drastically to respond to the attack on the Capitol. That change in mission was unforeseen, and we were not positioned to respond with immediate support.

My involvement with our response to this emergency began shortly after entering the Secretary of the Army's office at 3:20 p.m. to provide a report of a suspicious package. While I was there, a panicked call came in reporting several explosions in the city. To understand the situation and identify what was needed from the Army, Secretary McCarthy convened a conference call. During this call, D.C. and Capitol authorities frantically requested urgent and immediate support to the Capitol. We all immediately understood the gravity of the situation. Secretary McCarthy ran down the hall to seek approval from the Acting Secretary of Defense. Before departing, he directed me to have the staff prepare a response.

I communicated this on the conference call, but those on the line were convinced that I was denying their request, which I did not have the authority to do, despite clearly stating 3 times that "We are not denying your request. We need to prepare a plan for when the Secretary of the Army gains approval." While I was still on the phone, then Lieutenant General Flynn rushed to establish a secure planning session with all the right staff personnel we were going to need to prepare for this new mission. Lieutenant General

Flynn's immediate interpretation of the urgency of the situation allowed the Army staff to begin identifying the many critical actions and considerations we needed to address and address rapidly.

We needed to redeploy the D.C. National Guard from 37 locations throughout the District, alert and recall soldiers from their civilian workplaces, organize into unit configurations, equip the force, prepare an deployment plan to include communications, specific routes, link-up locations, casualty evacuation, the rules for the use of force, determine if the D.C. Guard would be armed or not armed, with or without riot control gear, and how and where the D.C. National Guard would be deputized to support Federal law enforcement. While we continued planning, the Secretary of the Army went into the District and met with Chief Contee and Mayor Bowser to coordinate for the commitment of the D.C. National Guard. The Secretary surveyed the Capitol to establish where the best link of point would be.

By 4:32, we had an approved plan, and at 4:35 p.m., the Secretary of the Army ordered the D.C. National Guard to move to the Capitol and begin establishing perimeter security. Once the D.C. National Guard was committed, the Army staff continued to prepare and conduct planning to receive additional forces, identify what barrier material would be needed and where it could be found, how it would be contracted for, and employed and then placed to enhance the protection of the Capitol.

On January 6, our Capitol was attacked, breached, and penetrated. Your lives, those of your staff, U.S. Capitol Police, and many others were threatened by a dangerous mob. Our collective mission now is to learn from this event and ensure an event like this never happens again. I hope that my testimony today will prove useful to that end. Thank you. I am prepared to answer your questions.

Chairwoman MALONEY. Thank you for your testimony. General Flynn, you are now recognized for your testimony. General Flynn?

**STATEMENT OF GENERAL CHARLES E. FLYNN, COMMANDING  
GENERAL, U.S. ARMY PACIFIC**

General FLYNN. Chairwoman Maloney, Ranking Member Comer, distinguished members of this committee, good afternoon. Thank you for the opportunity to appear before you and speak about the Army's actions in response to the event in our Nation's capital on January 6. I served as the Deputy Chief of Staff G-357, the equivalent of the chief operating officer for the Army's 1.2 million soldiers. I was in charge of operations plans, training, and strategy. As an American citizen, I was shocked and I was angered at the events of January 6. As a soldier devoted to upholding our Constitution, I performed my duties and responded to the unfortunate events that occurred that day. To that end, I will address two areas today: my organization's activities and my individual actions.

In the days prior to January 6, the D.C. authorities submitted a request for Federal forces to support an unarmed, non-law enforcement mission by the D.C. National Guard. That request focused on support to draft traffic control points and crowd management near Metro stations. The Army received no other requests for assistance. The D.C. National Guard then determined this request would re-

quire roughly 350 unarmed soldiers to cover two separate shifts. This included a 40-person quick reaction force at Joint Base Andrews, and that quick reaction force was intended to augment crowd control and establish traffic control points, if required. The D.C. National Guard equipped those soldiers and airmen with body armors and helmets, which were stored in nearby government vehicles. Riot control gear, such as shields, leg protection, and full face shields, remained stored at the D.C. Guard Armory. Because the National Guard forces, including the quick reaction force, were never requested to serve as a riot control force, my director of current operations, a brigadier general, validated these requirements, and with Secretary McCarthy's endorsement, Acting Secretary of Defense Miller approved the request and assigned the mission on Monday, January the 4th.

I will now transition and describe my actions on January the 6th.

Early that afternoon, I was holding a meeting in my office. At approximately 2:21, I was alerted that the Capitol was under attack and that Secretary McCarthy's office had requested me to move to his office. Not yet knowing the scope of the problem, I moved quickly to Secretary McCarthy's office. I saw him walking out while giving instructions to numerous staff members that were already in the room. He was already on his way to meet with Acting Secretary Defense Miller. My director of current operations, a brigadier general, was with him. Continuing further into his office, I saw the director of the Army staff, Lieutenant General Piatt, in the rear of the room. He was standing over a speakerphone, and he was the only person in the office speaking on the call. Reaching his side, I recall hearing an unidentified person on the other end of the speakerphone tensely ask, "Are you denying our request?" General Piatt responded with words to the effect, "I'm not denying your request. I'm waiting for an answer from Secretary McCarthy, who is with the Acting Secretary of Defense presently. In the meantime, we should develop a plan."

Seconds later, I recall a second question from a second unidentified person who asked, "And to be clear, are you denying our request for National Guard forces to be used?" General Piatt's response was similar to his first statement. I immediately realized the gravity of the situation, and it was very, very serious. Both speakers on the phone sounded highly agitated and even panicked. I recognized General Piatt's calm demeanor. It was a combat-experienced leader reacting to an otherwise violent and unpredictable event. I then realized, as General Piatt has said, the situation required the Army staff to rapidly develop and execute a plan. As the chief operating officer, I needed to initiate those efforts with absolute urgency, and I did.

Having been in the room for roughly four minutes, I quickly moved to my office and began coordinating with numerous Army staff leaders across our large staff and across other Army commands so that we could rapidly facilitate and execute any decisions made by Secretary McCarthy and Acting Secretary of Defense Miller. This team of over 40 officers and non-commissioned officers immediately worked to recall the 154 D.C. National Guard personnel from their current missions, reorganize them, re-equip them, and begin to redeploy them to the Capitol. We also began to coordinate

for the arrival of neighboring states that were committing National Guard forces into the District of Columbia. Simultaneously, we had to gather materials, do surveys, and plan for barrier materials to be moved to the Capitol in order to protect that institution and you, and many, many other tasks. This work continued with utter focus and urgency throughout the night of January 6 and well afterwards.

The D.C. National Guard's airmen and soldiers' response that day on January 6 is an absolute testament to their dedication to duty and their unquestionable defense of the Constitution of the United States. However, the events of January 6 must never be able to occur again. We must address the circumstances that allowed it to happen. Thank you for conducting this hearing, thank you for asking me to appear before you, and thank you for seeking my perspectives on the Army's actions that day. I look forward to your questions.

Chairwoman MALONEY. Thank you, General Flynn. I now recognize myself for five minutes for questions.

Director Wray, stopping terrorism is the FBI's top investigative priority. On January 6, the Capitol was overrun by domestic terrorists. It has become clear that the FBI failed to take threats of violence seriously enough before the attack. Director Wray, when you testified before the Judiciary Committee last week, you said, and I quote, "aware of online chatter about the potential for violence," but were, "not aware that we had any intelligence indicating that hundreds of individuals were going to storm the Capitol itself." But the threats, I would say, were everywhere.

The Norfolk Field FBI Office notified your office. *The Washington Post* and other newspapers were writing about it. It was on radio. It was on television. It was on other social media streams. The system was blinking red. The committee has obtained documents showing that social media company, Parler, sent the FBI evidence of planned violence in Washington, DC, on January 6. Parler referred this content to the FBI for investigation over 50 times, and, according to the company, "even alerted law enforcement to specific threats of violence being planned at the Capitol."

I would like to ask about one tip in particular. The committee has obtained an email in which an employee from Parler shared a social media post with an FBI liaison. In that post, a Parler user stated, and I quote, "This is not a rally. It's no longer a protest. This is a final stand where we are drawing a red line at Capitol Hill." The user later said, and I quote, "Don't be surprised if we take the Capitol Building." The user concluded, "Trump needs us to cause chaos to enact the Insurrection Act." This information was passed to the FBI on January 2. Director Wray, were you made aware of this email from Parler prior to January 6? "Yes" or "no," were you aware of this communications from Parler?

Mr. WRAY. Chairwoman Maloney, I do not recall hearing about this particular email, certainly not before January 6.

Chairwoman MALONEY. Were you aware of the 50 times that Parler tried to contact your office about an insurrection?

Mr. WRAY. I am not aware of Parler ever trying to contact my office. I am aware since January 6 that Parler has made some comments about its communications with the FBI. My understanding

is that they sent emails to a particular field office, and that some of those contained possible threat information, and some of them were referred to domestic terrorism squads for followup. And we have been taking a hard look at the various emails that Parler sent to assess the accuracy of their assertions and whether further action is warranted. You also mentioned the Norfolk report.

Chairwoman MALONEY. Yes.

Mr. WRAY. And I guess I do want to be clear that that information, raw unverified information, as unfortunately so much of the information these days is on social media, was quickly passed to all of our partners in three different ways almost immediately. So I do want to be clear about that particular piece. We did over the course of the period—I am sorry?

Chairwoman MALONEY. Reclaiming my time.

Mr. WRAY. Sure.

Chairwoman MALONEY. Director Wray, do you know whether the FBI took any action in response, not just to the alarming email, but to the national media. *The Washington Post* reported on it. It was on radio, television. It was everywhere. Did you take any reaction to any of these alarming notifications that there was a planned insurrection at the White House? No, at the Capitol. At the Capitol.

Mr. WRAY. So a couple things. First, over the course of the period leading up to January 6, we put out, I think, a dozen or so intelligence products, including two bulletins in particular, specifically raising concerns about domestic violent extremism, specifically raising concerns about domestic violent extremism related to the election, and specifically related to domestic violent extremism continuing past Election Day itself right on up to the time of the certification and even the Inauguration. And that is in addition to some 500 or something field office intelligence products that were pushed out, raw intelligence that were pushed out to our partners along the way. In addition, we—

Chairwoman MALONEY. Reclaiming my time.

Mr. WRAY. Yep.

Chairwoman MALONEY. Director Wray, do you agree that the FBI shares some blame for the failures on January 6? Do you take any responsibility for these failures?

Mr. WRAY. Chairwoman, I think the best way for me to answer that question is that our goal is to bat a thousand, and anytime there is an attack, much less an attack as horrific and spectacular as what happened on January 6, we consider that to be unacceptable. And we are absolutely determined to make sure that we are doing our part with our partners to make sure it never happens again. So you can be confident that we are evaluating—

Chairwoman MALONEY. That is good that you are making that commitment. Reclaiming my time. Will you commit to conducting an assessment of what went right and what went wrong at the FBI before January 6 and providing this assessment to the public and to the committee?

Mr. WRAY. Evaluating how we can do better. I also want to make sure that I don't get in the way of, as you may know, there is a Department of Justice inspector general review that I think is relevant to this as well. And so I am going to be very interested in



hearing what the inspector general concludes, but we will have to work through all that.

Chairwoman MALONEY. Well, I would say that the inspector general has a different role. I think it is very normal to assess what went right and what went wrong during a crisis. We are asking for an assessment. I would have assumed that you would be doing one. And just “yes” or “no,” will you provide us with the assessment to the committee of what went right, what went wrong? And you said you want to make sure this never happens again. What are the steps the FBI are taking that this never does happen again? I think that is a very fair and reasonable request.

Mr. WRAY. Absolutely. There is no problem with us trying to give you more information about the changes that we are making, the improvements, enhancements we are making to ensure that this doesn’t happen again.

Chairwoman MALONEY. And I must conclude by saying that we are very disappointed at the response from the FBI on the document request that we have sent out with five other committee chairmen. We sent it back in March, nearly three months ago. And will you, “yes” or “no,” commit today to providing a complete response to these requests by the end of this month?

Mr. WRAY. I know that we have been trying to do our part to get you the right information. I know we have produced about 500 or so pages of intelligence products, but I agree that we need to do better and move faster, and I have asked my staff to look for ways to expedite the process. I do want to be clear that it is trickier than it might sound. And the reason for that, which is an important reason that I want the whole committee to understand, is that we are totally immersed right now in making sure that our ongoing investigations, and now 500 or so prosecutions to hold accountable the people who assaulted you all go forward, and are protected. And so managing the document production while protecting the integrity of those cases with some very strong-willed judges who have very clear views about publicity and things like that—

Chairwoman MALONEY. Document production is very, very important. We expect you to comply with it. I now recognize the gentlelady from North Carolina, Ms. Foxx. You are now recognized. Ms. Foxx?

Ms. FOXX. Thank you, Madam Chairman. General Flynn and Piatt, thank you for dedicating your lives to the service of our Nation. I also give my profound thanks to all the police officers in this country and the Capitol Police who risk their lives every day to protect us and others.

As I stated at part one of this hearing on May 12, “If the goal of this hearing is to explore the circumstances surrounding January 6 and why it happened as it did, I would expect to see Capitol Police at this hearing.” And the very title of this hearing, “Unexplained Delays and Unanswered Questions,” begs the issue of why the acting chief of the Capitol Police is not here.

Republicans have asked the chairwoman to invite the acting U.S. Capitol Police Chief Pittman, to testify, but unfortunately, the chairwoman declined, and the chief declined our invitation to come so she can watch a different hearing at this time. On January 6, Acting Chief Pittman was head of Protective and Intelligence Oper-

ations and was responsible for receiving the intelligence sent to the Capitol Police about what was expected to happen that day. Judging by the fact that the rank-and-file members of the Capitol Police were caught unawares, and my sympathy is with all of them, I cannot help but wonder what intelligence was received and what was done about it. What we know is that on January 3d, President Trump authorized Acting Secretary of Defense Miller to activate the D.C. National Guard if requested. That fact alone indicates that some officials in our government with access to high-level intelligence knew that January 6 could be problematic. In order to find out the truth of what happened on January 6, those in charge of the Capitol Police must testify to what they knew and be held accountable.

Director Wray, I have several questions for you, and I am going to ask you please to answer very quickly and with one word, which will suffice in most cases. I applaud your commitment to bringing those who incited and engaged in violence on January 6 to justice. You stated before that you expect more serious charges against people involved in the events of January 6. Are those charges likely to include conspiracy? "Yes" or "no?"

Mr. WRAY. Yes.

Ms. FOXX. In your legal opinion, if someone were to be charged with conspiracy to commit a crime, are they likely also to be charged with incitement? "Yes" or "no?"

Mr. WRAY. I am not sure I can give you a "yes" or "no" on that one because it depends a lot on the circumstances.

Ms. FOXX. Then I will ask for a written statement after the hearing.

Ms. FOXX. In your legal opinion, if individuals are charged with conspiracy to commit a crime, is it likely that an outside individual would also be charged with inciting them to commit their crimes?

Mr. WRAY. Well, I appreciate you asking for my legal opinion. I do want to be clear that since becoming FBI director, I have actually been very pleased to hang up my lawyer hat.

Ms. FOXX. OK.

Mr. WRAY. And so I would really refer you to the Justice Department for legal opinions.

Ms. FOXX. All right.

Mr. WRAY. But if there is information I can provide, I am happy to do it.

Ms. FOXX. OK. Director Wray, you can't tell us anything about what communications were made in advance of January 6 between U.S. Capitol Police and the Capital Police Board about the presence of National Guard troops because you wouldn't have been involved in those conversations. Isn't that true? "Yes" or "no?"

Mr. WRAY. Mute too quickly. You are correct.

Ms. FOXX. OK. Director Wray, the FBI passed its Norfolk intelligence report to the Capitol Police in three different ways, correct?

Mr. WRAY. Yes, ma'am.

Ms. FOXX. Those three ways were an email to representatives on the task force, a verbal briefing at command post, and through a law enforcement portal, correct?

Mr. WRAY. Correct.

Ms. FOXX. U.S. Capitol Police Chief Sund testified he never received the Norfolk intelligence report, yet current Acting Chief Pittman, who declined to be with us today, was the head of Protective and Intelligence Operations for U.S. Capitol Police at the time. Do you know why she never passed this FBI intelligence report to Chief Sund? “Yes” or “no?”

Mr. WRAY. No, ma’am.

Ms. FOXX. General Flynn, you wouldn’t be able to tell us about the internal intelligence assessments prepared by then Assistant Chief Pittman’s Protective and Intelligence Operations Bureau in the weeks leading up to January 6, would you?

General FLYNN. Congresswoman, I would not.

Ms. FOXX. General Piatt, you aren’t intimately familiar with the command structure of the U.S. Capitol Police, and any breakdowns in communication that might have occurred on January 6, are you?

[No response.]

Ms. FOXX. General Piatt?

[No response.]

Chairwoman MALONEY. General, you are muted. Please unmute your mic.

General PIATT. Can you hear me now, ma’am?

Chairwoman MALONEY. Yes.

Ms. FOXX. Yes.

General PIATT. I am not, Congresswoman.

Ms. FOXX. Madam Chair, I mean, I have one more question because of the time that has elapsed with the mute buttons being on. Director Wray, in February, the U.S. Capitol Police Union voted on the confidence they had in Acting Chief Pittman. Do you know what the results of that vote were?

Mr. WRAY. I do not.

Ms. FOXX. Well, I will tell you. Ninety-two of the Capitol Police had a vote of no confidence in Acting Chief Pittman. Ninety-two percent. If my majority counterparts wanted these answers, they could have them. They could have invited Acting Chief Pittman immediately after the last hearing. They could have subpoenaed her testimony here today. I am concerned that they don’t want answers. They want only a political cudgel. I know the chairwoman has said she has invited the Capitol Police leadership to appear at one of these hearings and conduct oversight on what happened and what they are doing to secure the Capitol going forward, and I look forward to that. With that, Madam Chair, I yield back.

Chairwoman MALONEY. The gentlelady yields back. And we do have a date for Acting Chief Pittman, and it’s July 21 so we can get the answers to your questions then.

Ms. FOXX. Madam Chair, I forgot. I would like to enter a timeline of events and approval authorities into the record.

Chairwoman MALONEY. So granted. So granted.

Ms. FOXX. Thank you.

Chairwoman MALONEY. The gentlewoman from the District of Columbia, Ms. Norton, is recognized.

Ms. NORTON?

Ms. NORTON. Thank you very much, Madam Chair.

And my first question is for General Flynn. We know, General Flynn, that the loss of lives and property could have been avoided,

at least some of it, if the D.C. National Guard had been called out early enough to do its job. But until the District attains statehood, and we are close on that, but even the territories can call out their National Guard. But the District of Columbia cannot.

Now look at the convoluted process that is in place. The D.C. National Guard reports to the Secretary of the Army, who, in turn, supports—reports to the Secretary of Defense, who then reports to the commander-in-chief. If you understand that chain of command, you will understand why there was not help earlier on January 6.

General Flynn, is what I described the correct description of the chain of command?

General FLYNN. Congresswoman, it is, as I understand the authorities, yes.

Ms. NORTON. Now there are multiple layers of bureaucracy and red tape that had real-life consequences on January 6, and we got some of these documents here. I have looked at them. We have gotten them from the U.S. Capitol Police, and we have gotten them from the D.C. Police.

And we know that city officials here in the District of Columbia pleaded for help—I think the chairwoman said 12 times—before, finally, the Acting Secretary—and remember, you got to go to him to get the D.C. National Guard to begin to do its job. At just after 4:30 p.m., they came, but the Mayor of the District of Columbia called the Secretary of the Army at 1:34 p.m. So you have got almost four hours.

But we need to thank the men and women of the D.C. Police Department because they had already answered the call for help, and they had begun arriving at the Capitol even 30 minutes earlier. The D.C. National Guard didn't get any authority to arrive at the Capitol until four hours after the call for help.

Madam Chair, that is what has led and what in part has led to the loss of life and the confusion that resulted from the insurrection.

General Piatt, I noted in your written testimony that you have provided—and I am going to quote from it—you said, “I was definitely concerned about the public perception of using soldiers to secure the election process in any manner that could be viewed as political.”

General Piatt, do you believe that the current D.C. National Guard chain of command to the President through the Secretary of Defense, of course appointed by the President, to the Secretary of Army, appointed by the President, could inadvertently politicize and complicate the use of the D.C. National Guard?

General PIATT. Madam, I believe the complication comes from the lack of unity of command and unity of effort. What we saw after January 6 when we prepared for the inauguration was an integrated security plan across the District with one lead Federal agency so that one request could be worked out immediately with that agency, and they had the authorities to move and maneuver forces to wherever they would be needed.

Ms. NORTON. I see my time has expired.

Chairwoman MALONEY. The gentlelady yields back. The gentleman from Georgia, Mr. Hice, is now recognized. Mr. Hice?

Mr. HICE. Thank you, Madam Chair.

I, along with many others, have consistently and forcefully condemned political violence by anyone of any kind, whether it happens here in the United States Capitol or anywhere else across our country. Law and order is critical for us to preserve a peaceful republic, and anyone breaking our laws should be held accountable. This is what we refer to as equal justice for all.

Beginning under President Trump, the FBI and the Department of Justice worked hard, tirelessly, to investigate and prosecute those who were involved in criminal behavior and violence here at the Capitol on January 6, as well they should have. But I am troubled that reportedly dozens of individuals from the January 6 riots have been held without bond in solitary confinement for up to 23 hours a day.

Even Senator Elizabeth Warren has said that solitary confinement is a form of punishment that is cruel and psychologically damaging. She went on and said that in relation to those involved in January 6 that we are talking about people who haven't been convicted of anything yet. Even the ACLU expressed similar concerns, saying that solitary confinement is torture.

Director Wray, you have mentioned a couple of times now some 500-plus prosecutions from January 6. Your work in that regard we all appreciate. I am curious, though, how many of those are in solitary confinement?

Mr. WRAY. Congressman, I thank you for your appreciation for our work.

I don't know the number that would be held under those conditions. That's a decision made by the court in conjunction with the Justice Department prosecutors. So I'm afraid I don't have that number or estimate for you.

Mr. HICE. So you have no idea how many are in solitary confinement? This is something that is being pretty well reported. I would think you would have some degree of knowledge and information. You are saying you don't know?

Mr. WRAY. I don't—I don't keep up on the terms of confinement or detentions—

Mr. HICE. Is it—would you consider it standard operating procedure to hold Americans who have yet to stand trial to be held in solitary confinement?

Mr. WRAY. I'm not sure I could say one way or the other on that. Certainly, there are plenty of situations where that—that occurs. So it would have to depend on the circumstances of the particular case, and I do want to be very careful not to be commenting on any specific—

Mr. HICE. Well, there is a great deal of concern with this. Let me move on. I started by early talking about equal justice for all. Last summer, our Nation was rocked by months of violence all across our country following the death of George Floyd.

In fact, from May 26 to June 8 last year, Black Lives Matter and Antifa riots caused over \$2 billion in property damage. It is estimated here at the Capitol it was on January 6 somewhere in the neighborhood of \$1.5 million. The Major Cities Chiefs Association said that during the 10 weeks following George Floyd's death, there were 574 riots, declared riots, with violence and other criminal activity. That is 57 per week.

Americans lost their lives. There were severe injuries, including over 2,000 law enforcement. And yet the Democratic Party, to this day, has yet to even hold a single hearing on the BLM and Antifa riots. It is stunning to me.

Many of my Democratic colleagues pretend that the chaos never happened. Others promoted, actually, and encouraged it. And frankly, the left, along with the allies of the liberal media, pushed a false narrative that these were somehow peaceful protests while we watched burned police stations, besieged courthouses, looted businesses, assaulted police officers, and on and on and on.

And I am concerned, Director Wray, that we are—all that somehow is resulting in a less than aggressive investigation, prosecution, and sentencing on the Federal level. So I am curious, how many individuals has the FBI investigated and/or arrested regarding the riots that we all watched across our country last summer?

Mr. WRAY. I can't give you the exact number, but I do know that we've had hundreds of investigations and hundreds of arrests. And I would be remiss if I didn't say that I share your concern about the violence and criminality that occurred over the summer. It is extremely serious activity that we used all the tools in our toolbox to pursue.

Our Joint Terrorism Task Force is treating it as a form of domestic terrorism as well. And in fact, last year we had more anarchist violent extremist arrests than we've had in the prior three years combined.

So we at the FBI are taking both forms of domestic terrorism extremely seriously, and I appreciate your interest.

Mr. HICE. Are you aware of any of those individuals being in solitary confinement?

Mr. WRAY. Well, again, same answer as on connection with the January 6 arrests, I just don't—

Mr. HICE. All right, Director Wray. Thank you. I get the point. I would love to ask about the Durham report, the Hunter Biden laptop, Hunter's business dealings in China, and a host of other things, but my time has expired.

I will wrap up, but I would urge this Democratic leadership to hold hearings on the riots that took place across this country last summer.

I yield back.

Chairwoman MALONEY. The gentleman from Massachusetts, Mr. Lynch, is recognized.

Mr. LYNCH. Thank you, Madam Chair.

I would like to thank all the witnesses. Thank you for your service.

I would actually not want to know about Hunter Biden's laptop. I would like to know about the attacks on January 6, if we could. And Lieutenant Piatt and General Flynn, again thank you for appearing today.

Lieutenant Piatt, in your written testimony, you stated that, "It was important for the D.C. National Guard to figure out the basics of their new mission." But Major General William Walker has testified that his forces were ready to go well before he finally received Acting Secretary Miller's authorization to deploy to the Capitol.

Lieutenant General Piatt and General Flynn, our committee has obtained evidence that you both recommended that the National Guard deploy to protect other Federal buildings, other Federal buildings and locations in Washington, DC, to help relieve civilian police and security forces so they could go and defend the Capitol. Is that correct?

General PIATT. Congressman, we received the first request on January 1, and we spent those days preparing the D.C. National Guard to support Mayor Bowser's request for unarmed traffic control points and crowd control. When the call came in, and it was after 14—or 2:22 that afternoon, the urgent request now was to support the Capitol. That was the change of mission.

The approval to support—

Mr. LYNCH. Whoa, whoa, whoa, whoa, whoa. Let me just back up. Reclaiming my time. On January 4, 2021, at the direction of then-Sergeant at Arms Michael Stenger and then-U.S. Capitol Police Chief Sund, they contacted General Walker to find out how many National Guard he could provide and how fast could he provide them if they were needed at the Capitol on January 6. So we are talking about an urgent need for the National Guard, D.C. National Guard, on the Capitol, not other buildings.

And so I go back to the apparent decision by yourself and General Flynn to deploy National Guard not to the Capitol, but to other Federal buildings around D.C. and other monuments. Is that what happened here?

General PIATT. Congressman, on the 3d and 4th, both the Department of Defense and the Department of the Army asked Capitol Police if they needed additional support, and both times the answer we were told they were not. What happened at the urgent request for now forces to come to the Capitol is we knew we would have to remission them because they did not have their riot control gear with them.

We had to get them back to the armory. We had to reconfigure them and re-equip them to get them forward.

Mr. LYNCH. OK.

General PIATT. On the phone call, what I suggested was, is we were looking at a range of options. Is there anything we could do immediately in the current posture we were in that would then help relieve others to get to the Capitol? There was not, and we moved on from that then—

Mr. LYNCH. All right. So let us go to January 6. This is January 6 at 4:20 p.m. Lieutenant Piatt, you reportedly told Major General Walker that the National Guard should “plan and prepare to transition from traffic control points and be placed around other Federal buildings and monuments.”

This is when it was hitting the fan—

General PIATT. I was probably—

Mr. LYNCH [continuing]. At the Capitol at D.C. You know, at the Capitol complex. The Capitol was under attack—

General PIATT. Congressman, I would say—

Mr. LYNCH [continuing]. And you were deploying or recommending that Walker—General Walker deploy people to other buildings. And I just—I can't reconcile that, given the threat that we were under.

And I am just curious. At that moment, what were you thinking? What was your—what was your reasoning?

General PIATT. Congressman—I'm sorry, Congressman.

Mr. LYNCH. Go ahead.

General PIATT. Congressman, I do not know where that report came from. I deny that. At 4:30 that afternoon, we were minutes away from getting an approved plan from Secretary McCarthy. We had approval at 3 p.m. to use the Guard. We had—at 3:04 p.m., we had approval for full mobilization of the D.C. National Guard.

What we needed was a new mission, and that new mission is what took time. There was no other seeking approval.

Mr. LYNCH. But, but—but look, look, look.

General PIATT. We needed to redeploy forces and reconfigure them.

Mr. LYNCH. Look, look, just on the chronology, your recollection does not match what the record says. So the 4:20 p.m. call was 80 minutes after Secretary Miller determined that all available forces of the D.C. National Guard are required to reinforce D.C. Police and U.S. Capitol Police positions. So it almost seems like we are deploying the National Guard or recommending their deployment away from the Capitol.

And I just—I haven't got a good answer on that, and I am not getting one today.

General PIATT. Congressman, I would recommend—I would refer to the U.S. Army Report of Operations on January 6 that we submitted to this committee. The timeline was that we had approval at 3 p.m., after the 2:30 p.m. phone call. We had approval to mobilize at 3:04 p.m.

Then we needed to have a plan, which required the redeployment of the Guard, reconfiguration, re-equipment now to go into a mission that they were not previously conducting. They were conducting an unarmed traffic control point. That was the time we needed, and we recalled people from their civilian work force.

What the D.C. National Guard did in those short hours was extraordinary. Now when people's lives are on the line, two minutes is too long. But we were not positioned to respond to that urgent request. We had to re-prepare so we would send them in prepared for this now, this new mission.

Mr. LYNCH. Madam Chair, my time has expired. Thank you, General. I yield back the balance of my time.

Chairwoman MALONEY. Thank you. The gentleman yields back. The gentleman from Wisconsin, Mr. Grothman, is now recognized. Mr. Grothman?

Mr. GROTHMAN. Thank you.

A few questions for all of you, and I don't know you know the answers or not, but these are, I think, the type of questions that people back home are concerned about.

How many people were in the Capitol that day? I mean members of the public, how many got in? Does anybody know the answer to that question?

Mr. WRAY. Congressman, it's Director Wray. I don't know that we have the—a reliable estimate, but certainly, we've already arrested close to 500, and we have hundreds of investigations that are still ongoing beyond those 500.



Mr. GROTHMAN. OK. I know Senator Johnson got a limited amount of video, and he is having his staff try to figure that out. I mean, we are about five months after this took place. We still don't know how many people were in the Capitol. You can't just give me that? Eleven hundred, 800? We don't know, huh?

[No response.]

Mr. GROTHMAN. We don't know. OK. Of those people in the Capitol—well, I am under the impression that day that there are people who clearly, horrifically, did wrong things. We saw them on the video. They broke the windows. They broke in. But we also remember seeing people on TV that day who were almost let in the Capitol.

Could you break down—give me numbers broken down in those two areas, the number who broke their way into the Capitol and the number that appeared to almost be escorted in by the Capitol Police?

Mr. WRAY. I'm not sure I could give you reliable numbers on that, sitting here right now. But I—maybe let me try it this way. When we look and we step back and we look at January 6 as a whole, you have one group of people who didn't breach the Capitol, didn't enter unlawfully into the Capitol, didn't commit acts, who were sort of peaceful rowdy protesters. Those are not people that are we pursuing.

And then there's a second group, smaller, but still very sizable, who were in the moment engaged in all sorts of criminal behavior of the sort that you're describing. And those people are being prosecuted for a variety of offenses.

And then there's a third group, which, while the smallest, is by far and away the most serious. And those are the people who were clearly coming with intent to commit very serious mayhem, who brought all sorts of weapons and protective gear and other things with them. And those are the people who face the most serious charges.

And so I sort of look at it as a kind of inverse pyramid, with the most serious people being the smallest group. But all of them are—it's a sizable number, obviously. We've already indicted 30-something for conspiracy charges alone.

Mr. GROTHMAN. Yes.

Mr. WRAY. And as I said, investigations are ongoing.

Mr. GROTHMAN. I want to focus a little bit on the people who didn't do any physical damage, didn't engage in any physical contact with the police, and at least appeared to me that day to be allowed in the Capitol. Are there people like that?

Mr. WRAY. Like that, who were—who were in the Capitol?

Mr. GROTHMAN. Correct. As I recall, watching TV that day, there were people who it appeared were walking in the door, and it appeared as though the Capitol Police, perhaps out of exhaustion, for whatever motivation, allowed people to walk in the Capitol. Are there people like that?

Mr. WRAY. Well, I—you know, at any given moment, you might have somebody caught on a particular stretch of video walking along in a way that's unremarkable. I really can't speak in a broad categorical way about—about intent of individual people.

Mr. GROTHMAN. Well, people back home are concerned about a certain class of person. I want to know whether you feel these people existed. Were there people allowed in the Capitol who didn't engage in any physical confrontation or do any damage and just wound up in the Capitol, breaking the law, but they would have no idea—way of knowing they are breaking the law. Were there people like that?

Mr. WRAY. I really can't give you an assessment of that at this stage. That's why we're investigating. And that sometimes investigations lead to charges, and sometimes they don't. If there are people as you described, that would—

Mr. GROTHMAN. Have you arrested—you talked about all the 500 people that have been arrested. Are any of those people you arrested, would they be included in the type of people I just described?

Mr. WRAY. I really can't say. What I would say is that people who have been arrested have been arrested because they violated Federal criminal law, and there were sufficient facts to support the elements of the offense.

Mr. GROTHMAN. OK. I am running out of time.

Mr. WRAY. The prosecutor felt confident they could prove it beyond a reasonable doubt.

Mr. GROTHMAN. Yes, I am running out of time. So I want to ask you one more question. Were people arrested who walked in the Capitol, had—perhaps had no reason to know they were breaking the law and were, as one Capitol policeman described it to me, just milling around? Were people like that arrested, and are they still in jail?

Mr. WRAY. I can't speak to any specific case. So I really am not sure that I can answer the question.

Mr. GROTHMAN. Well, even one.

Mr. WRAY. We've had 500—we've had 500 arrests, and they range in all sorts of variations in facts and circumstances.

Chairwoman MALONEY. The gentleman's time expired. The gentleman from Virginia, Mr. Connolly, is now recognized.

Mr. CONNOLLY. Thank you, Madam Chairwoman.

And Mr. Wray, thank you for those 500 arrests, and I hope there are 500 more. I hope everyone who participated in this outrage is held to account and brought to justice.

I might also say, Madam Chairwoman, listening to our colleagues on the other side of the aisle reminds me of the musical "Chicago," where Richard Gere says when you can't win an argument, razzle-dazzle them. Distract them. Do the shuffle. Talk about Fauci. Talk about masks.

Talk about anything but a violent insurrection that cost seven lives, five here and two suicides because two cops internalized the failure that occurred on January 6 on themselves.

Ignoring that, distracting it, denying it, gaslighting it, calling it just a bunch of tourists who got a little carried away is repugnant and a dishonor to the memories of those who did die and a dishonor and disrespect to those who were willing to put themselves at risk on our behalf and, more importantly, on that of the republic for which we stand.

Mr. Wray, Director Wray, January 5, the field office in Norfolk issued an intelligence report warning of online threats discussing specific calls for violence against Congress the next day on January 6. Words like “be ready to fight,” “get violent,” “get ready for war.” It also stated, “We get our President, or we die. Nothing else will achieve this goal.”

According to previous congressional testimony you have given, this report was shared in an email with other law enforcement agencies. But for some reason, the report did not make it to the high-level officials who needed to see it, despite its alarming content. Is it true that you did not see this report until after the 6th?

Mr. WRAY. Congressman, I think the report you’re referring to is not an intelligence report, but what we refer to as a situational information—

Mr. CONNOLLY. It was—it was a report from your field office in Norfolk, I believe.

Mr. WRAY. Correct. Correct. Yes, our Norfolk and—

Mr. CONNOLLY. Yes. But even so, it is pretty alarming.

Mr. WRAY. Absolutely. Now it’s raw, unverified information not attributed to a specific individual online, but—

Mr. CONNOLLY. But how—but Mr.—

Mr. WRAY [continuing]. I would say it was alarming enough, it was alarming enough that we took steps to share it not one, not two, but three different ways with our partners here in the National Capital Region. One was with an email to their representatives on our Joint Terrorism Task Force, who are there precisely to be their eyes and ears so everybody makes sure we have the same information.

Mr. CONNOLLY. So—

Mr. WRAY. Second, it was briefed orally, orally to the members of the Joint Terrorism Task Force, including members of the Capitol Police who, again, were there. And then, third, on our law enforcement portal, which exists for the very purpose to share information with our partners about potential threat information.

Mr. CONNOLLY. Did anyone alert the Capitol Hill police chief at the time, Steven Sund, to the existence of this very alarming field report?

Mr. WRAY. I’m not aware of whether he was alerted by anybody in his own department or elsewhere. But certainly, it was shared with the Capitol Police.

Mr. CONNOLLY. But you are aware of the fact that that police chief, former police chief, in fact, has testified he was not made aware of it before the 6th?

Mr. WRAY. I’m not sure that I’m completely up on what former Chief Sund has or has not testified.

Mr. CONNOLLY. OK.

Mr. WRAY. I really wouldn’t want to characterize it.

Mr. CONNOLLY. Was the Senate Sergeant at Arms, Michael Stenger, or the House counterpart, Paul Irving, made aware of this report prior to January 6?

Mr. WRAY. I don’t know the answer to that.

Mr. CONNOLLY. Would you agree that if they weren’t and they both testified—they all testified they weren’t, that in retrospect, they should have been and that that field report should have been

elevated to the highest level of concern, given what was happening here in the Capitol and given the words that were being used and the high Internet traffic in which the phrase “storm the Capitol,” in fact, frequently occurred?

Mr. WRAY. You know, Congressman, it’s hard for me to evaluate with the lens of 20/20 hindsight how each of them should run their departments. I do think that we tried very hard to—using the established processes to get the information to the partners who need to have it. And like I said, not leaving it to chance, not one, not two, but three different ways.

But certainly, we’re going to be looking hard on our end to figure out are there better ways for us to share information beyond the ways that we have been doing it as we go forward.

Mr. CONNOLLY. I wish I had more time to explore that with you. I hope somebody will.

Thank you. Thank you, Madam Chairwoman.

Chairwoman MALONEY. The gentleman yields back. The gentleman from Ohio, Mr. Jordan, is now recognized.

Mr. JORDAN. Thank you, Madam Chair.

The previous speaker from Virginia said “talk about anything, but.” That is exactly what the Democrats are doing. That is exactly what they are doing. They don’t want to talk about the crisis at the border. We have yet to have a hearing in this committee, the Government Oversight Committee, about the crisis at the border.

They don’t want to talk about the huge increase in crime because Democrats all over this country in municipalities and cities are defunding the police. They don’t want to talk about inflation, the increased price of gas.

They don’t want to talk about the fact that every single employer I talk to in our district—I bet it is the same in yours—can’t find people to work. Because when you pay people not to work, you shouldn’t be surprised when you don’t have workers.

They don’t want to talk about their bill that they introduced in the Judiciary Committee to pack the court. They don’t want to talk about the fact they are going to raise taxes, they are going to ban firearms, and they are getting ready to hire more agents at the IRS to harass American citizens. We saw just a week ago when tax returns, against the law, were leaked to the press.

They don’t want to talk about—they want another Trump investigation. Here is what the—here is what the chairwoman said in her opening statement just this morning. “The committee released documents we obtained showing that the weeks leading up to the January 6 attack, President Trump repeatedly pressured the Department of Justice.” “Pressured the Department of Justice,” they say.

And in their press release, they say, “The White House Chief of Staff pressured DOJ.” Let us look at what the White House Chief of Staff said. He sent an email to Mr. Rosen, the Acting Attorney General. “Can you have your team look into these allegations of wrongdoing?”

Wow, lot of pressure there. Wants him to look into something. Every Chief of Staff, I bet, for every single one of us sends the same kind of emails and letters every day. You get constituents,

you get people call you, you send it to the agency. “Can you look into this?”

Let us see what else Mr. Meadows had to say. Sent a YouTube link. Imagine. I bet we have had some of our Chiefs of Staff send YouTube links to colleagues and to people in the agency. Wow, that is pressuring the——

How about this one? “There have been allegations about signature match anomalies in Fulton County, Georgia. Can you get Jeff Clark to engage on this issue immediately if there is any truth to this allegation?” Boy, that is a lot of pressure there. Mark Meadows, putting a lot of pressure on people, asking can you look into this allegation? Someone’s raised it.

After all, lots of Americans, 80, 90 million Americans had concerns with the election. But what are the Democrats doing? They are going to launch another investigation, call in five people for depositions. But we can’t have the head of the Capitol Hill Police here today like we wanted?

Oh, it is interesting, too, the response that the Attorney General gave to Mr. Meadows when he sent that email. I think this is interesting. He says, “I can’t believe this. I am not going to respond to the message below.” Wow. Wow, that is a—that is a problem.

When the President—when the Chief of Staff to the President of the United States asks someone in the executive branch to do something, and they basically give him the finger, I think that is the problem we should be looking into. But that is not what the Democrats are going to look into.

Nope, they have got another investigation. We can’t talk about the border crisis here. We can’t have—we haven’t had one hearing in this room about that. Can’t do that.

They want to investigate Trump again, even though the Obama Department of Justice spied on President Trump’s campaign, lied to the FISA court 68 times. Not Jim Jordan, that is Inspector General Horowitz, 68 times in the Carter Page FISA alone. We can’t look into those issues. We are going to do another investigation about pressuring people by sending emails to the Justice Department. Somehow that is now pressuring.

So I appreciate our witnesses coming here today. But when the chairwoman raised that in her opening statement, sends out a big press release saying they are going to do this, it just again underscores that this committee is not doing what it should do.

I will say it again. The fact that we have yet to have a hearing on a situation on our Southern border where, for not one month, not two months, but three months in a row, we have set record numbers of illegal immigrants coming into this Nation, and we can’t have a hearing in this committee. But we are going to investigate Mark Meadows sending an email to the Justice Department, saying, hey, there’s been allegations raised. Can you check it out?

Wow, wow. The taxpayers are going to love the work that we are going to do with this. They are going to love it. This is ridiculous. What the Democrats pretend to be the work of Congress now is ridiculous. New investigation about Mark Meadows asking someone to look into—I yield back. That is enough.

Chairwoman MALONEY. The gentleman yields back. The gentleman from Illinois, Mr. Krishnamoorthi, is now recognized.

Mr. KRISHNAMOORTHY. Director Wray, when we last spoke on April 15 at a House Intelligence Committee hearing, you testified as to the following, “I think there have been some instances where you have nonstate actors who have offered different kinds of support to domestic violent extremists here in this country.” You continue to believe that, right, Mr. Wray?

Mr. WRAY. Yes, my testimony from our prior exchange remains the same.

Mr. KRISHNAMOORTHY. Yes, sir. And the FBI has been investigating this issue of the foreign funding of domestic violent extremists. Correct?

Mr. WRAY. Well, foreign funding. Certainly, different kinds of interaction. I’m not sure that I could specify funding sitting here right now, but we are very focused on the interplay between different types of, as you said, nonstate actors overseas and domestic terrorists here in the United States.

Mr. KRISHNAMOORTHY. On January 14, Yahoo News highlighted a report on the issue of DVE funding from a company called Chainalysis. According to this report, one month before January 6, a French donor, “lamenting the decline of Western civilization,” sent approximately \$250,000 in bitcoin to an individual named Nick Fuentes.

Why Nick Fuentes? Nick Fuentes, who has been suspended from YouTube for hate speech, is a self-proclaimed leader of the group Groypers, a white supremacist group opposed to immigration and minorities. The Anti-Defamation League confirmed that many of Groypers’ members were at the Capitol on January 6, including Nick Fuentes himself.

Here is a picture of Mr. Fuentes from his Twitter account on that day. The circle is around Mr. Fuentes himself. Pro Publica documents that members of Groypers breached the Capitol that day as well.

Mr. Wray, here is what we know. A foreign actor sent \$250,000 in bitcoin to the leader, Nick Fuentes, of a far-right extremist group, Groypers, in the lead-up to January 6. We also know from NBC News from January 16 reporting that the FBI is investigating this particular transaction involving Nick Fuentes.

Sir, you can’t rule out that other far-right extremist groups received foreign donations in the lead-up to January 6, can you?

Mr. WRAY. Not only would I not want to rule it out, but certainly the possibility of foreign funding or support for domestic violent extremism is something that’s particularly high on our priority list because of the challenges it poses. You mentioned bitcoin.

Mr. KRISHNAMOORTHY. And you can’t—you can’t rule out—

Mr. WRAY. Certainly, that’s part of the concern.

Mr. KRISHNAMOORTHY. Yes, sir. You can’t rule out that foreign financing helped fund activities related to January 6, right?

Mr. WRAY. Correct. I’m not sure we’ve seen that at this stage, but I certainly wouldn’t purport to have ruled it out.

Mr. KRISHNAMOORTHY. OK. That is very disturbing that foreign actors may have helped fund activities connected to the January 6 insurrection.

I want to turn your attention to another topic. Director Wray, you became the FBI Director in 2017, right?

Mr. WRAY. In August 2017.

Mr. KRISHNAMOORTHY. We recently learned from Apple Corporation that in early 2018, the company received a subpoena, including a Federal gag order, requesting electronic metadata related to House Intelligence Committee members, staffers, and family members. This is in connection with a DOJ leak investigation.

You have heard about this investigation and these subpoenas. Correct?

Mr. WRAY. I've been reading about them in the press, yes.

Mr. KRISHNAMOORTHY. Well, CNN reports, "The leak hunt began when the FBI sent a subpoena to Apple in February 2018." You don't dispute that report. Correct?

Mr. WRAY. I really can't discuss a specific investigation. I really don't want to get out in front of the Justice Department on this.

Mr. KRISHNAMOORTHY. And—

Mr. WRAY. You know, decisions about subpoenas are really best directed to them.

Mr. KRISHNAMOORTHY. And the FBI interviewed witnesses in connection with this leak investigation. Correct?

Mr. WRAY. Again, sir, I really can't discuss any specific investigation.

Mr. KRISHNAMOORTHY. I am not asking you to discuss any specifics of the investigation, but the FBI was involved with these investigations. Correct?

Mr. WRAY. When there are leak investigations, typically the FBI is the investigative agency. Correct. Other than that, I really can't—

Mr. KRISHNAMOORTHY. Good. That is the—that is what we thought. The FBI was involved with this investigation.

Now, sir—and this is during the time that you are the FBI Director. Did you ever discuss the Apple subpoenas with Jeff Sessions?

Mr. WRAY. Congressman, I understand the question. I really don't want to get out of the Justice Department on this. As you know, the Attorney General issued a statement on it, and I'd refer to—

Mr. KRISHNAMOORTHY. Sir, you are just being asked a simple "yes" or "no" question. Did you discuss the leak investigation with Jeff Sessions?

Mr. WRAY. Congressman, again, respectfully, I'm not trying to be difficult here. But the Inspector General has been asked to look into this. I have a very good working relationship with both the Inspector General and—

Mr. KRISHNAMOORTHY. Sir, you are being evasive. These are "yes" or "no" questions, sir.

Mr. WRAY [continuing]. The Attorney General.

Mr. KRISHNAMOORTHY. You are under oath. These are "yes" or "no" simple questions that we need to get to the bottom of. Sir, serving these secret subpoenas—

Voice. Time.

Mr. KRISHNAMOORTHY [continuing]. To collect records on Members of Congress is something we would expect in Putin's Russia, not the United States. And sir, your involvement needs to be probed, just like everyone else's.

Thank you.

Chairwoman MALONEY. The gentleman's time has expired. The gentleman from Texas, Mr. Sessions, is recognized for five minutes.

Mr. SESSIONS. Chairwoman, thank you very much. And I want to thank each of the witnesses that chose to appear today. I am disturbed that the Acting Chief of the U.S. Capitol Hill Police, who was in charge of intelligence, did not show today.

Director Wray, thank you very much for agreeing to come and be a part of this hearing. Thank you for the professionalism that the Federal Bureau of Investigation has been a part of, as well as the United States Army and the men and women that were under the command of General Flynn and Walter Piatt, too. And we thank you.

I would like to, if I can, take just a second with Director Wray, and without being very specific, I believe that you would be well into what might be called the management of this long investigation. This is one of the largest investigations in the history of this country. Is that correct, sir?

Mr. WRAY. Certainly, it's one of the most far-reaching and extensive that I can think of.

Mr. SESSIONS. During my history of watching the Federal Bureau of Investigation, the FBI would like to get it right, and they will take their time and not try and cut a corner or shirk tasks. Do you believe that is still true about the Federal Bureau of Investigation?

Mr. WRAY. Yes, sir. I believe very strongly, and my message to our folks since the day I arrived and continuing ever since is that we need to make sure that we don't just do the right thing, that we do it in the right way. And that the FBI's brand, if you will, is based in large part on the way we do our work, which is painstakingly, professionally, and objectively. And that's what I expect of all 37,000 men and women at the FBI.

Mr. SESSIONS. Do you believe that you would come under political pressure from leading Democrats on this committee who want you to arrest 500 more people, that you would think that you should go out and do that as a result of political pressure being placed on you by senior Democrats of this committee?

Mr. WRAY. Congressman, I don't—I don't feel any pressure from members of either political party. My intention is for us to investigate professionally, objectively, with proper predication, following the facts under the law wherever they may lead, no matter who likes it.

Mr. SESSIONS. Mr. Wray, I believe that what you have said to me I believe is true and correct, and that is the Federal Bureau of Investigation would not feel that they were under political pressure by senior Democrats to have you do something that, in fact, the Bureau knew might not be correct. So I will answer that for you. I think you answered that way.

Do you believe that you would be well within your ideas to say that this may take a little bit longer, and there will need to be trials, and the trials will develop the facts of the case. And as people have their opportunity to be a part of a trial, that they will either plead guilty or be found guilty and that that will be the point at which we would then know the truth, the whole truth, and nothing but the truth?

Mr. WRAY. Yes, sir.



Mr. SESSIONS. I would like to ask you if you believe that this would really be the story that would be told, as opposed to ahead of time trying to place you and other members of—that work for the Federal Government in a diminished role at this time without knowing the full answer? I am sure you have got questions in your mind. Do you believe that it will help you put together a better story when you actually know based upon the outcome of trials?

Mr. WRAY. Well, absolutely. I've always, even when I was a line prosecutor, felt like I learned—I can't think of a trial I had where I didn't learn important things during the trial, even after a long, very meticulous investigation. And I would expect that to be true in the 500 or so cases that are at issue here.

Mr. SESSIONS. Well, Mr. Wray, I want you to know that I believe that we are involved in a crisis in this country. We have been through one. I think January 6 was a very difficult time and a crisis.

Do you believe that you have learned some lessons? You do not need to go into them. But that you will be able to help local law enforcement, as well as Capitol Hill Police, so that you can give them—before we get the after-action report, give them information that would secure our country better today, moving forward?

Mr. WRAY. I believe we've already learned some valuable lessons, and I expect we will continue to learn more. And we view the Capitol Police as terrific partners who have a very tough job to do, and we look forward to working with them.

Mr. SESSIONS. Mr. Wray, I want to thank you, and I hope that you would know that every single member of this committee would hope, wish, and pray that the lessons that are learned you will be able to bring to bear to not only support the American people, but also the members of law enforcement to help them be better.

And sir, I want to thank you for your time today, and may God bless you.

Chairwoman MALONEY. The gentleman yields back. The gentleman from Maryland, Mr. Raskin, is now recognized.

Mr. RASKIN. Thank you, Madam Chair.

Thanks to the witnesses for their service and their testimony.

In an emergency, every minute matters. Vice President Pence escaped right-wing insurrectionists chanting “Hang Mike Pence. Hang Mike Pence” by one minute on January 6.

The order to deploy the National Guard to the Capitol did not come until nearly 2 1/2 hours after the Capitol was first breached. That was at 4:32 p.m. on January the 6, when Acting Defense Secretary Miller gave verbal authorization for the D.C. Guard to deploy to the Capitol.

Yet Major General William Walker, the commanding general of the D.C. National Guard on January the 6, has testified he was not informed of this authorization until 5:08 p.m., fully 36 minutes later. As a result, the D.C. Guard did not arrive at the Capitol until 5:20 p.m., almost an hour after the initial green light was given.

Lieutenant General Piatt, how do you account for this 36-minute delay in transmitting the order for National Guard troops to move to the Capitol?

General PIATT. Congressman, Secretary McCarthy, our records show that he called 4:35 p.m. after receiving that approval at 4:32 p.m. There are discrepancies in the log and all the timelines as we merged all the reports.

I can only account for that the troops were going through their final stages of boarding buses and getting ready to go. What they did was really a herculean effort to remission in that amount of time and be prepared to now go to meet a whole new mission of riot control at the Capitol.

Mr. RASKIN. OK, yes. But I am not talking about the troops here. I am talking about the 36-minute delay between when Walker received authorization and when the authorization originally came down. Well, let me put it this way.

The documents received by the committee suggest it is unclear who finally told Major General Walker that he had approval to send the Guard to the Capitol or when that occurred. According to one document obtained by the committee, Army Secretary McCarthy personally notified Major General Walker at 4:35 p.m. that he was authorized to deploy. But according to the D.C. Guard's own timeline, this directive was relayed to Walker by Army Chief of Staff General James McConville.

So, General Flynn, whose job was it to inform Major General Walker that he could deploy the Guard to the Capitol?

General FLYNN. Congressman, by authority it would have been the Secretary of the Army.

Mr. RASKIN. Well, how do you explain the discrepancies in these accounts from the Pentagon and the D.C. National Guard?

General FLYNN. Congressman, I—I cannot explain those discrepancies in the timelines. I think that as various timelines got merged, there is minutes off.

Mr. RASKIN. Well, how do you explain that 36-minute delay?

General FLYNN. Congressman, I can't explain that. What I do know in our timeline is at 1702, the buses began to deploy to the Capitol. That's when the movement started.

Mr. RASKIN. OK. So that would have been 30 minutes after Acting Defense Secretary Miller gave the verbal instruction. Do you think that that 32-minute delay is justifiable or acceptable in terms of getting the D.C. National Guard to the United States Capitol during the most serious siege and attack since the War of 1812?

General FLYNN. Congressman, I would say that the buses leaving at 1702 and organizing those soldiers on that transportation in riot control gear after they had changed mission from being merely in crowd control, and going from an unarmed force in a non-law enforcement mode to something very different and being put into the middle of a violent mob, I think that that accounts for that time, Congressman.

Mr. RASKIN. General, you closed your testimony by saying we must address the circumstances that allowed this to happen. What circumstances are you referring to there?

General FLYNN. The circumstances I'm referring to, Congressman, is when I look back at what happened here, there's four things in planning that we could have done and we should have done.

The first one, there should have been clearly a lead Federal agency designated. The second one is we should have had an integrated security plan. The third one is—and much of this has been talked about already—is information and intelligence sharing on criminal activities before the 6th of January. And then the fourth one would have been we should have pre-Federalized certain National Guard forces so that they could have immediately been moved to the Capitol and had those authorities in place before this happened.

Mr. RASKIN. OK. Well, I see my time is up. Thank you for your testimony, gentlemen, and I yield back, Madam Chair.

Chairwoman MALONEY. The gentleman yields back.

My colleagues, votes have been called on the floor, but we are going to keep the hearing going to ensure that all members have an opportunity to ask questions. So members are encouraged to ask questions during the vote series, if possible. We can stagger that and just keep the hearing going.

I now recognize the gentleman from Ohio, Mr. Gibbs. You are now recognized, Mr. Gibbs.

Mr. GIBBS. Thank you, Madam Chairwoman.

Director Wray, with all the chatter I think that was going around on social media and the Internet previous days to January 6, were you aware there was chatter out there? Director Wray?

Mr. WRAY. There was a variety of social media chatter, yes, sir.

Mr. GIBBS. And then also your Norfolk report, it is just like an unbelievable intelligence failure, it seems like. And it is inconceivable to me that there wasn't briefings with leadership here in the Congress and law enforcement. As Director of the FBI, you should be examining that, that breakdown, and so that never happens again.

Has there been any arrests made on the people—persons that did the pipe bombs at RNC and DNC headquarters?

Mr. WRAY. No, we have not made arrests on that. We are aggressively investigating. We recently, you may have seen, put out additional higher-quality photos in an effort to see if we could get better information from the public on it. That's one of the investigations that we're particularly concerned about.

Mr. GIBBS. Of the 500 people that have been arrested of January 6, do the charges, do they range from trespassing, disorderly conduct, assault, insurrection? What are the charges?

Mr. WRAY. Well, there are a variety of charges. I would probably better off to refer you to the Justice Department for the full list, but certainly, they have ranged from assaults on Federal officers to different kinds of obstruction offenses. We've had some conspiracy charges.

I'm not sure I could give you a full catalogue.

Mr. GIBBS. Has there been any insurrection charges?

Mr. WRAY. I don't believe so. But again, there have been close to 500 cases, but I don't believe so.

Mr. GIBBS. And you know—have people been held in jail since their arrest on trespassing charges or minor charges are still—are they held in jail without due process?

Mr. WRAY. I don't believe anybody has been denied due process, sir.

Mr. GIBBS. OK. I want to change the subject here a little bit. We have got this big issue with what happened with the COVID, the origins and the intelligence. And it was recently reported that three researchers at the Wuhan Institute of Virology became sick with COVID-19 like symptoms in November 2019 and sought hospital care for their illnesses.

Are you aware of any additional intelligence showing that COVID-19 pandemic was not the result of transmission from an animal to a human, but instead was result of a leak from the Wuhan Institute of Virology?

Mr. WRAY. Congressman, I certainly understand, of course, the interest in the topic. As you may have seen, the intelligence community is doing a deep dive on the subject and has not reached a definitive conclusion. And what there is that we're looking at is, of course, heavily interwoven with classified information. So I'm not really sure there's a whole lot I can say right now at this point. But obviously, we are working very hard, and a lot of people cross the intelligence community working on it at the same time.

Mr. GIBBS. But you are not saying—there could be intelligence to that. OK.

What is the FBI doing to investigate the origins of COVID-19, given that the Chinese government has engaged in a widespread cover-up of its origins?

Mr. WRAY. Again, I can't discuss a specific investigation, as I've said in connection with other responses. But as you may know, I've tried to be very vocal and intend to remain very vocal during my tenure as FBI Director about the threat posed by the Chinese Communist Party and the Chinese government in particular. And the FBI is actively engaged with our partners in the intelligence community on the assessment that has been called for by the Director of National Intelligence.

Mr. GIBBS. Are you aware of any U.S. research funding to the Wuhan Institute was diverted to conduct research for the Chinese military, given that the State Department just reported that such research has been conducted there since 2017?

Mr. WRAY. Again, Congressman, we are going into all the facts and information that we have available to us as an intelligence community, with the FBI as an active participant. And that's really all I can say on this subject at this point.

Mr. GIBBS. I know in previous questions you were asked about the Portland and Seattle riots last—last summer, and you couldn't tell us how many people the FBI has arrested and convicted and what the charges were, especially on the siege on the—on the Federal courthouse out there and also holding large areas of the cities hostage. So are these FBI investigations still going on, or has it changed since the new administration?

Mr. WRAY. No. We continue to investigate just as aggressively on our end as before. Again, I don't have exact numbers for you, but I know that last time I checked, I think we had on the FBI side—or at least on the Federal side—about 100 arrests in Portland alone. And then there were about, I think, 800 maybe local arrests. But that information may have changed or since my last report.

Mr. GIBBS. Thank you.

Mr. WRAY. That's just Portland. That's just Portland, not nationwide. Portland.

Mr. GIBBS. Thanks, Director Wray. I am out of time. Yield back.

Mr. HIGGINS. Madam Chair? Madam Chair? Parliamentary inquiry. Yes, ma'am. How is—

Ms. NORTON. [Presiding.] The gentleman is recognized.

Mr. HIGGINS. Thank you, Madam Chair.

How is a member expected to meaningfully participate in this very important committee hearing while we are walking back and forth from the Capitol to cast votes, which are in 20-minute blocks. Those of us that do not participate in what we to believe to be unconstitutional proxy voting, how does the chair expect us to participate meaningfully in this committee while we walk back and forth from the Capitol to vote? It is a serious question.

Ms. NORTON. Yes, this is not a parliamentary inquiry. We are keeping this committee hearing going while allowing members to go to vote, or else we will be here all night.

The gentleman from—the gentleman from—

Mr. HIGGINS. Is there some—is there some hesitancy to devote the time that is required for this very important hearing, Madam Chair?

Ms. NORTON. Sir, we are devoting all the time that is required, but members have to vote. They need to go to vote.

Mr. HIGGINS. Which is exactly why we should adjourn. I object to that not happening, and I would like it on the record.

Ms. NORTON. The gentleman's request is denied. The gentleman from California, Mr. Khanna, is recognized for five minutes.

Voice. Was that an official move to adjourn?

Mr. KHANNA. Thank you, Madam Chair—

Voice. Did you move to adjourn?

Mr. KHANNA [continuing]. For your leadership. Thank you, Director Wray, for your service.

Director Wray, you have told House committees that you need to look hard at what happened. You are committed to doing better. You told Chairwoman Maloney that you have to bat 1,000 percent and even one mistake is unacceptable, and you will make sure this never happens again.

Voice. Madam Chair, I move to adjourn.

Mr. KHANNA. Madam Chair, if I could pause?

Mr. HIGGINS. There has been a motion, Madam Chair.

Mr. RASKIN. It is not floor.

Ms. NORTON. The gentleman is not recognized. It is Mr. Khanna's time.

Mr. KHANNA. You know, Madam Chair, we had an insurrection. We don't need disruptions here. Can we allow the democratic process to continue, please?

Voice. Some of our members would like to hear the complete testimony.

Mr. KHANNA. Well, I think that we should follow the rules.

Voice. The rules state that if there is a motion to adjourn that we have to have a vote immediately.

Ms. NORTON. The gentleman is out of order and has not been recognized.

Mr. COMER. Madam Chair, we have a motion on the floor, a motion on the floor.

Mr. RASKIN. Regular order. Regular order.

Ms. NORTON. The gentleman will suspend.

Mr. COMER. Regular order is there has been a motion made, and we vote on the motion.

Mr. KHANNA. Madam Chair, may I continue my line of inquiry?

Ms. NORTON. The gentleman—Mr. Khanna will continue.

Mr. KHANNA. Thank you, Madam Chair.

Director Wray, you have said that you have to bat 1,000 percent, that there is no room for a mistake. But Director Wray, instead of speaking in generalities, you know, I mean, if there was a football coach after a losing season who gave those generalities, that wouldn't cut it with the American public. So I want to drill down on specifics.

Was this an intelligence failure on the part of the FBI? Director Wray?

Mr. WRAY. I wouldn't describe it that way. But I would say that we consider what happened on January 6 to be unacceptable. We share the—

Mr. KHANNA. No, I don't want the generalities, sir. I don't want the platitudes. I want the specifics of what went wrong, like someone would say our quarterback didn't throw correctly. We didn't have enough defense. What are the specifics? Don't give me any platitudes.

Did the FBI have any intelligence that was actionable about what happened on January 6, yes or no?

Mr. WRAY. To my knowledge, sir, we did not have actionable intelligence that indicated that hundreds of people were going to breach the Capitol.

Mr. KHANNA. So wouldn't this be an intelligence failure if you did not have actionable intelligence and if the CEO of Parler knew what was going on, and half of social media and half the folks who were on the Internet knew what was going on? Wouldn't you describe that as an intelligence failure?

Mr. WRAY. Well, I'm not trying to quibble on terminology, sir. I guess what I would just say to you is that anytime there is an attack, we consider that to be unacceptable, and we're determined to try to get better sources so we can have more information—

Mr. KHANNA. But wouldn't you say that you need to get—do a better—would you say you need to do a better job getting intelligence on these kind of attacks?

Mr. WRAY. Yes, sir. I would say that, and I'm glad you raise that.

Mr. KHANNA. Great.

Mr. WRAY. Because that's one of the things, if you want to sort of take it out of the realm of what you're calling platitudes, that's one of the things that we are particularly focused on is how can we develop better human sources to anticipate things like this? That's one.

How can we develop better data analytics?

Mr. KHANNA. Was there a failure—did you have any intelligence which you failed to act on, or is it your testimony that there was no actionable intelligence?

Mr. WRAY. I am sitting here right now, recognizing that this is, as has already been discussed, a sprawling investigation, I am not aware of any actionable intelligence that we failed to pass on.

Mr. KHANNA. You spoke about how—

Mr. WRAY. But again—yes?

Mr. KHANNA [continuing]. How you were surprised that there were no individuals who were arrested of the 500 that you had investigated. I was shocked. I said how is it possible that you have 500 of these individuals who have never been investigated by the FBI? Does it concern you that none of the people who were arrested were on your radar at the FBI?

Mr. WRAY. Well, two things. One, I think I said almost none, not none.

Mr. KHANNA. You did.

Mr. WRAY. Second, certainly—second, certainly the investigation is ongoing, and facts will develop further as we go forward. But third—

Mr. KHANNA. Did you have—

Mr. WRAY. Yes, but third, yes. Yes. That is one of the things that I view as most important to us, which is we obviously had lots of very well-predicated important investigations that we were conducting, and yet there were still—

Mr. KHANNA. Did you have any investigations—sir, my time is running out. I don't want to be rude, but did you have any investigations on Oath Keepers, Proud Boys, or Three Percenters?

Mr. WRAY. I know we had investigations related to individuals connected with some of those groups. I can't, sitting here right now, separate in my head which investigations were before January 6, which ones were after.

Mr. KHANNA. Do you think, in retrospect, you should have paid more attention in intelligence to some of the white supremacist and extremist groups and that there was not sufficient intelligence done on those groups?

Mr. WRAY. I'm not sure I would go that far, and let me just tell you why. We have, during my time as Director, dramatically increased—I think doubled—the number of investigations that we have been conducting specifically into what we call racially motivated violent groups—

Mr. KHANNA. But you don't think if there were all these arrests—sir, I am sorry to interrupt. But you don't if there were all these arrests and none of them were people or almost none were people that you had investigated, and half the Internet is talking about these folks and knows about these folks, that the FBI needs to do a better in getting intelligence?

And then let me just ask this final question, which you can ask, if you knew before January 6 what the FBI knows now about the militia groups conspiring to attack the Capitol, would the Government have been able to thwart this attack?

Mr. WRAY. Well, on the first part, I think I've been very clear consistently that I think the FBI needs to do better, and we're determined to do better. On the second part, it's hard for me to answer a hypothetical. Certainly, if we had information that we've been developing in our investigations since January 6 before January 6, I have to believe we would have been able—

Mr. KHANNA. And Director Wray, does it make your job harder when some of the lawmakers in this body are praising the protesters, some even saluting with a clenched fist the protesters? Does that make the job of the FBI harder to get after those who harmed our democracy?

Mr. WRAY. I guess the best way for me to answer that is I certainly understand why you're asking the question. But I think it's best for me, as FBI Director, to speak through our work and not to be weighing in on in commentary on specific people's rhetoric. But I certainly understand why you're asking the question.

Mr. KHANNA. And I appreciate your service, sir.

Ms. NORTON. The gentleman's time has expired. The gentleman from Arizona, Mr. Gosar, is recognized for five minutes.

Mr. GOSAR. Thank you, Madam Chair.

Director Wray, I would like to start by again asking for all the surveillance footage from January 6 and the preceding days to be released to the public. I am told there are thousands of hours of footage.

Now, Director Wray, yes or no, would you agree that the public has a right to know the truth and that the information and footage should be made public?

Mr. WRAY. The information we produce has to be done in coordination with the prosecutors—

Mr. GOSAR. Well, yes or no? I mean—

Mr. WRAY. Well, I don't—sir, respectfully, I don't think it is a "yes" or "no" question.

Mr. GOSAR. Well, OK. So—

Mr. WRAY. We have to be very careful to protect the integrity of the ongoing cases, and there are very specific—

Mr. GOSAR. Well, let me recapture my time here. Democratic members, and you just heard, of Congress have made some outlandish allegations about reconnaissance tours and even filed ethics complaints against Members, including me, which was recently thrown out.

Mr. Wray, would you agree, yes or no, that the video footage is often the best evidence documenting an event?

Mr. WRAY. Video footage is often very useful information to document an event.

Mr. GOSAR. Thank you. Director Wray, do you believe that security footage of a public building of public officials, paid for by public taxpayers, potentially containing exculpatory evidence should be provided to public defenders?

Mr. WRAY. Well, I think what information is provided to public defenders in criminal cases should be done under the rules of discovery, which are spelled out and are more complicated than I could cover in the time that we have here.

Mr. GOSAR. OK. Well, thank you. I appreciate it.

Director Wray, now switching points. Can you confirm that no one inside the Capitol on January 6 was arrested for carrying or using a firearm?

Mr. WRAY. Sir my understanding is that there has been at least one individual who was arrested for having a firearm inside the Capitol. There are, I think, a small number of other cases, local cases. By that, I mean MPD who has—



Mr. GOSAR. Can you provide—can you provide that information for us in written testimony, please?

Mr. WRAY. I'm happy to have my staff followup with yours to get you this information—

Mr. GOSAR. Thank you. I appreciate that.

Director Wray, can you confirm that nobody arrested for the involvement in the January 6 riot has been charged with the crime of insurrection?

Mr. WRAY. Sir, as I think I said in response to one of your colleagues, sitting here right now, I don't believe there have been insurrection charges in any of the indictments so far. But again, with 500 cases, I'd want to be sure that I would look—

Mr. GOSAR. I believe you are right. Yes, I agree.

So I am now switching gears again. Director Wray, do you know who executed Ashli Babbitt?

Mr. WRAY. No, I don't know the name of the person who was involved in the Ashli Babbitt shooting.

Mr. GOSAR. OK. So do you agree that Ashli Babbitt was unarmed?

Mr. WRAY. No, I really can't weigh in on the facts and circumstances of that case. As you may know, that was investigated by the D.C. Metro's Internal Affairs Department with the DOJ Civil Rights Division and U.S. attorney's office, and the FBI was not the investigative agency.

Mr. GOSAR. Well, yes, it is disturbing. The Capitol Police officer that did the shooting of Ashli Babbitt appeared to be hiding, lying in wait, and gave no warning before killing her.

Question again. Why hasn't that officer that executed Ashli Babbitt been named, when police officers around the country are routinely identified after a shooting?

Mr. WRAY. I can't comment on that case. It's not one that we've been directly involved in, so I really can't agree or disagree with your characterization.

Mr. GOSAR. Sounds good. Do you approve of lethal force against unarmed citizens, particularly a 110-pound woman, with no warning, no use of nonlethal force prior, and while lying in wait?

Mr. WRAY. I'm not going to try to answer a hypothetical, especially one based on a case that I just said I really can't discuss.

Mr. GOSAR. That actually wasn't a hypothetical. That is actually what happened.

Changing gears again. Director Wray, the FBI released several 30-second video clips of a suspected pipe bomber, seeking the public's help to identify him. Two of the video clips begin and end with the suspect already in the middle of the frame.

You know how long the suspected pipe bomber was there and which way he exited, but you have withheld that information from the public. The FBI is in possession of the full tapes of the pipe bomb suspect and knows far more than the public about potential identifying details. You have begged the public's help in identifying this pipe bomb suspect. You even offered a \$100,000 reward.

Why have you not released the full tapes if you truly intend to leverage the public's help? Will you commit to releasing the full tapes to the public immediately?

Mr. WRAY. No, sir, I can't make that commitment. I'm very careful about making sure that we protect the integrity of the ongoing investigation. And when we share information with the public while asking for their help, it has to be done very thoughtfully with regard to both the solicitation for assistance as well as, again, the protection of the integrity of the ongoing investigation.

Mr. GOSAR. Well, I appreciate it. Well, in conclusion, I again urge the Capitol surveillance footage and the truth to be released in order to exonerate the innocent and provide justice and accountability for those who violated it.

I would like to ask for unanimous consent to enter into the record a report from Revolver News regarding infiltration[ET1] and incitement of the January 6 protest by Federal officials.

Ms. NORTON. Without objection.

Mr. GOSAR. I thank the chairwoman. And with that, I yield back.

Ms. NORTON. The gentleman yields back. I recognize the gentleman from Maryland, Mr. Mfume, for five minutes.

Mr. MFUME. Thank you very much, Madam Chair.

And through you, I thank Chair Maloney's holding this hearing. It is, indeed, important, and the fact that it is the second one does not belie the fact that we have a situation that we have not faced in 100 years. And so two hearings on this, in my opinion, is proper, if not insufficient, and I hope that we have another one next month, as I think I heard earlier today.

I want to thank the generals here for their service to the country and for their testimony today. I want to thank Director Wray, and I want to thank also all the men and women of the FBI, famous and faceless, that we don't know all across the country that are doing their job at this hour.

Director Wray, I was happy to hear that you have doubled the number of investigations that are underway for racially and ethnically motivated hate crimes against citizens, people who get up and their taxes every day. And so whether it is acts against African Americans or Latinos or Asian Americans, as it has been recently, or gay people or immigrants, I can only tell you that doubling those efforts is appreciated.

And if you want to triple them, that would be appreciated because that is too much hate in this country, and too many innocent people are being affected by it.

I want all of us for just a moment to remember context here. We are here today because we are all fortunate enough to get more votes than the other person, and we got elected. And we became Members of the House of Representatives, and we took an oath this past January. And in the oath, we said we swore to protect and defend the Constitution of the United States from all enemies, foreign and domestic.

The domestic enemies that we saw on January 6 ought to be the sort of things that we focus on. I know I heard a lot of talk here about Hunter Biden's laptop and the border attacks and crossings and Black Lives Matter, a movement that I, by the way, support. And even heard references to COVID. This has got to do with the attempts by people to overthrow the Government of the United States of America, something that hasn't happened in well over 100 years, and it is not something that we can slough off.

You know, too often we hold fast to the conclusions of other people. Sometimes we subject all facts to a prefabricated set of interpretations, and quite often we enjoy the comfort of opinion without the discomfort of thought. This requires thought. It requires action. It requires concentration, and we just can't slough it off and assume that it is not going to happen again.

Most of you have heard the old story about Benjamin Franklin at the 1787 Constitutional Convention. When he walked outside after hours of deliberating, Ms. Powell, the woman who was married to the mayor at the time, said to him, "Dr. Franklin, tell us, what have you given us? Is it a monarchy or a republic?" And as you know, Ben Franklin replied, "Ma'am, it is a republic, if you can keep it."

So that is what we are trying to do, keep our republic and to keep it from those who tried to overthrow this Government, who wanted to kill Members of Congress, who wanted to hang Mike Pence.

All of you were in that gallery that day. I know I was. We saw what happened. Some of us made it back to our offices and places of lockdown. We knew at the time that this was unprecedented, and I hope we knew also that we have to find a way to make sure that it never, ever happens again.

So I just want to make sure that we stay focused here. People all over the country are watching us. They know what this hearing is about. It is not about COVID-19. It is not about border crossings. It is not about Black Lives Matter.

It is about a group of people who claimed to be tourists and who some of you have referred to as patriots and purists, when, in fact, they were and are, indeed, provocateurs, pent up with an anger and a determination to overthrow that republic. So being here is important, and hearing what everybody has to say is equally as important.

You know, a Greek philosopher was once asked when would justice ever come to Athens. And he thought about it, and he replied back thoughtfully. Justice will never come to Athens until all of those who are not injured are just as indignant as all of those who are.

This assault on our Capitol was an injury to millions of Americans, and we can never let it happen again.

Madam Chair, I yield back any time I may have.

Ms. NORTON. The gentleman from South Carolina, Mr. Norman, is recognized for five minutes.

Mr. NORMAN. Thank you, Madam Chair.

Madam Chair, I have been sitting here three hours, and we basically—and I want to thank the witnesses for coming. But really, the people that should be here are not here. The witnesses, for the last three hours I have heard, cannot really answer any questions or explain anything about what happened because it wasn't in their chain of command.

The ones that should be here are the Capitol Police. Where are they? They are not here. Where is the Acting Chief, former Chief Sund? The chair has subpoena power. Why isn't he here?

Now I understand the chief now is Pittman. We are going to have her at another meeting. But she is not here now, and I guess

what is shocking, we have had yet to have one hearing of all the crises that are going on in this country. Economic crisis, inflation is going through the roof. We have got a border crisis. Millions of people coming across unfettered, putting our police in danger, coming across the border. We don't know who they are. Not one hearing.

Not one hearing on the energy crisis. You ask that citizen about filling up their car or truck with gas, what are they paying? Fifty percent more. Where is the hearing on that?

Our national security crisis. Where are our hearings on what China is doing with their lab that is ongoing and with the investigation that is not happening on how the virus got here?

Where is our budget crisis? This administration is spending this country into a debt that is going to be hard to recover from. Where is our meeting and our hearing on that?

Where is our criminal crisis? As has been said, we have had cities all over this country destroyed to the tune of \$2 billion over the past 60 days. Where is our meeting on that? Where is our hearing?

Yet here we sit for going on three hours over something that happened 160 days ago. We have yet to have one witness that really knows much of what is going on, and it is a shame for the American people. The taxpayers deserve better, and we see that the taxpayers see what is going on.

This is a shell game. This is a dog-and-pony show to keep—to try to keep the emphasis off the real things that are affecting real Americans all over this country. The taxpayers get it. The emphasis now is on anything but handling the crises.

And we have an administration that has not had a meaningful, meaningful hearing where the press asked any question other than where—has the dog bitten anybody, or is the cat lost? And so, Madam Chair, this is an insult. This is something that I think the people are seeing through, and this is something that shouldn't happen. It is a waste of taxpayers' money, and it is a diversion that is not going to work. It is ridiculous.

I yield the remaining part of my time back.

Ms. NORTON. The gentleman from Georgia, Mr. Johnson, is recognized for five minutes.

Mr. JOHNSON. Thank you, Madam Chair.

Director Wray, isn't it true that the FBI prepared a formal intelligence bulletin with a threat assessment before protests by Black Lives Matter protesters in Washington, DC?

Mr. WRAY. Sorry, Congressman. I'm having a hard time getting a clear signal. Would you mind repeating the question?

Mr. JOHNSON. I am sorry. Isn't it that the FBI prepared a formal intelligence bulletin with a threat assessment in advance of the summer 2020 protests by Black Lives Matter—

Mr. WRAY. I'm not aware of whether that's accurate or not, sir.

Mr. JOHNSON [continuing]. [inaudible] In D.C., of course, whenever there is a high-profile rally on the Ellipse which is to be attended by the President of the United States. Correct?

Mr. WRAY. Sir, I know that when there are certain events that are specifically designated as NSSE events or so-called SEAR events, which is a decision that's made I think as part of Homeland Security, it is not unusual for the FBI to be asked, in connection

with those events, to do a formal threat assessment. I'm not sure that I've heard in the instances here.

Mr. JOHNSON. OK. Well, let me ask you this. Let me ask you this. The FBI did not produce a formal intelligence bulletin or a threat assessment in preparation for the January 6 insurrection. Correct?

Mr. WRAY. Well, we did—we did produce, I think, a dozen plus intelligence products—

Mr. JOHNSON. Well, a formal—a formal intelligence bulletin, you did not produce. Is that correct?

Mr. WRAY. Well, we may just be inadvertently talking past each other on specific terms for specific kinds of intelligence products. We certainly put out a number of intelligence products, finished intelligence products, including two joint intelligence bulletins that I can think of, as well as some others that were also intelligence products.

Mr. JOHNSON. Now there is a difference between those briefings that you are talking about and a formal intelligence bulletin produced in conjunction with the Department of Homeland Security. Correct?

Mr. WRAY. Well, we did do formal intelligence bulletins with Department of Homeland Security. I know I can give at least two—

Mr. JOHNSON. In preparation for January 6?

Mr. WRAY. Well, over the course of—

Mr. JOHNSON.

[Inaudible] preparation—did not do one in preparation for January 6. Correct?

Mr. WRAY. Not specifically for the January 6 certification itself. I think that's what you mean, yes.

Mr. JOHNSON. All right. Now the FBI in 2020 December had received a packet of materials from the New York Police Department that documented the real possibility that there would be violence at the Capitol on January 6. And leading up to January 6, based on intelligence that there was a real potential for violence in Washington, DC, on that date, the FBI visited dozens of extremists already under investigation to discourage them from traveling to Washington, DC. Isn't that correct?

Mr. WRAY. I don't know about the NYPD product because that's not ringing a bell, as I sit here right now. But in terms of approaching individuals before January 6, I don't know whether it was dozens, but I know there were individuals that we had interaction with. And my understanding is that none of those people had indicated an intention to attack the Capitol certainly but did indicate an intent to travel.

Mr. JOHNSON. All right. Well, let me move on. On January 5, the FBI field office in Norfolk, Virginia, issued a situational information report warning of an online post that discussed specific calls for violence against Congress on January 6. And Director Wray, it is crystal clear to me that the FBI knew or certainly had reason to know that there was going to be violence at the Capitol on January 6, and it is crystal clear that the FBI was more concerned about Black Lives Matter protesters in Washington, DC, than it was about armed conflict by violent and armed Proud Boys and Oath Keepers descending on the United States Capitol.

It is almost like the FBI wanted to look the other way so that the insurrection could proceed in its effort to stop the certification of the Presidential election. That is what it appears to me and a lot of other people who are looking at this situation.

Mr. WRAY. Well, sir, I'm sorry if it appears that way. I don't agree with the characterization. But I can assure you that we are absolutely determined to make sure that nothing like what happened on January 6 ever happens again.

As I mentioned earlier, we elevated—I elevated racially motivated violent extremism, specifically racially motivated violent extremism advocating for the superiority of the white race, to our highest threat priority in the summer of 2019, doubled the number of investigations we had into that type of threat and the number of arrests. But clearly, there's a lot more work to be done, and you can be sure the men and women of the FBI are absolutely determined to get it done.

Mr. JOHNSON. Thank you, sir, and I yield back.

Ms. NORTON. The FBI Director has asked for a short, five-minute recess. So I declare that the committee is in recess for five minutes. [Recess.]

Ms. NORTON. The committee will come to order.

The gentleman from Arizona, Mr. Biggs, is recognized for five minutes.

Mr. BIGGS. Thank you, Madam Chair.

We all want to know the truth about what happened on January 6. We are not going to get there because the Democrats are having another hearing today that is designed to attack President Trump and his supporters, appease the Democrats' most radical left base, and try to influence the public with more misdirection.

If you want the truth, stop lying. The lies started even before January 6 and they have continued through today. Democrats and their media accomplices claim that Lafayette Park was cleared for President Trump to take a photo. That was a lie.

Democrats and their media allies claim Postmaster General DeJoy was going to steal the election for President Trump. That was a lie.

Regarding January 6, Democrats claimed that Republican Members of Congress aided rioters by providing Capitol tours in the days preceding January 6. That was a lie.

Democrats claim that Officer Sicknick was bludgeoned to death by Trump supporters. In fact, House impeachment managers explicitly referred to that in their pretrial memorandum, quoting, "The insurrectionists killed a Capitol police officer by striking him in the head with a fire extinguisher," closed quote. That, too, was a lie.

Why is it so important for Democrats and the mainstream media to continue with the lie that Trump supporters committed violent acts—attacks, even after they have been totally debunked?

Democrats and the media stuck with this lie, particularly with Officer Sicknick, because it was part of their narrative.

In Judiciary Committee just last week, one of my Democratic colleagues asked Director Wray if January 6 was an insurrection. Director Wray disputed that claim, quote, "Well, Congressman, I certainly understand why you would describe it that way. In my role

as FBI director, because that is a term that has legal meaning, I really have to be careful about using words like that,” closed quote.

Well, a legal filing of armed insurrection allows the president to act with incredible power, even to the extent of suspending habeas corpus. But referring back to the pretrial memo of the House impeachment managers, the overarching rationale for stretching the truth was to lay the table for the second impeachment of President Trump.

According to Director Wray, most of the people who came to Washington on January 6 were peaceful. He reiterated that testimony today. Quote, “The first group, the biggest number of people who showed up kind of outside, maybe not on the Capitol grounds, were peaceful. Maybe rowdy, but peaceful protesters. Then there is the second group that were people who for whatever reason engaged in, let us say, the next level of criminal conduct, trespass, et cetera, and that is criminal. That is a violation and it needs—those laws need to be enforced. And then there is the third group, which is where you are seeing a lot of the arrests and a lot of the more significant charges that are coming out of our work right now, which are the people who brought all sorts of weapons, you know, Kevlar and tactical vests,” closed quote, and as he testified today, that was by far the smallest group.

If my Democratic colleagues wish to find the truth they must stop using inflammatory language and tell the truth about January 6. They continue to claim that President Trump helped plan the riot with no evidence to support their claim.

They ignore that 113 people charged with crimes came under the Trump administration before January 20th. They also claimed the President Trump’s speech incited the riot.

But you can’t have it both ways. President Trump’s comments on January 6 could not have incited a riot and also plan the attack in advance. However, the evidence and common sense tells us it is neither.

Last week, one of our Democratic colleagues compared January 6 to 9/11. Director Wray quickly disputed that claim, quote, “First, let me just say that I don’t think any attack, ransomware or January 6, can fairly be compared to the horror of 9/11 and the 3,000 or so individuals who lost their lives that day,” closed quote.

So Democrats continue to claim that a person—a protester brought zip ties into the Capitol to bind and attack officials. But the Assistant U.S. Attorney prosecuting the case filed a statement with the court disputing this. The prosecutor revealed the Ziploc tie—the zip tie lie.

Defendants and the propagandists claim that this was an armed insurrection, but no guns were found, according to assistant director of the FBI. Another lie debunked. And the DOJ also revealed a Democrat trope by saying there is no direct evidence at this point of kill capture teams and assassinations.

So as we get to this, this hearing is not in pursuit of the truth. It is a continuation of lies, distortions, prevarications, and misdirection that we have heard from my Democrat colleagues for many months.

If you want to get the truth, stop lying, and Madam Chair, I wish to submit for the record the following news articles, one dated

February 16, “The False and Exaggerated Claims Still Being Spread about the Capitol Riot,” one dated March 5, “As the Insurrection Narrative Crumbles Democrats Cling to it More Desperately Than Ever,” one dated March 14, “The January 6th Insurrection That Wasn’t,” and February 22, “FBI Seize Congressional Cell Phone Records Related to Capitol Attack.”

And I yield back.

Ms. NORTON. So ordered.

Mr. BIGGS. Thank you.

Ms. NORTON. The gentleman yield back.

The gentleman from Vermont, Mr. Welch, is recognized for five minutes.

Mr. WELCH. Thank you very much, Madam Chair.

I listened to Congressman Biggs lay out a number of issues that are in dispute. It reminds me of a saying that Mark Twain presented. We all want to get the facts, but Mark Twain said, “Get your facts first. Then you can distort them as you wish.”

I will remind my colleague, Mr. Biggs, that we made a request in the House and it passed for an independent commission that would have as its job getting the facts. That was thwarted in the Senate.

So if Mr. Biggs wants to get to the bottom of that and then act on the facts as he wants, join us in supporting 1/6 Commission. But I think Mark Twain has it right. Get your facts first and then you can distort them as you wish.

I want to ask Director Wray a few questions.

Director Wray, in addition to the questions about how the response—how to the insurrection occurred, what the communication was, what the steps were with information sharing, did the information that you had available to you indicate that there was a widespread dissemination of a theory that was advanced by certain people, including the president, that the election had been stolen?

Mr. WRAY. We—sorry, can you hear me?

Mr. WELCH. Yes.

Mr. WRAY. Certainly, we were aware of chatter online disputing the election and, in fact, I think we built into some of the intelligence products we circulated about domestic violent extremism that we put out over the course of the period leading up to January 6, warnings about the potential for violence, specifically, partisan political violence, and the possibility that that could be directed or targeted at law enforcement or government officials.

Mr. WELCH. Thank you.

And Director Wray, in your investigation, historically as well as in the moment, are you aware of any large group gathering on the day of election certification other than on January 6 of 2021?

Mr. WRAY. I am sorry. I am not sure I am understanding your question. Other gatherings on January 6 of 2021 or prior certifications?

Mr. WELCH. The group that came here. I won’t use the pejorative term mob. But they came here on January 6, which was the day of election certification, correct?

Mr. WRAY. Yes.

Mr. WELCH. And they were encouraged to do so by former President Trump, correct?



Mr. WRAY. Well, I think they were encouraged by a variety of things. But yes, a whole number of people were here—a very large number of people were here in the national Capitol region on January 6.

Mr. WELCH. Yes. It would be fair to say that was a culmination of many Americans who believed, in fact, that their rights and their votes had been disregarded. Was that consistent with the intelligence that you were—you were familiar with?

Mr. WRAY. Well, certainly, there were lots of people who believed that, who felt that way, and I am sure that some of those people were among the people in the crowds on January 6.

It is a little hard for me to characterize with a broad brush, you know, all those people and what motivated each of them. But I take it—

Mr. WELCH. I am not—I am not asking you to do that. You know, it is—and the effort that was made by the president to promote this assertion that the election was stolen—many people believed it and it culminated with a gathering on January 6, and then the finalization. Was it 135 members—139 Members of Congress voted against certifying for the person who had been elected the president of the United States? You are familiar with the fact that that vote was taken, correct?

Mr. WRAY. Yes, sir.

Mr. WELCH. All right. I am just going to go to General Piatt for just a minute. There are a number of things—first of all, thank you for your testimony and thank you for your service.

But I do want to just ask about some of the things that a lead—that could have been done to having a lead Federal agency designated, having an integrated security plan, having better information and intelligence sharing on criminal activities, and a pre-Federalized plan for the National Guard.

Would that have been helpful if each of those had been in place? [No response.]

Mr. WELCH. I think you may be mute.

Ms. NORTON. Who was that question asked to?

Mr. WELCH. General Piatt.

Ms. NORTON. Who?

General PIATT. Congressman, this is General Piatt. I apologize.

Sir, that would have been extremely helpful. That is what we did, sadly, after January 6 in the lead up for the security plan for the inauguration.

We had a lead Federal agency. We had an integrated plan. We had shared understanding of indicators and warnings, intelligence, and one lead Federal agency.

Mr. WELCH. OK. And then also that fence that went up the day after January 6 that is normally in place for the inauguration, had that gone up on January 5 that, obviously, would have helped?

General PIATT. We should have had those measures in place well before January 6.

Mr. FRANKLIN. Would the gentleman yield to a question, Mr. Welch?

Ms. NORTON. The gentleman's time has expired, long expired.

We next hear from Mr.—the gentleman from Texas, Mr. Cloud, who is recognized for five minutes.

Mr. CLOUD. Thank you very much for being here. Thank you, Generals, for your service to our Nation. Thank you, Director Wray, for your comments earlier regarding law enforcement.

It is important that we always remember in all of this that, you know, they are the ones who, at the end of the day, the greatest sound is Velcro coming off. They are the ones whose lives are in danger each and every day, and so we certainly appreciate and honor their service.

Director Wray, I was noting that the absence of the Capitol police chief here again, as others have mentioned, allegedly because she is too busy to come here today. She has a scheduling service.

I think it is important for us to understand really how this happened. Some have asked why she is not here today. I think it is simply because why have one hearing where we get things done when we can have three hearings.

This whole issue has been politicized from the very beginning. We had Speaker Pelosi lying even about the cause of death of a Capitol officer and including that information into the impeachment hearings as evidence.

We have seen how even the attending physician's office has been politicized as well as we had different mask rules for the Senate as the House.

So, unfortunately, these positions that are supposed to be of service to the entire body have been highly politicized under the current leadership. It is important that we get back to actually seeking truth and serving this House and the people that we are elected to serve.

Now, Director Wray, you had mentioned that this is not an insurrection. You wouldn't call it that. Why is that? What would be the definition of an insurrection?

Mr. WRAY. Sir, to be clear, all I am saying is that for us the use—or for me in my role to use the word insurrection because it has legal meanings, a very specific legal meaning, that is something that I would only want to be doing in coordination with the Justice Department and the prosecutors and charges brought to that effect.

So that is really all I am saying. I am not agreeing or disagreeing with anybody's characterization. I am just saying that for my role for what I do, for me to use that word has different implications than it might for your colleagues or for others.

Mr. CLOUD. I understand. Truly, it was a heartbreaking day. There is no doubt about it. Heartbreaking day for Americans. Sad to see that happening in our Nation's Capitol.

Republicans have been pretty unanimous in condemning it and calling for those prosecuted to be—or those who broke the law to be prosecuted.

You mentioned domestic terrorism, that this would qualify as that. Would the riots that we saw across the cities for nights and nights and weeks and weeks, even months on end, qualify as domestic terrorism as well?

Mr. WRAY. We have been treating both as domestic terrorism and investigating both through our Joint Terrorism Task Force.

Mr. CLOUD. Have you watched—there is allegedly 14 hours of video. Have you seen the video of the—

Mr. WRAY. From January 6?

Mr. CLOUD. From January 6.

Mr. WRAY. I have seen lots and lots of the video. I am not sure that I have seen every second of video, but certainly I have seen a lot of video.

Mr. CLOUD. Sure. Is there a reason that can't be released to the public?

Mr. WRAY. Well, I think, as I mentioned in response to one of your colleagues' questions, we have to be very, very careful about ongoing not just investigations, but now a whole bunch of ongoing prosecution. In my experience—

Mr. CLOUD. Well, we have seen that one of the greatest things that has—body cam footage of police incidences being released and that has been a calming effect or a way to bring understanding throughout the communities.

Don't you think it would be helpful if people were able to see for themselves what really happened and make judgments based on that?

Mr. WRAY. I understand the value of body-worn cameras, certainly, and I understand the value of being able to inform the public.

But I also understand the value and the importance and the necessity of protecting the integrity of ongoing criminal cases and the rights of the accused and the very strong feelings of Federal judges who manage their own courtrooms and their proceedings.

I learned a long time ago to be very mindful of that, and here we have close to 500 of those cases.

Mr. CLOUD. Five hundred—500 members—I only have 30 seconds left—500 members have been charged. I have asked this question before in a previous committee hearing. Were any of them Members of Congress?

Mr. WRAY. In connection with January 6, I do not believe we have charged any Member of Congress in connection with the incident.

Mr. CLOUD. OK, in spite of the Speaker trying to convince America that was otherwise.

I wanted to speak also just about the general corruption of the FBI. We have seen the FBI spied on the Trump campaign. We had Crossfire Hurricane, which was basically a taxpayer-funded Russian collusion hoax incubated at the FBI. We have seen FISA abuse.

Your 215 authorization to gather business records expired on March 2020. I sure hope that you are not continuing that practice. We have seen recently the USA Today subpoenas that went out, and what we have seen from the public is a few slaps on the wrist kind of for cover. But, really, the FBI seems to be in need of systemic overhaul to rid out corruption.

What are you doing to help ensure that the people in our United States can trust that the FBI is acting in accordance with the law in an unbiased manner?

Because sometimes it would just seem—when you have a organization that has been that corrupt working to prosecute people, it seems almost like the pot calling the kettle black, so to speak.

Mr. WRAY. Well, Congressman—

Mr. CLOUD. What are you doing to help change the culture at the FBI?

Mr. WRAY. I would like to be heard on this subject, Madam Chair, if I would, because this is something that is extremely important to me.

No. 1, where we have made failings I have implemented sweeping changes throughout the organization. I have installed an entirely new leadership team and I have implemented, in connection with, for example, the FISA IG report over 40 corrective measures.

I could go on and on. But what I would also say is that I disagree strongly, sir—respectfully, but strongly with your characterization of the FBI as corrupt.

I will tell you as somebody who has met with law enforcement leaders, chiefs, sheriffs, commissioners, in all 50 states and from well over 50 countries, I have visited all 56 FBI field offices, most of them more than once, all 35 of our headquarters divisions, a whole bunch of our offices overseas. I have met with judges. I have met with prosecutors.

Mr. CLOUD. Director, I—

Mr. WRAY. I have met with private sector—excuse me, sir. I would like to be heard on this.

Ms. NORTON. The time has expired. The time has expired.

I call—

Mr. CLOUD. I agree the boots on the ground are doing a good job. It is—that is not where the problem has been. Thank you.

Ms. NORTON. The time has expired.

I call on the gentleman from California, Mr. DeSaulnier, who is recognized for five minutes.

Mr. DESAULNIER. Thank you. Thank you, Madam Chair.

I want to thank the witnesses for your public service and your dedication to learning and correcting some of the mistakes that were made.

Director Wray, I want to speak specifically, and Congressman Welch did this a little bit, Congressman Biggs and maybe others, about the activity on social media and what you have learned from that, what you might do differently and what you have done differently.

I know on January 5th, walking up on the Capitol without having this kind of information about what was happening on Parler and others that I was very concerned just seeing the people who were up there, and I am not a professional law enforcement official like yourself.

So on Parler there was discussion about how to get weapons into D.C. There were maps of the tunnels of the Capitol complex. Clearly, they were being very direct.

On *TheDonald.win*, there was detailed plans not just to travel to D.C. but where to stay, discussions on guns, semiautomatic weapons, ties to use against members and others, I assume.

So in previous testimony, Director Wray, you have said that it is hard to distinguish between aspirational versus being intentional, but recognizing this is difficult territory and how unusual this was the former president, in my view, clearly encouraging, directing, and inciting this group of people how they get information.

But just the sheer volume, wouldn't the risk assessment had gotten to a point that you personally would have taken more action, in hindsight?

Mr. WRAY. Certainly, Congressman, with the benefit of hindsight, we believe strongly that what happened on January 6 was unacceptable and we are determined to figure out how we can do even better, do things differently, do better at collecting, analyzing, and disseminating intelligence.

You mentioned social media. You are absolutely right that social media is one of the biggest challenges we face in law enforcement. The volume of it—you know, I sometimes say that terrorism today moves at the speed of social media, and you are talking about lots of chatter.

There is all kinds of just unspeakably horrific rhetoric out there across the spectrum, and trying to figure out which individuals are just using hateful horrible language with no intent to act versus which ones actually have an intention to commit violence, especially in a country where we have the First Amendment and there are all kinds of policies that the Justice Department has had in place for years and years and years that govern our safe space or our ability to operate in social media is a real challenge.

Among the things that we have taken away from this experience are a few. One, as you heard me say in response to an earlier question, we need to develop better human sources, right, because if we can get better human sources, then we can better separate the wheat from the chaff in social media.

Two, we need better data analytics. The volume—as you said, the volume of this stuff is just massive, and the ability to have the right tools to get through it and sift through it in a way that is, again, separating the wheat from the chaff is key.

And then the third point that I would make is we are rapidly having to contend with the issue of encryption. So what I mean by that is, yes, there might be chatter on social media.

But then what we have found, and this was true in relation to January 6 in spades but it was also true over the summer in some of the violence that occurred there, individuals will switch over to encrypted platforms for the really significant, really revealing communications.

And so we have got to figure out a way to get into those communications or we are going to be constantly playing catch up in our effort to separate, as I said, the wheat from the chaff in social media.

So this is one of the biggest challenges when I talk with my counterparts in law enforcement across the country and, to some extent, even just around the world, we are all struggling with this issue right now and it is continuing to become a bigger and bigger problem for us.

Mr. DESAULNIER. I want to give you an opportunity to respond to the previous member. But in the context of we are getting more and more information about the Department of Justice and specifically the FBI that doesn't speak well to the integrity, frequently, and the independence of the FBI, so you were responding, I think, appropriately, given your dedication and the people you manage and have worked with.

So this is a real problem as well. How do we keep the Department of Justice independent, filled with integrity, and the FBI, given the pressures that we have seen by the previous administration?

Mr. WRAY. Sir, every day I am struck by just incredible acts of courage and professionalism and integrity by our people, and I think that is what I see as well across the country.

That is probably why, over the last two years, each year the number of people all across the country applying to be special agents of the FBI has tripled, tripled what it was the first year or two when I started in this job, and it is about the highest it has been in about a decade.

And this at a time when law enforcement across the country is having a real challenge recruiting, and I think that speaks volumes about what Americans and every district represented by this committee think of the FBI.

Chairwoman MALONEY. [Presiding.] That is a wonderful news, very positive news. The gentleman's time has expired.

The gentleman from Florida, Mr. Franklin, is recognized.

Mr. FRANKLIN. Thank you, Madam Chair, and thank you to our witnesses too for what I am—what has definitely been a long and tedious afternoon for you. We appreciate your patience.

My first question is for Director Wray, and for the sake of consistency I have asked this question of our witnesses in the other hearings from the Department of Justice, the DOD, and the Metropolitan Police.

Director Wray, what security agency would you say has the primary responsibility for security of the—physical security of the Capitol?

Mr. WRAY. My understanding is that is the U.S. Capitol Police.

Mr. FRANKLIN. OK. Well, that has been the consistent answer, and has come up multiple times here this afternoon, we are now on to several hearings regarding this issue and we have yet to have anyone from the Capitol Police. That is—it seems to me that it is a waste of time until we can get those folks here in the room.

General Piatt, you had mentioned in your testimony, I think, we had 350 Guard troops that started the morning here—or that showed up for duty initially in the morning doing traffic and crowd control. Is that correct?

General PIATT. That was the total. They had less than that for two shifts so that was the total for two shifts. But they were out on traffic control points unarmed and on crowd control locations throughout the district.

Mr. FRANKLIN. OK, traffic and crowd control. How many were ultimately activated by the end of the day?

General PIATT. By the end—when the day started, about 350 cars had been—were activated. By the end of the day that number increased probably to 600 to 700. I would have to get the right number for you, sir.

Mr. FRANKLIN. OK. And then that—the balance of those troops that showed up later in the day, what were they doing at the beginning of the day?

General PIATT. They were most likely in their civilian location. We have got the full mobilization order at 3:04 by the Acting Sec-

retary of Defense, and then we were able to mobilize and recall people so they came in from either their civilian workplace or wherever they were, and that is very, very fast, given the circumstances.

Mr. FRANKLIN. And what time, again, was that that they would have been activated, say, from their civilian jobs and told to head—and I assume they were told to head straight to the armory to pick up their gear?

General PIATT. Congressman, yes. 3:04 is when the Acting Secretary of Defense gave the full mobilization order for the D.C. National Guard.

Mr. FRANKLIN. OK, and so from the traffic control and crowd control mission early in the day, not only did the mission change, the command structure, the tactics, the rules of engagement, and there was a complete change in mission set from what they thought they might have been getting earlier in the day to what ultimately happened, correct?

General PIATT. Correct, Congressman. They were working for the Metropolitan Police Department and now they were going to move to a Federal police department of the Capitol Police, which they had to be re-sworn in, but they had to be reequipped, reconfigured for this new mission for civil unrest.

Mr. FRANKLIN. Now, I know there have been some talk that you might have commented about the optics of how it looked having Guard troops there at the Capitol. You weren't sure you said that, but in the heat of discussing contingencies that might have been said.

But I think I have also heard you say, too, that you discussed the difference in the mission and, really, what our Guard troops are trained to do versus the special type of training required to conduct that mission in the Capitol. Could you expand on that a little bit for us?

General PIATT. Yes, Congressman. I don't recall saying the word that day because the optics were, clearly, a mob storming the Capitol. That was not an important consideration at that time.

What was important was getting the Capitol secure and to rapidly clear the Capitol when you had criminals with perhaps lethal intent is what we were—what we were tracking. You had innocent civilians mixed.

That is a pretty high-level task for very well-trained law enforcement to do. To take soldiers who were out on traffic control points who are postured to do that, to put them into that situation, they simply—we just weren't positioned to do that.

Mr. FRANKLIN. Very good. You know, I would just like to make it clear that I think that the Guard did a remarkable job in responding in the timeframe, especially given the circumstances.

You know, it is interesting. You know, we have 45 members of this committee and this has been a noticed hearing for a week and it still took us a half hour to get the hearing started.

So I think in light of everything happening that day, it was pretty remarkable and I just want to say and my hat is off to all the folks who did make that response.

Personally, I feel it was a failure in Capitol leadership—Capitol Police leadership. But, unfortunately, we have yet to have any of

them here before us to testify even though there has been ample opportunity, and I hope we get that eventually.

But thank you all for your time this afternoon. I yield back.

Ms. WASSERMAN SCHULTZ. [Presiding.] The gentleman yields back.

I recognize myself for five minutes.

President Trump began laying the groundwork to delegitimize the results of the 2020 election well before it even took place. President Trump even insisted over and over that the 2020 election was going to be fraudulent unless he won. He even said it before the election ever occurred.

After he lost the election, he continued to use the platform of the presidency to lie to his supporters about the election.

Director Wray, I want to ask you, are you aware of any widespread evidence of voter fraud in the 2020 Presidential election and has any new information emerged to support that claim in recent months?

Mr. WRAY. Congresswoman, as former Attorney General Barr and former Acting Attorney General Rosen have both said and I think I have said publicly, we just—we approached it with an open mind, but we just did not find evidence of fraud sufficient that could possibly have changed the outcome of the election.

Ms. WASSERMAN SCHULTZ. Thank you. So, therefore, do you have any reason to believe that President Joe Biden is not the duly elected president?

Mr. WRAY. I do not.

Ms. WASSERMAN SCHULTZ. On December—thank you. On December 19, Trump tweeted, and I quote, “Statistically impossible to have lost the 2020 election. Big protests in D.C. on January 6. Be there. Will be wild.”

Director Wray, is it fair to say that former President Trump was successful in getting his supporters to show up to the Save America Rally on January 6?

Mr. WRAY. Well, I am not sure I could really, you know, weigh in on what caused people to show up to what rally.

Ms. WASSERMAN SCHULTZ. Well, it was a pretty motivated group of people and they were storming the Capitol with big Trump banners and Trump paraphernalia and Trump clothing.

And so I don’t know how you could not acknowledge that it is fair to say that he was successful in getting his supporters. But I will just—I will just answer that question that it was pretty clear.

Do you agree, Director Wray, that Donald Trump continued to repeat false claims and conspiracy theories to the crowd during his speech on January 6?

Mr. WRAY. Congresswoman, as I—as I think I have said in response to some of the earlier questions, I really don’t think, as FBI director, I should be commenting on or weighing in on other people’s speech and rhetoric. And so with respect, there is really nothing for me to add on that.

Ms. WASSERMAN SCHULTZ. OK. So I can understand that.

Mr. WRAY. I understand the question.

Ms. WASSERMAN SCHULTZ. I will just point out that he told his supporters that the 2020 election was, quote, “So corrupt that in the history of this country we have never seen anything like it.”



At the end of his speech, he said, quote, “If you don’t fight like hell, you are not going to have a country anymore,” and then his supporters marched to the Capitol, forced their way inside, violently attacked the police, and put the lives of the vice president, Members of Congress, and our staffs in grave danger, all in an attempt to, in the president’s own words, stop the steal.

The FBI defines domestic terrorism as, quote, “violent criminal acts committed by individuals and/or groups to further ideological goals stemming from domestic influences.

Director Wray, I would like you to help me break this down. Yes or no, did the attack on the U.S. Capitol include violent and criminal acts that resulted in the temporary disruption of the counting of electoral votes?

Mr. WRAY. Yes.

Ms. WASSERMAN SCHULTZ. Yes or no, would President Trump’s months-long effort to spread lies and false claims about a free and fair election qualify as domestic influence that led to these criminal acts?

Mr. WRAY. Well, again, without weighing in on particular people’s rhetoric, I would say that we consider the attack on the Capitol on January 6 to be a form of domestic terrorism that meets the definition that you just read or articulated.

Ms. WASSERMAN SCHULTZ. OK. And so if you connect the dots between the language that President Trump repeatedly used before and after the election to the insurrection and attack on the Capitol, which you just acknowledged was—does meet the definition of domestic terrorism, then, therefore, President Trump’s incitement logically led to the insurrection and attack on the Capitol.

Do you believe the words and actions of the president of the United States then caused in any way, shape, or form the events of January 6 or was a contributing factor in any way?

Mr. WRAY. I really can’t weigh in on all the different contributing factors. No. 1, I would say—no, I—

Ms. WASSERMAN SCHULTZ. No. No. I am not asking you—no, no, forgive me. Reclaiming my time. I am not asking you to weigh in on all the contributing factors.

I just am asking you if the words and actions of the president of the United States from before the election all the way leading up to the attack on the Capitol caused in any way, shape, or form the events or had an impact on the events of January 6?

Mr. WRAY. Well, Congressman, let me—let me try to answer your question this way, which is I think there were a variety of influences that caused different people on January 6 to act, and my understanding is that some of the individuals charged that we have brought cases against for their attack on January 6 have cited that as one of their influences.

Ms. WASSERMAN SCHULTZ. OK. That is helpful.

Mr. WRAY. So according to those people that is my understanding.

Ms. WASSERMAN SCHULTZ. That is helpful, and I understand that you would rather be careful with your words. But we have to confront the truth.

Former President Trump cultivated a homegrown terror movement. It was his self-serving lies and conspiracy theories that were

the catalyst for a violent insurrection that left 140 police officers injured and five people dead.

Let us not shirk from the responsibility to hold Donald Trump—not that you are, Director Wray—but here we are not going to shirk from the responsibility to hold Donald Trump and all of the leaders who incited the insurrection accountable and push extremism back to the fringes.

OK. I—my time is expired, and now I would like to recognize—the gentlewoman from Missouri, Ms. Bush, is recognized for five minutes.

Ms. BUSH. Thank you. I thank you for convening this important hearing.

Director Wray, I want to pick up where we left off last week when you testified before the House Judiciary Committee, the FBI's treatment and surveillance of Black protesters and its failure to respond to a white supremacist insurrection.

So let us start on June 1st, 2020. Protesters were marching for justice and George—for George Floyd and Breanna Taylor outside of the White House in Lafayette Square, that early that evening law enforcement stormed the—stormed the square, firing rubber bullets, tear gas, and other chemical agents into the crowd.

Director Wray, did the FBI issue a formal threat assessment during the summer of 2020 protests for racial justice, yes or no?

Mr. WRAY. You know, right now I don't remember which intelligence products we put out in the summer. I would say that those individuals who were engaged in crowd control did not include the FBI because that is not—that is not our contribution to the effort. We don't—we don't do the crowd control piece. That is other agencies.

Ms. BUSH. So there was no formal threat. You didn't—you can't say that about January 6 either? You are saying that that is not the FBI?

Mr. WRAY. No. No. There is two different parts of your question. One was the formal threat assessment issue and the other was your description of tear gas and that kind of thing. And what I was saying on the second part, namely, tear gas and engagement with protestors in that regard, that is not the FBI's role in—

Ms. BUSH. Right. I am just—would you just say law enforcement. I don't say law enforcement. I just asked if there was a formal threat assessment.

Mr. WRAY. Right. And so then on the formal threat assessment part of your question, we did not—I know we did not issue what I think most people are describing as a quote/unquote “formal threat assessment” related to January 6. That is a term that I think is normally used in connection with the so-called NSSE or security event.

As far as the summer—

Ms. BUSH. Yes, the summer.

Mr. WRAY [continuing]. As far as the summer, I don't—just sitting here right now, since I know this is the hearing on January 6, I just don't remember what products or intelligence assessments we did or didn't do over the course of the summer.

Ms. BUSH. Thank you. So, I mean, it is clear to me that the FBI took considerable action against people nonviolently protesting po-

lice brutality, which is because police kill Black people, yet failed to respond to known—known white supremacist insurrection seeking to attack the Capitol to overturn the results of an election.

A few hours after law enforcement cleared protestors out of Lafayette Square, a Cessna jet took off from an airport in Manassas, Virginia, and flew a seven-mile circle around D.C.

Director Wray, there have been reports that this plane was operated by the FBI and was used to surveille protesters. Is that accurate?

Mr. WRAY. Congresswoman, I can't say sitting here right now exactly what any specific FBI aviation asset could have been used for.

I will tell you we have very specific policies that govern all that from the Justice Department and I have no reason to believe those policies weren't complied with.

Ms. BUSH. As the director, that is not something that you would know?

Mr. WRAY. Well, we have—you may—as you may know, Congresswoman, every FBI field office has aviation assets and they are used all the time.

So I can't, sitting here right now, tell you what a particular Cessna may or may not have been used, even if it was ours, which I don't actually know to be the case.

Ms. BUSH. So let us talk about what was difficult to assess for your agency and what was treated as unverified intelligence.

An online post that included maps of Capitol tunnels said, "Congress needs to hear glass breaking, doors being kicked in, and blood from their Black Lives Matter and Antifa slave soldiers being spilled. Get violent. Stop calling this a march or a protest. Go there ready for war. We will get our president or we die. Nothing else will achieve this goal."

How did the First Amendment prevent you from monitoring threats of violence from white supremacist groups ahead of January 6 but not prevent you from surveillance of people protesting in defense of Black lives during the summer of 2020, those protests?

Mr. WRAY. Well, Congresswoman, first, the Norfolk Report, which is the one that you are referring to in your quote, is something that we took seriously and shared immediately with the Capitol Police and our other partners.

Second, when it comes to white supremacist violence, which we describe as racially motivated violent extremism, is something that I think we have taken seriously, which is why I said in my opening and reminded the committee that back in July 2019, I, we, elevated that threat to our highest threat priority, and that is why I, we, have doubled—doubled the number of investigations into this kind of activity that you are describing—

Ms. BUSH. Right, but this is something that—

Mr. WRAY [continuing]. And in fact, tripled the number of arrests, tripled the number of arrests in—

Ms. BUSH. Reclaiming my time. Reclaiming my time. Reclaiming my time. This is something that just happened that was not addressed.

Ms. WASSERMAN SCHULTZ. The gentlewoman's time has expired.

Mr. Keller, the gentleman from Pennsylvania, is recognized for five minutes.

Mr. KELLER. First, I would like to thank our military, our Capitol Police, and law enforcement for the outstanding job they did on January 6 and the outstanding job they do every day.

Thank you to the witnesses for being here today. However, it is troubling that the Capitol Police are not present at this hearing.

Without their input, we cannot comprehensively improve security measures, increase transparency in communications, and ensure the events of January 6 never happen again.

So, General Piatt, does the National Guard have authority to assist the Capitol Police on its own accord?

General PIATT. It does not, Congressman. It requires the Secretary of Defense to approve support to Federal law enforcement.

Mr. KELLER. But if the Secretary of Defense says go down to the Capitol, can they do it without being asked?

General PIATT. We need to have a request first from those entities, and those requests were asked for if there was needed support in the days leading up to January 6, and we were told they will not need any support.

Mr. KELLER. So you can't just show up at the Capitol and say, I want to provide help. You have to be asked by the Capitol Police?

General PIATT. Yes, Congressman.

Mr. KELLER. So you have to be requested.

And as you mentioned, the Pentagon had asked the Capitol Police if they needed help leading up—needed help from the National Guard leading up to January 6. It is my understanding they were asked on December 31, 2020, if they needed any assistance.

General PIATT. We got the request from the mayor. Mayor Bowser was drafted on 31st of December. The request from DOD to the Capitol Police if they needed any assistance came on the 3d and then on the 4th the Secretary of the Army asked the Capitol Police if they needed assistance and they replied they did not.

Mr. KELLER. On each occasion?

General PIATT. On each occasion, sir.

Mr. KELLER. OK. And the intelligence bulletin that Dr. Foxx, our colleague from North Carolina, asked about that was shared with the Capitol Police on January 5th?

General PIATT. Congressman, we do not collect—the Army does not collect intelligence on—

Mr. KELLER. Oh, excuse me. That is actually—yes, excuse me. That is Secretary Wray. You had the—from the field office in Norfolk that was shared with the Capitol Police on January 5th?

Mr. WRAY. Yes, sir, in three different ways.

Mr. KELLER. Thank you. And, General Piatt, you were not asked for assistance on January 5th?

General PIATT. We were not asked for assistance on January 5th, Congressman.

Mr. KELLER. Thank you. So I presume if you are—if you are not going to circumvent the chain of command, can you please walk us through the timing of the troop mobilization from the moment the Army received the official request for assistance from the Capitol Police Board?

General PIATT. That assistance request—that request came on the 2:30 phone call and immediately Secretary McCarthy knew that it was urgent and it was required, and he ran down the hall

to get that approval. We had approval by 3 o'clock and we had mobilization approval by 3:04.

What we didn't have is we didn't have a plan to get them remissioned to get them now to be able to respond to what the Capitol Police needed. There was never a doubt they needed it.

Once that report came in, we could see that the perimeter had collapsed and the Capitol was breached. They needed it. We needed to get soldiers now reequipped and reconfigured for this new mission.

Mr. KELLER. And had the Capitol Police asked for help on any of the occasions prior to that you would have been able to have people on the ground at the Capitol on January 6 before anything happened?

General PIATT. That is our recommendation. We should have had this plan before January 6. That way we would have had a lead Federal agency and an integrated security plan.

Mr. KELLER. Thank you, General Piatt and Director Wray. I thank you both for your service on January 6 as well as the duration of your time.

I just—I just want to say that if the Democrats are serious as they say they are in investigating the events of January 6, then they will join committee Republicans in calling the Capitol Police to testify.

We need to make sure we know what happened, and it really baffles me and I think it baffles much of America why the people that were in charge of protecting the Capitol have not been at either of the hearings we have had so far.

The Chief Officer Pittman was in charge of intelligence and protective services on January 6 and before. Now Officer Pittman is in charge of the Capitol Police.

I think if anybody wants to find the truth, you should be calling that witness so that we can ask the questions on what they did, what she did with the information she received on January 5th and why she didn't request help from her superiors, go to the Capitol Board.

What does the Capitol Police do when they get an assessment and that really needs to be investigated also, and we shouldn't be waiting until the tail end.

The only reason they are calling the Capitol Police is because the Republicans insisted they do it.

Thank you, and I yield back.

Ms. OCASIO-CORTEZ. [Presiding.] Thank you so much.

I will now recognize myself for five minutes of questioning. Thank you all to our witnesses for coming in and offering your expertise and insight and testimony today.

And, in fact, I have been reviewing quite closely the sworn testimonies from some of you and the agencies represented that have been previously provided to other House and Senate committees, and I have noticed some contradictions in FBI testimony as well as some of the Department of Defense records that I would like for us to just use this opportunity to clear up and I will start with Director Wray.

Director Wray, we now know that the attacks were planned out in the open on popular social media platforms like Parler and Tele-

gram. Among thousands of violent messages, there were messages saying, quote—if that they certified—quote, “If they certified Biden, we will storm Capitol Hill. Executions on the steps.”

Also, wide social media activity included posts discussing specific details ahead of the attack, ranging from maps with layouts of the Capitol complex and construction plans for the gallows.

During the Judiciary Committee hearing, Director Wray, you noted that none of the more than 500 people charged so far had been previously under FBI investigation. Does the FBI regularly include social media monitoring as part of its efforts to combat violent extremism?

Mr. WRAY. Thanks. Two things. I appreciate the question. So first, it is not none. It is almost none, which is important.

Ms. OCASIO-CORTEZ. Got it.

Mr. WRAY. And, of course, our investigation is very much ongoing and the facts are changing probably even as we speak here.

But second, as to social media, I think there is—it is understandable that there is a lot of confusion on this subject. We do not—we have very specific policies that have been at the department for a long time that govern our ability to use social media, and when we have an authorized purpose and proper predication, there is a lot of things we can do on social media and we do do and we aggressively do.

But what we can't do—what we can't do on social media is without proper predication and an authorized purpose just monitor just in case on social media.

Now, if the policies should be changed to reflect that, that might be one of the important lessons learned coming out of this whole experience. But that's not something that currently the FBI has there—either the authority or, certainly, the resources—

Ms. OCASIO-CORTEZ. I see.

Mr. WRAY [continuing]. Frankly, to do, which gets back to the point that I was making in response to one of your colleagues earlier about the importance of developing—

Ms. OCASIO-CORTEZ. Thank you. Sorry, I apologize for interrupting. We just have limited time.

At that same hearing, you also later stated that, certainly, and you had stated during this hearing that you all were aware of on-line chatter about the potential for violence but, quote, “I am not aware that we had any intelligence indicating that hundreds of individuals were going to storm the Capitol.”

Now, prior to January 6 we saw and—rather, we saw that the FBI officials previously testified to the Senate Homeland Security Committee that there was no such intelligence, despite the fact that the FBI may have been aware of those posts. Would you be able to clarify that for us?

Mr. WRAY. Unfortunately, Congresswoman, I am not sure I know exactly what somebody said in earlier testimony. So I am reluctant to try to elucidate somebody else's testimony, unfortunately, since I don't have the benefit of seeing it.

Ms. OCASIO-CORTEZ. So was this—and I apologize—I apologize if I am, you know, boiling this down too much. But it seems as though there may have been either a failure to collect intelligence

on this insurrection prior to it happening or failure to act on intelligence that we may have had.

Is it—given the answer that you just gave, was this due, you know, perhaps policies that you had, you know, that you just pointed to? Was this a failure to collect intelligence prior to the event or was it a failure to act on intelligence that we may have had?

Mr. WRAY. I don't know that I would—I am not sure I could put it in either of those buckets. I think what this shows is the challenge of getting sufficient information about what is out there on social media to be able to have the ability to distinguish between what we are calling sort of aspirational versus the intentional. It is sort of the wheat from the chaff answer that I gave earlier.

Ms. OCASIO-CORTEZ. Understood. Sorry, and one last question. One last question. I apologize.

Mr. WRAY. Yes.

Ms. OCASIO-CORTEZ. Director Wray, do you have any reason whatsoever to believe that President Trump or anyone in the administration did not want to deploy the National Guard on January 6?

Mr. WRAY. That is not really a subject I have anything to add on, I am afraid.

Ms. OCASIO-CORTEZ. Are there any records of conversations between the FBI and the Trump administration that would potentially reveal knowledge of a potential—of the potential of the attack prior to January 6?

Mr. WRAY. I am not aware of any records of sort you are describing. Most of the interaction between, certainly, the White House would have been with the White House and the Justice Department, not the FBI.

Ms. OCASIO-CORTEZ. Understood. Thank you very much.

The gentlewoman from New Mexico, Ms. Herrell, is now recognized for five minutes.

Ms. HERRELL. Thank you, Madam Chair.

Madam Chair, I ask unanimous consent that Senator Ron Johnson's June 7, 2021, letter to the Department of Justice be entered into the record.

Ms. OCASIO-CORTEZ. Without objection, so ordered.

Ms. HERRELL. I ask that the FBI respond to these questions in writing to our committee as soon as possible.

And I want to get right on this because I know we are under a timeframe. Director Wray, how much money and manpower is the FBI using to investigate the January 6 riot compared to the months-long riots across the U.S. at Federal buildings and at the White House?

Mr. WRAY. I am not sure I can give you exact figures on dollars and headcount. But what I can tell you is that in both instances we have been conducting hundreds of investigations, conducting hundreds of arrests, and involved, I think, almost every FBI field office involved.

Ms. HERRELL. OK. And it has been reported that facial recognition is being used to track down Capitol Hill rioters. Is the same technology—is the same technology being used against those that rioted and damaged Federal property near the White House or in Portland?

Mr. WRAY. I know that we have used facial recognition in the same way they have been—we have been using in relation to January 6 in connection with some of the violence and criminal activity that we saw over the summer.

Sitting here right now, I can't tell you specifically whether it would have been Portland or other cities or all of the above.

Ms. HERRELL. OK. Madam Chair, I would like to ask for those answers to be brought back[ET4] to the committee's attention and they can be put in writing.

Ms. OCASIO-CORTEZ. Without objection.

Ms. HERRELL. Thank you.

And then on—Director Wray, the scale of violence and damage to Federal property during the 2020 summer was unparalleled compared to other recent incidents of unrest in the U.S. Would you call the summer riots of last year a threat to our democracy?

Mr. WRAY. Well, certainly, the violence over the summer was a threat to communities all across the country and to businesses and to law enforcement.

Whether I would call it a threat to our democracy, that I would have to think about it a little bit more. But I am not sure I can take it that far, sitting here right now.

Ms. HERRELL. OK.

And General Piatt, I wanted to ask you if there were any questions or accusations from my colleagues that you would like to respond to that you felt like you might not have been able to so far.

General PIATT. Thank you, Congresswoman. Well, what we wanted to make clear is that we should have been prepared. We should have had an integrated security plan. We should have had a lead Federal agency.

Those requests did not come in in time to respond to a crisis. Sadly, when it was occurring, we just couldn't get there in time. We just were not in position.

But we learned from that, and as we prepared for the inauguration that is, indeed, what we did. We had that lead Federal agency. We had an integrated security plan and we had shared indicators and warnings of intelligence, and the security plan worked.

That is the role of the Department of Defense. People think we may have delayed a response. We had to form a new response and we had to do it while the crisis was ongoing and your lives and many lives were at danger.

Ms. HERRELL. Great, and thank you. And I want to thank all of you for your time today and, obviously, for your service to our country.

And I hope for the sake of this committee and for the American people that we represent that we can get through this and then really start addressing the issues that are more adequately important to districts such as mine on the border, like my colleague, Jim Jordan, mentioned earlier today.

I know our constituents are concerned about the inflation, the spending. They are worried about domestic terrorism. They are worried about our global standing. They are worried about a lot of things.



So I hope for the sake of everything good we can get through these committee hearings and get back on track and do the work of the American people.

And I yield back, Chair. Thank you.

Ms. OCASIO-CORTEZ. Thank you so much.

The gentlewoman from Michigan, Ms. Tlaib, is recognized for five minutes.

Ms. TLAIB. Thank you, Madam Chair.

I truly appreciate this hearing. I think it is incredibly important. I think before we begin, just to be clear, the people that we are talking about that attacked the Capitol live with our borders. Some of them are coming from our neighborhoods and our communities across the country and that is why this hearing is so incredibly important.

I also want to repeat, as I continue to repeat, over and over again, that immediately after the aftermath of this attack, you know, I hear people talking about, you know, new surveillance powers, talking about the possibility of increasing national security powers and those kinds of things. It is incredibly important that no matter the intention, history shows us that every time we give our Government new powers in this area, they are inevitably used to target people that look like me, oppressed people of color, and minority groups across our country, not those that attacked our Capitol.

Director Wray, in your testimony before the Senate Judiciary Committee you stated, and I quote, the attack, the siege was criminal behavior, plain and simple, and it is behavior that we, the FBI, view as domestic terrorism.

Is that correct?

Mr. WRAY. It sounds like a correct quote of what I said in front of the Senate Judiciary.

Ms. TLAIB. Sure. So, some of my colleagues, Director, are calling the January 6, you know, some of them just look away and are calling them, normal tourist visits or activities to the Capitol.

Did you hear that false description before?

Mr. WRAY. I have been asked about that and I wouldn't describe it that way.

Ms. TLAIB. OK. Well, unfortunately, that is how, you know, again the January 6 attacks have been described in the past and it is really to downplay, excuse and, otherwise, defend this, really, violent attempt to overthrow our democracy and the Constitution, itself. By doing that, I very much believe colleagues are endorsing those actions.

Ms. TLAIB. Director Wray, what would happen if you do not hold those that were responsible for January 6 accountable, what do you think would happen?

Mr. WRAY. Well, Congresswoman, you know, I think one of the things that defines our country is a respect for the rule of law. And there is a right way and a wrong way to express your unhappiness, your anger, your disagreement under the First Amendment and that does not include violence against law enforcement, destruction of Federal property, and the kind of behavior that we saw in this Capitol on January 6.

And so, to me, the rule of law is at stake and that is what we are trying to make sure that we enforce. The ends do not justify the means no matter how much people—

Ms. TLAIB. Do you think—oh, I am sorry to interrupt—do you think, Director Wray that it would enable people to continue those efforts, that it would enable what we would, some would refer to white supremacist groups, domestic terrorist groups here, do you think it would enable them to continue to attack our Capitol and our democracy if we did not hold them accountable?

Mr. WRAY. I think if the criminal laws are not fairly and aggressively enforced and if domestic terrorism is not fairly and aggressively pursued, then I think it will not only continue, but grow.

Ms. TLAIB. In March of this year, I don't know if folks on the panel know, but the Director of National Intelligence released an unclassified report titled, quote, Domestic Violent Extremism Poses Heightened Threat in 2021. The report identified the, quote, Emboldening impact, a violent breach of the U.S. Capitol as a development that would, quote, almost certainly spur domestic violent extremists to try to engage in violence this year.

Director, yes or no, do you agree with DNI's assessment?

Mr. WRAY. Yes, we contributed to that assessment and shared.

Ms. TLAIB. Do you believe, Director, that continued attempts to discredit the November election, such as the absurd Arizona recount, and recent reports that the former President believes that he will be reinstated. He still says this could potentially have similar effects.

Mr. WRAY. Well, certainly, I think there is a whole range of things out there that are contributing, you know, as I said—

Ms. TLAIB. Well, do you think it enables that narrative that pit folks had a right to come here and a right to come here and attack our Capitol and our democracy?

Mr. WRAY. You know, I have tried to steer clear of weighing in on—

Ms. TLAIB. Sure.

Mr. WRAY [continuing]. Different people's speech, just because of my role. I certainly—

Ms. TLAIB. I understand. Director Wray—

Mr. WRAY [continuing]. Understand why you are asking that.

Ms. TLAIB [continuing]. It is really scary to believe, because I truly believe this. Do you think if the people in that crowd looked brown or black, majority, do you think that we would be here in this hearing right now?

Mr. WRAY. You know, that is hard for me to say. I can tell you, we, FBI—

Ms. TLAIB. Do you think the riot gear would have showed up?

Mr. WRAY [continuing]. Have one standard.

Ms. TLAIB. Do you think the National Guard would have been called?

Because I—

Mr. WRAY. I really can't—

Ms. TLAIB. Because what I saw when Black Lives Matter protesters were here and those defending their right to choose, it seemed like all of a sudden, all of y'all had resources. Y'all had a plan then.

Why is it when white supremacist terrorists show up here to want to lynch the vice president, to attack the speaker, to attack our democracy, threatening the lives of Members of Congress, really, the lives of just the whole livelihood of our whole country, that no one seemed to want to show up?

Mr. WRAY. Well, Congresswoman, I can only really speak to the FBI's role and my view is we have one standard and we have tried to apply it consistently in both situations.

Ms. TLAIB. Thank you. I yield.

Chairwoman MALONEY. [Presiding.] The gentlelady's time has expired.

The gentleman from Louisiana, Mr. Higgins, is recognized.

Mr. HIGGINS. Thank you, Madam Chair.

My, my, my, bless you sir—my, my, my. My colleagues across the aisle are going to find themselves in a bind this year, because we are going to investigate. We are going to investigate what exactly did happen leading up to January 6. You would to have to have been living under a rock in America to not know that there was potential for violence, riot, and mob behavior on January 6. Anybody with an ounce of common sense and any kind of connection to the street knew that that was a potential.

The United States Capitol Police received intelligence from numerous law enforcement and intelligence services, which clearly indicated a likelihood of violence on January 6 and they failed to adequately prepare. Let's look at why.

Mayor BOWSER. My goodness. December 31, she had one tone when she requested the cooperation of the DC National Guard. And let me clarify, the commanding general of the DC National Guard is subordinate solely to the President. The authority to activate the DC National Guard has been delegated by the President to the Secretary of Defense and further delegated to the Secretary of the Army. There is a chain of command.

It begins with a request from the mayor. The mayor made that request on December 31. The President authorized it on January 3, but on January 5, Mayor Bowser of DC, who is deeply connected with my Democratic colleagues here in this body, she had a change of heart. She sent out a letter and said, we don't want any National Guardsmen here. I got National Guardsmen just for traffic control wearing safety vests, unarmed, working traffic control and crowd control, here and there in the city; certainly not pre-deployed to react and respond quickly to the kind of thing that everybody knew was a potential to happen on January 6.

So what happened? Were there communications between my colleagues and the Democratic party and their friend, the mayor of DC, to have that change of heart, the day before January 6?

We are going to find out. I promise you.

Director Wray, will you explain to my colleagues in law enforcement, what a show of force deterrence is, how meaningful it is, and how effective it is as we deal with potential for violence, mob behavior, rioting, violent protests, when things can get out of hand, and we know it, because of our intel, we have a show of force. Would you explain that in generality, sir. I realize you cannot discuss the case. Share with America, briefly, how effective the show of force is.

Mr. WRAY. Well, Congressman, with the caveat up front that the FBI, of course, doesn't do crowd control—

Mr. HIGGINS. Right. But you are my thin, blue-line brother on this panel, because the chief couldn't come. For some reason, the chief we invited is not here, so you are the man on the panel with law enforcement experience.

Just share with my colleagues and America just how effective a show of force is as a deterrent if you are facing potential violence, do you agree with that assessment or not, good sir?

Mr. WRAY. My understanding is that a visible show of strength and security is a very, very significant factor.

Mr. HIGGINS. A very significant factor. I concur.

Why do you think, America, why do you think that show of force was canceled the day before January 6?

I promise you we are going to find out. We will know exactly what happened and some in this body are not going like it because there was plenty of intel out there across the country, many, many field agents had turned in reports at the Federal level, local law enforcement, the boots on the ground knew that there was potential for violence and a mob going to protest and a nation had to be locked out of its Capitol for a year. There was potential. It needed to be controlled.

Show of force is a peaceful deterrent. Who could possibly benefit? Let the world ask that question: Who could possibly benefit from the removal of a show of force deterrence on the eve of January 6?

I will leave America with that cliffhanger.

Madam Chair, I yield.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Illinois, Mr. Davis, is now recognized.

[Pause.]

Chairwoman MALONEY. You have to unmute, Mr. Davis. We can't hear you.

Mr. DAVIS. What about now?

Chairwoman MALONEY. Yes. Now we can hear you.

Mr. DAVIS. All right. Thank you very much.

I want to thank all of the witnesses who have been with us all afternoon.

In the joint bipartisan report released by the Senate last week, the committee found that, and I quote, according to DOD, the Department of Justice was designated as the lead Federal agency in charge of security preparations and response on January 6; however, when he testified before our committee, former acting attorney general Jeffrey Rosen seemed to dispute that the Justice Department has been tapped as the lead Federal agency.

Lieutenant General Piatt, was it your understanding, prior to January 6, that the Department of Justice had been designated as the lead Federal agency?

General PIATT. Congressman, it is. We had asked for a lead Federal agency. I am not sure exactly when it was designated, but we did not have an integrated security plan.

Mr. DAVIS. Thank you.

General Flynn, same question for you.

General FLYNN. Congressman, my understanding is exactly as General Piatt outlined.

Mr. DAVIS. Thank you.

According to documents obtained by our committee, the Army initially recommended against supporting Mayor Bowser's request on National Guard support prior to January 6, in part, because the lead Federal agency had not been designated at the time.

That recommendation changed once DOJ was designated as the lead agency.

Lieutenant General Piatt, could you briefly explain the importance of designating a lead Federal agency to large-scale events like January 6.

General PIATT. Yes, Congressman.

That was a recommendation made to the Acting Secretary of Defense by Secretary McCarthy, that we have a lead Federal agency, that Federal agencies exhaust all their assets before we support with military support.

We supported that recommendation and that was the way he was able to approve Mayor Bowser's request for National Guard forces.

Mr. DAVIS. Why did DOD then resist granting Mayor Bowser's request until a lead agency had been identified?

General PIATT. We recommended that for a better security plan to have a lead Federal agency and an integrated security plan. So, we would have unity of command and unity of effort so that if anything went un-according to plan, and events normally do, that lead Federal agency would have the authorities required for requesting additional support.

Mr. DAVIS. Thank you.

Unfortunately, as indicated by Mr. Rosen's testimony before our committee last month, DOJ was either unaware of or resisted its lead agency role. According to the Joint Senate Report, Army Chief of Staff, General McConville noted, and I am quoting, DOJ did not conduct any interagency rehearsals or have an integrated security plan, as DOJ did during the summer of 2020 protests, when it had not been designated as the lead Federal agency.

According to Senate report, General McConville, and I quote, stretched the importance of integrated security plans, and acknowledged that had there been one on January 6, DOD's response time would have been quicker.

General Flynn, had DOJ played a more proactive role in coordinating the Federal security preparations, prior to January 6, do you think the Federal response would have been quicker?

General FLYNN. Congressman, I can't answer for the Department of Justice; however, what I would say is that that integrated security plan, pre-Federalized soldiers, and airmen. A rehearsal and an integrated security plan would have assisted us when the crisis rapidly escalated and the violence went in a direction that was unforecasted.

Mr. DAVIS. Thank you very much.

Well, the documents released by the committee are, for one reason, senior leadership at the Department of Justice was distracted in the days leading up to January 6. They seemed to be in full-blown crisis mode, trying to warn up off a desperate President from pressuring them to take action to stop the vote.

And while they may have succeeded at doing so at DOJ, the results that followed on January 6 were deadly.

And Madam Chairwoman, I yield back.

Chairwoman MALONEY. The gentleman yields back.

Mr. Clyde from Georgia is now recognized. Thank you.

Mr. CLYDE. Thank you, Madam Chairwoman.

Director Wray, we know that through various reporting, including the June 8th Senate report, the FBI's Norfolk field office disseminated a January 5 report that was disseminated to the Capitol Police or the Joint Terrorism Task Force.

We also know that the Capitol Police analysts who obtained a copy of the Norfolk report forwarded it to their supervisor, but it went no further.

So, would you agree that the Capitol Police should be here answering questions about why they seemed to have not taken this report seriously and prepared accordingly, yes or no?

Mr. WRAY. I really can't speak for the committee's decisions about who it calls as witnesses.

Certainly, I agree with your description of what we did in terms of providing the report to the Capitol Police.

Mr. CLYDE. OK. Are you aware that Acting Chief Pittman served as the assistant chief of the Capitol Police's Intelligence Division at the time of the riots?

Mr. WRAY. I have heard that in connection with this hearing, just over the course of the afternoon, here today.

Mr. CLYDE. OK. So, as a leader of an intel agency, does it give you pause that Pittman, the very person responsible for coordinating and approving the Capitol Police's own intelligence assets, assets that led to poor decisionmaking, failed to ensure that all rank-and-file officers had been properly briefed, regularly updated, and prepared to manage the events of the 6.

As the law enforcement officer here, does that give you pause? Does that concern you, sir?

Mr. WRAY. Well, Congressman, I certainly understand why you are asking the question, but I really don't feel comfortable arm-chair quarterbacking another law enforcement head.

Mr. CLYDE. OK. Well, it certainly gives me pause, especially when, as was previously mentioned, she drew a 92 percent no-confidence vote in February from the Department's union.

This next question is for all the witnesses, please. So Director Wray, you first, then Lieutenant General Piatt, and General Flynn.

Didn't we have the ability to prevent a Capitol breach on the 6th; in other words, would better preparation have prevented the breach that did occur?

Mr. WRAY. I'm sorry, Congressman. There was little bit of cross-chatter there. Would you mind repeating your question.

Mr. CLYDE. OK. All right. I will repeat that question.

Did we have the ability to prevent a Capitol breach on the 6th; in other words, would better preparation have prevented the breach that did occur?

Mr. WRAY. Certainly, I think it is within the United States' power with all the agencies working together and with proper warning, to have prevented January 6. And I know from the FBI's

end, we are determined to do our part to make sure that it never happens again.

Mr. CLYDE. OK. For each of the generals, Lieutenant General and General Flynn, do you agree with that?

General PIATT. Congressman, I think how we secured the inauguration that, yes, absolutely, if we had had an integrated security plan, lead Federal agency, shared warnings and indicators, and intelligence, the power of the police force within the District, and the support from the National Guard, absolutely.

Mr. CLYDE. OK. Thank you.

General FLYNN. Congressman, I echo what General Piatt mentioned there, upon reflection of what happened on January 6.

Mr. CLYDE. OK. So, with better preparation, we certainly would not have had this issue.

So, would you consider the events that led up to the breach of the Capitol, a failure of law enforcement leadership? The question, and that is for—

Mr. WRAY. I will go first. I will go first.

Again, the same answer as I gave before; I am just not really comfortable weighing in on other people's leadership, in charge of their own agencies.

Mr. CLYDE. OK. I mean, it is got to be a failure of somebody's leadership here.

All right. Then, last, actually, Director Wray, on another topic, we have seen in media reports where thousands of citizens' personal tax information has recently by leaked from the IRS.

Is that a felony?

Mr. WRAY. Financial taxpayer information is a felony, the last time I checked.

Mr. CLYDE. OK. Would you commit to the American people that the FBI will fully investigate this leak until the source of the leak is found?

Mr. WRAY. I will commit that I understand we have recently received a referral from the IRS and I will commit that we will look at it carefully and take appropriate steps, as appropriately predicated and authorized.

Mr. CLYDE. All right. To restore confidence to the American people that the IRS can be secure with their personal information?

Mr. WRAY. Certainly. We all want the IRS to be secure in their information.

Mr. CLYDE. Absolutely.

OK. We know that at 3:04 p.m., that Chris Miller provided verbal approval for full activation of the D.C. National Guard, 1100, total. We also know, according to the Senate report that the Capitol Police, of its 1840 officers employed on the 6th, had 1214 sworn officers onsite at 2 p.m., had 1457 officers onsite across the entire 24-hour period.

Of the 1214 officers, the Capitol Police is on record noting that it was only able to account for the location of 417 officers on the 6th and it could not account for the remaining 797.

If the Capitol Police had close to its 1800 officers on duty that day, 600 more than were in the complex at 2 p.m., and a little over half of what the National Guard deployed, would that have helped prevent a breach of the Capitol?

Director Wray, that is for you.

Mr. WRAY. Really addressed that question. It may be better directed to other agencies.

Mr. CLYDE. OK.

Chairwoman MALONEY. The time of the gentleman has expired.

Mr. CLYDE. All right. Thank you.

I yield back.

Chairwoman MALONEY. The gentleman from California, Vice Chair Gomez is recognized.

Mr. GOMEZ. Thank you, Madam Chair.

So, January 6 is something that I think none of us will ever forget, especially if we were in the Capitol that day, which I was, or especially my colleagues or myself, who were stuck in the gallery. Not only because we were stuck while everybody else was evacuated, we also had to crawl on the ground so that, you know, we wouldn't get shot or something would happen.

That is something that I will never forget, and I am still extremely angry about that day. And I know we are talking about intelligence failures and there has been a lot, but I had constituents who came up to me and asked me, hey, are you concerned that they are going to try to, Trump supporters and QAnon followers are going to try to stop the certification of the Electoral College, and I was like, no, no, no.

We have Capitol Police. We have FBI. If we hear something or if they heard something, we would get notice. I am not concerned about that.

But these white nationalists literally planned this insurrection in plain sight. My own constituents were following it along and warning me. My Chief of Staff tried to warn me even a few days earlier, but I thought FBI, right; they're going to know.

But there wasn't a threat assessment, no intelligence bulletin. And how can you prepare if there wasn't something of that sort?

Yes, I heard the testimony from the director that he gave, there was raw data that was given to the Capitol Police, but I still, Director Wray, the FBI claims it didn't produce a bulletin over First Amendment concerns.

Do you consider threats against elected officials and an assault on the Capitol to be free speech?

Mr. WRAY. What I would say is we produced a dozen-plus intelligence products on domestic violence extremism, specifically geared toward the elections and protests related to the elections over the course of 2020, right on up to, and leading to, and including the month right before January 6, in addition to the raw intelligence or the raw information that we just described.

So, we were producing a fair amount of information, warning about the potential for violence, about the potential of violence among protests, among the potential for violence in the partisan political rallies—

Mr. GOMEZ. Let me—

Mr. WRAY [continuing]. Related to the election, and right on up to—

Mr. GOMEZ. I want to—

Mr. WRAY [continuing]. Past the Election Day—

Mr. GOMEZ. Let me reclaim my time.



The Senate report from the Homeland Security and Rules Committee said, neither the Department of Homeland Security, nor the FBI issued a threat assessment or joint intelligence bulletin to the January 6 joint session of Congress to count the Electoral College votes.

A bulletin, specific to that day, which my own constituents were mentioning. They don't work for the FBI, you know, some of them are just school teachers, but they knew it.

Why didn't you issue a threat assessment or a bulletin specifically regarding June 6?

Mr. WRAY. Normally, when we issue a formal threat assessment, which is something we don't do all the time, but it is something that is tied to an event where there is a whole process, where something is designated a national special event, an NSSE, kind of like the Inauguration is, and it is planned months in advance by the Department of Homeland Security, designates the event, and then we are asked to provide a formal threat assessment in relation to that event.

For the rest of the year, 365 days a year, we are producing intelligence products all the time, and we did here, as well. Both, the finished intelligence products about domestic violent extremism and about the potential for violence related to the election, including past the Election Day itself, all the way up through the Inauguration—

Mr. GOMEZ. But you didn't—

Mr. WRAY [continuing]. And in addition to that, the raw information that we have already discussed in this hearing.

Mr. GOMEZ. But you did not issue an intelligence bulletin, a threat assessment for January 6. People were gathering with gallows, gallows—right, and you didn't issue a threat assessment.

Let me ask you this, if you had to do it over again, would you have issued a threat assessment or an intelligence bulletin for January 6, yes or no?

Mr. WRAY. Well, certainly. If we knew all the information we have developed in our investigations before January 6, we would have built an intelligence product based on that and provided it to all sorts of people.

Mr. GOMEZ. Well, let me just point out that an intelligence bulletin was just issued regarding QAnon followers being upset that their prophesies are not going to be coming to fruition.

So, when it comes to the real threat that occurred leading up to January 6, I think it was a failure of taking that seriously, to acting, and would put not only members' lives in danger, especially the ones that don't have security, but also our democracy in danger.

With that, I yield back.

Chairwoman MALONEY. The gentleman's time is expired.

The gentleman from Kansas, Mr. LaTurner, is recognized.

Mr. LaTurner?

Mr. LATURNER. Thank you, Madam Chairwoman.

Once again, this Committee had a real opportunity to hold a bipartisan oversight hearing to get to the bottom of the events of January 6. We should have had witnesses such as the former Capitol Police chief, the former house sergeant at arms, that could

speak specifically to the breakdowns in the leadership and communication on that day, but sadly, that has not happened.

Our job should be to hold the leadership accountable, who failed. Hold the people that committed these crimes accountable. Make sure that this never happens again. And, finally, focus on bringing this country back together, to work on their behalf in the halls of Congress. That is what they expect, and partisan hearings like this further to hurt our ability to do that.

First and foremost, I want to ask Director Wray, what have you learned over the last five months that will ensure that something like this never happens again?

Mr. WRAY. A number of things, but I will just list off a few that are top of mind for me these days. You know, one is that we need to develop better human sources, as to be able to better anticipate violent extremism. Second, we need to improve our data analytics, because as I said in response to one of the earlier questions, the volume, just the terabytes and terabytes of information that are descending upon investigators, including at the FBI, is like nothing that we have ever experienced before. So, the need to get through it fast and separate, as I said before, the wheat from the chaff, is at a premium. And then third, we are going to have to deal with the encryption issue, because what we have seen time and, again, we saw it in relation to the January 6 attack, but we also saw it over the summer with the violence that occurred there, the bad guys are communicating in ways that are right around the edges of the First Amendment on social media, but then they switch over to encrypted devices and encrypted messaging platforms to communicate the stuff that is most revealing and is most likely to allow us to better spot the difference between the intentional from the aspirational. So, those are three things that I think are particularly important, but there are going to be a whole host of lessons that we learn out of this and we are actively engaged in this process.

Mr. LATURNER. Thank you, Director.

While I have you, I also want to talk about a going concern for the people I represent back in Kansas, as well as Americans across this country, and I know it is a concern for you. You recently compared the ongoing ransomware threat to global terrorism and even 9/11.

Can you talk to me a little bit about the interaction that the FBI has with CISA and how we can improve the communication that these Federal agencies have with each other to better serve the private sector that is getting hammered with ransomware attacks.

Mr. WRAY. So, certainly, Congressman. I appreciate the question.

First, let me just be clear. When I was using the analogy to 9/11, I was referring to the challenge that this presents and what kind of response is called for, in response as opposed to comparing the ransomware threat to the attack, itself, on the Twin Towers.

Mr. LATURNER. I knew what you meant, Director, and I apologize for not being more clear. The challenge is just as great, though, I agree.

Go ahead.

Mr. WRAY. Yes, and what is called for is something very similar to what this country did when it pulled together after 9/11, which is a whole-of-government, in my ways, whole-of-society response in-

volving all the agencies, involving the private sector, involving average Americans, even, with our foreign partners to disrupt, in a coordinated way, the attack.

And so, we are working much more closely. You mentioned CISA. I think over the last few years, the partnership between the FBI and CISA has kind of grown by leaps and bounds. We each have a role to play. We each complement each other. We try to communicate to the victim companies that if you reach out to one of us, you are reaching out to both of us, and we will get the other involved if you don't need to call both right away simultaneously.

They are focused on protecting the asset. We are focused on chasing after the threat. So, in terms of the FBI, we are after the "who did it" piece.

Mr. LATURNER. My concern, before I run out of time, Director, and I would like you to respond, is that we have CISA and we have the FBI, obviously, the Department of Defense, we have people involved on the offensive and defensive side of this and my concern is, is that we don't have one central force directing and coordinating all of these Federal assets to make sure that this runs more smoothly.

Do you have a comment on that?

Mr. WRAY. Well, I think as is true in terrorism, there is not one agency that coordinates all terrorism efforts, but what is clearly called for is coordination and joint-sequenced operations.

We, for example, have the National Cyber Investigative Joint Task Force, where we have multiple agencies there working with us. So, there are vehicles like that to ensure proper coordination, and with that, I think you and I are very much on the same page.

Mr. LATURNER. Thank you Madam Chairwoman.

Chairwoman MALONEY. Your time is expired.

The gentleman from Illinois, Mr. Quigley, is now recognized.

Mr. QUIGLEY. Thank you, Madam Chairwoman.

Madam Chairwoman, we just heard from one of our friends from across the aisle, that we aren't acting in a bipartisan manner to make sure that that doesn't happen again, prevent it in the future, and hold those accountable.

You know, I am not exactly sure how you do all of those things, it is tough, but I know how you don't do it. You don't begin by denying that it happened, as many have on their side of the aisle; you actually support a defense supplemental, a security supplemental, and you support a commission. That is at least a good start.

But General Piatt, let me ask, and the quotes can be wrong, but the quote I heard was that you said a military presence could make the situation worse and that the optics were bad.

So, this is an opportunity for you to clear the air. What exactly did you say about your concern of how a military presence at the Capitol would look and what was your thinking at the time?

General PIATT. Congressman, thank you.

At the time, I don't recall using that word on 6 January, because at the time, the Capitol was clearly breached and overrun. It was an ugly sight to look at.

What we were doing was discussing a range of options, what could be used for the National Guard, and I was recommending

that we would not use them as a clearing force, because that is a mission for a highly trained police force.

Mr. QUIGLEY. At what point did you say that, do you recall?

General PIATT. It was on the 2:30 phone call. We were exploring a range of options. And then afterwards, we went—

Mr. QUIGLEY. But you—I'm sorry. Again, you saw what was happening at the Capitol, but you still didn't want to use the National Guard as a clearing force; is that correct?

General PIATT. We wanted to use the National Guard. I didn't think they were the best available force for what would be a very complex clearance mission that would require a highly trained police force. I recommended law enforcement would be the best force for that mission.

But I also recommended that the National Guard, that we would continue to buildup their numbers, it would be good to set an outer corridor along the perimeter around the Capitol, and that is the mission we ended up doing.

Mr. QUIGLEY. But the mission you wanted to do was to have a security force around the Capitol while the battle is taking place in the Capitol?

General PIATT. We thought that—well, things were going very fast, Congressman. What we were seeing unfolding was that there would be a breach clearing force inside the Capitol out. Police would be able to do more targeted arrests on the outside and we would be able to regain the perimeter security of the Capitol.

We recommended that that would be a good mission for the D.C. National Guard with their riot gear.

Mr. QUIGLEY. But, in effect, that would make them spectators to the battle, for the most part, would it not?

General PIATT. It would control the ability of the other forces to do their mission. It is a typical security mission, to secure the perimeter, to allow and facilitate the clearing, that way no other full-formed forces or assailants or criminals would be able to break out of the Capitol and flee; they would be contained, and that would allow them to clear and control the objective and clear the Capitol.

Mr. QUIGLEY. So, it was just to act as a perimeter force. And, again, I am far from a military expert, but, again, it sounds like they better going to view the main battle from the inside, and a battle, by that time, which you have to acknowledge, was lost.

This was a battle and for the first time since 1814, we had lost, and with respect, what you seem to be suggesting is that the force with the most strength would act as perimeter spectators and make sure the people who did all the damage didn't get away.

Is that a fair way to characterize what you were proposing at that point?

General PIATT. Congressman, the Guardsmen that we had available at that time were unarmed. They were on a traffic-control, crowd-control mission. That was our concern. We had to get them re-missioned, reequipped, reconfigured and that is why we were making these recommendations to the Secretary of the Army for how best to utilize a force and we were trying to buildup that force as fast as we possibly could.

Mr. QUIGLEY. I think what you said before was that this wasn't a delay; it was a new plan on the fly, correct?

General PIATT. Yes, Congressman.

Mr. QUIGLEY. Is that another way of saying, again, I was in a room where it happened, so I think I can say this. Isn't that another way of saying that you weren't prepared in the first place?

General PIATT. We were not positioned to respond to this crisis, because the only force we had committed in the District were unarmed soldiers on traffic control points and crowd control.

We had to recall the D.C. National Guard. We had to reposition those forces, reconfigure, and reequip—

Mr. QUIGLEY. OK. We are worried about optics. This was the first battle on our Nation's Capitol since 1814. We lost it. You wanted to be spectators, and you wanted to direct traffic while hundreds of people were injured and five people died.

I yield back.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Texas, Mr. Fallon, you are now recognized.

Mr. FALLON. Thank you, Madam Chair.

Director Wray, what law enforcement agency has primary authority and responsibility for the safety and security of the Capitol Building and Capitol Complex.

Mr. WRAY. Congressman, my understanding is that that is the U.S. Capitol Police.

Mr. FALLON. U.S. Capitol Police.

So, it stands to reason that the singular most important person to have here today to attend this hearing would be the chief of the United States Capitol Police. And this begs the question: Where is the acting police chief? Where is Police Chief Pittman?

The reason, or better stated, the excuse that we were given is that acting Police Chief Pittman is busy watching someone else's testimony at someone else's committee hearing. The dirty little secret is she should be here and she could be here; in fact, we could have compelled her to be here, via subpoena power, but inexplicably, our Democratic chairwoman refused to exercise her legal and entirely, and in this case, entirely proper subpoena power. Now, I guess we will see her on the 21st of July, but she should be here today, as well.

Director Wray, to date, of the 500 or so odd people, 500-plus people arrested for their actions on January 6, has anyone been charged with inciting an insurrection?

Mr. WRAY. I responded to an earlier question, I don't believe that that has been one of the charges used so far, but, again, with that many cases, I want to give them a little room for the fact that I may not know all of the cases.

Mr. FALLON. OK. So, as of right now, the answer would be no; fair so say?

Mr. WRAY. That is my understanding.

Mr. FALLON. OK. Has anybody within charged with sedition to your knowledge?

Mr. WRAY. Same answer.

Mr. FALLON. OK. No, again.

Has anybody been charged with treason?

Mr. WRAY. I don't believe so.

Mr. FALLON. Has anyone been charged with illegal possession of a firearm inside the Capitol on that day?

Mr. WRAY. I believe there has been at least one instance of someone arrested with a firearm in the Capitol and there have been a number of arrests of individuals either, en route to the Capitol or near the Capitol for the siege, but—

Mr. FALLON. Director—

Mr. WRAY [continuing]. But I don't have the exact number.

Mr. FALLON. Director, inside the Capitol—so, there has been—your testimony is there is one person that has been arrested for possession, illegal possession of a firearm inside the Capitol Building that day; is that correct?

Mr. WRAY. I don't know exactly what is in his complaint or indictment, but I know there has been at least one person, or I have been told there has been at least one person arrested with a firearm in the Capitol on January 6.

Mr. FALLON. So, you don't know, Director, if they have been charged with that crime; is that correct?

Mr. WRAY. With that many cases, I just can't be sure about—

Mr. FALLON. OK. So, you aren't sure, OK.

Just to reclaim my time, the video that was shown at the beginning of this hearing was visceral, it was unsightly, and it does—it's emotional and it is outrageous what happened. The images and the actions that we saw in that video were disgusting and they were very disturbing.

So, we are supposed to believe here that the best way to describe the events of January 6 should be calling it an insurrection, at least our friends across the aisle say that. So, we are to believe the strongest republic in history and the world's oldest functioning democracy was actually threatened to be overthrown by a mob, not armed with any artillery or firearms or bayonets, but rather, flagpoles, stolen podiums, and mace.

So, how can we—what is the best and most honest and accurate way to describe the events of January 6?

It is a mob that rioted. So, we should be calling it the January 6 Capitol riot. Republicans have always condemned all political violence, so let's compare the BLM Antifa riots of 2020 with what happened on the January 6 Capitol riot.

In the summer of 2020, there were riots that swept across 140 cities. On January 6, it was in one building.

And mid-summer 2020, those riots cost \$2 billion, with a B, in damages. On January 6, a million and a half dollars.

Months went by with these riots, and the riot on January 6 was about four hours.

So, there was more loss of life, more damage, and it lasted much longer and threatened scores of cities. We have had no hearings on the Antifa or BLM riots, but we have had now, two hearings on the January 6 riot, and apparently, we are going to have a third one in January.

Director, one last question: Is it true that the FBI has not classified the Atlanta spa shootings as a hate crime?

Mr. WRAY. I don't believe we have classified the Atlanta shootings as anything. I think that is being prosecuted by local officials.

Mr. FALLON. OK. And Madam Chair, thank you.

Director Wray, I am asking you for the record, a question for the record, and I am requesting that you provide the following informa-

tion to me, and this committee, and its members. Please provide us with all police records filed and arrests made for hate crimes committed against[ET5] Asian Americans and Pacific Islanders in the years 2019 and 2020 and, second, all hate crimes in general, and that would include police reports filed alleging hate crimes, arrests made, and people charged with hate crimes, and last, hate crime convictions.

Thank you very much Madam Chair.

I yield back.

Chairwoman MALONEY. The gentleman yields back.

The gentleman from Kentucky, Mr. Comer, is now recognized.

Mr. COMER. Thank you, Madam Chair.

And I am going to ask all my questions to General Piatt, and I am going to try to get a lot of questions in, in five minutes, so if you could work with me, and we are going to rattle through these, General, sir.

Isn't it true that the D.C. National Guard is under the command of the President of the United States?

General PIATT. Yes, Congressman.

Mr. COMER. And that authority has been delegated by the President down to the Secretary of Defense, correct?

General PIATT. Yes, Congressman.

Mr. COMER. And the Secretary of Defense has further delegated that authority to the Secretary of Army, correct?

General PIATT. Correctly, Congressman.

Mr. COMER. On December 31, Mayor Bowser requested D.C. National Guard assistance with the planned protests for January 5 and 6, correct?

General PIATT. Correct, sir.

Mr. COMER. And was that request for assistance ultimately approved by the Secretary of Army?

General PIATT. It was, and then approved by the Acting Secretary of Defense, as well.

Mr. COMER. Were restrictions placed on that authority, upon the request of Mayor Bowser, and if so, what were those restrictions?

General PIATT. She had requested that they be unarmed and that they not take place in any law enforcement activities.

Mr. COMER. That is a good point that I don't think has been reported in the press.

The National Guard troops on that mission were equipped with visibility vests and lighted wands, correct? Not armed. They were not armed; is that correct? That is what you said, right?

General PIATT. They were not armed, Congressman.

Mr. COMER. Because that is what the mayor of Washington requested; is that right?

General PIATT. Yes, sir.

Mr. COMER. So, is it accurate to say that the expected role of the D.C. National Guard, prior to the events of January 6 actually unfolding was simply to assist D.C. law enforcement with traffic control and crowd management while being unarmed?

General PIATT. That was their mission, Congressman.

Mr. COMER. Well, I will just go back a couple of questions. Now, Mr. Quigley, in his last seconds of time, took a shot at you for

being on traffic patrol, but what we have just learned today is that that was at the direction of the mayor of D.C.

She asked you to do traffic control, essentially, and be unarmed at that, correct?

General PIATT. Right, Congressman.

Mr. COMER. So, what you were actually deployed in doing on January 6 when the calls came in, requesting they be redeployed to the Capitol, that was a whole change in plans and that wasn't what the mayor of Washington, DC, had asked of the National Guard.

So, when you got the call to be redeployed, I would imagine that there were a lot of things that had to take place. I would imagine that the National Guard troops would have to leave their positions, which I would assume were scattered all over Washington, DC, and go back to a central place to get armed and come up with a plan.

Would that be correct?

General PIATT. Yes, Congressman.

And they were also called in from their civilian workplaces, as well.

Mr. COMER. So, there were civilian workers that weren't even—they were at work, like what the National Guard does; they work private jobs.

So, the Democrats on this committee, many of whom who have criticized you for not being there on time, when, actually, you were doing what you were asked to do by the mayor of Washington, DC.; is that correct?

General PIATT. Correct, Congressman.

Mr. COMER. Wow. So, on January 3d and 4th, the U.S. Capitol Police confirmed with the Pentagon that there was no requirement for Department of Defense support; is that true?

General PIATT. Yes, it is, Congressman.

Mr. COMER. Whoo, this has been a productive hearing.

Man, I think that, Madam Chair, if we have a part three, we need to have the mayor back, as well as the Capitol Police chief who didn't have time to come and attend our hearing today because she had something else more important to do. Wow.

One last question for Director Wray. Sir, the minority on this committee, we have been requesting hearings to discuss the origination of COVID-19, and I know the President has instructed the intelligence community to reopen an investigation into the origination of COVID, and, specifically, with the Wuhan lab.

Can you tell us anything about how that investigation is going and do you think you will be able to report back to the President within that 90-day time period that he requested, that the Intelligence Committee would be able to report back?

Mr. WRAY. Congressman, I would say that—sorry, I would say that the intelligence community is working very hard across multiple agencies on the subject, but it is probably too early for me to give much of a prognosis on it. We are making a lot of progress and that is all that I can say at this time.

Mr. COMER. Well, that is of the utmost importance. I think an overwhelming majority of Americans are hoping that we can get to the bottom of this, and we will be in communication with you on that ongoing investigation.



Madam Chair, I yield back.

Chairwoman MALONEY. The gentleman yields back, but before we close, I would like to offer the ranking member an opportunity to make closing remarks, if he would so choose.

Ranking Member Comer, you are now recognized.

Mr. COMER. Well, thank you, Madam Chair.

I want to thank the witnesses who are here today.

Director Wray, I am surprised that you did not get one single question from the Democrats about Russia and I am surprised because I've sat on this committee during the entire Trump administration and the Democrats, prior to Biden being sworn into office, were obsessed with Russia, and I am just shocked that you weren't asked any of those questions.

So, maybe next time when they invite you back to the committee, they'll have some questions about their conspiracy theories with respect to Donald Trump and Russian collusion.

General Flynn, thank you for your service. I really don't understand why you were asked to be a witness at this hearing. I know you just got stationed to a new post in Hawaii and it is probably a big inconvenience to have to come back and testify before this committee. I don't think you got very many questions from the Democrats, but at any rate, I appreciate your service.

And I must say to General Piatt, I appreciate your testimony here today. I think you answered a lot of questions that many of my friends on the other side of the aisle hadn't really understood yet about the role that the National Guard played in—on January 6 and what your primary focus and what your primary orders were, and from whom. So, I appreciate your testimony.

I will just say that, I hope, Madam Chair, we can focus, moving forward on the crisis at the border, the origination of COVID-19, and holding whomever that possibly was, accountable. And I hope that we can look at big tech and some other areas where we have a lot of questions.

So, I appreciate the hearing and I yield back.

Chairwoman MALONEY. The gentleman yields back. Thank you.

And I now recognize myself. I appreciate very much, Director Wray, and General Flynn, and Lieutenant General Piatt, taking the time to appear before the committee on this important topic. I appreciate your service and your testimony today.

The insurrection on January 6 was not a random event. It was President Trump's last-ditch effort to overturn the 2020 election and remain in power. President Trump picked the date weeks in advance. He riled up the rioters on the mall that morning and he pointed them toward the Capitol Building and he said, fight like hell, and, quote, stop the steal, end quote.

Today, the committee released documents showing that even as he was setting in motion the violent events of January 6, Donald Trump was putting direct pressure on the Department of Justice to overturn the election. His pressure was as relentless as it was disturbing.

He asked the attorney general of the United States to throw out millions of votes based on ludicrous conspiracy theories, but only in the states he lost; unfortunately, my colleagues on the other side of the aisle were silent today about these revelations, except it's

just that DOJ wasn't sufficiently loyal to President Trump during his pressure campaign.

When Donald Trump failed to corrupt our Nation's law enforcement, he resorted to organizing mob violence at the Capitol. This attack was planned in public, but today's hearing made clear that our Nation's law enforcement, the military, and intelligence agencies failed to do their jobs to protect our Nation's Capital.

FBI Director Wray admitted today that he was unaware of the more than 50 tips from social media site Parler, prior to the January 6 warning of violence, including one user's posting that stated, quote, "don't be surprised if we take Capitol Building," end quote.

This was a massive intelligence failure by the FBI, plain and simple.

The committee will continue to investigate this failure and we expect Director Wray to honor the commitment he made today to expedite his agency's response to our requests, providing all the documents, and his commitment to conduct his own assessment of the FBI's failure and how we would prevent this from happening in the future.

We also learned today about serious failings at the Department of Defense. General Flynn admitted that the Department made crucial errors in planning for January 6, but we still have not learned a single official, except we haven't had or heard from anyone accepting responsibility for these catastrophic mistakes.

Lieutenant General Piatt also confirmed that it took nearly three hours for the National Guard to deploy after the Capitol Police, quote, frantically requested urgent and immediate support, end quote.

In response, Lieutenant General Piatt admitted today that he recommended that Federal troops should not be used as, quote, a clearing force at the Capitol. So, even after the Capitol was breached, the Defense Department resisted sending help.

Clearly, our committee has much left to investigate and that is exactly what we intend to do. Next month, Acting Chief Pittman will appear to answer tough questions about the role of the Capitol Police in the attack.

In the meantime, our committee will continue to press for answers on the failures uncovered today and, we will bring in witnesses, including former White House Chief of Staff to answer questions about President Trump's outrageous efforts to overturn the results of the 2020 Presidential election.

In closing, I want to thank our panelists for their remarks and I want to commend my colleagues for participating in this important conversation.

With that, and without objection, all members will have five legislative days, within which to submit extraneous materials and to submit additional written questions for the witnesses to the chair, which will be forwarded to the witnesses for their response.

I ask our witnesses to please respond as promptly as you are able.

This hearing is adjourned.

[Whereupon, at 6:57 p.m., the committee was adjourned.]

