

The Harder Right: An Analysis of a Recent DoD Inspector General Investigation and Other  
Matters

By

Colonel Earl G. Matthews, U.S. Army

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**May we ever choose the harder right, instead of the easier wrong.**

**-Thomas Monson**

The purpose of this memorandum is to outline and detail the myriad inaccuracies, false or misleading statements, or examples of faulty analysis contained in a recent publicly released Department of Defense Inspector General (DoDIG) report of its investigation into the Department of Defense's actions leading up to and in response to the violent assault on the U.S. Capitol which occurred on 6 January 2021. This memorandum will also detail a series of false and/or misleading statements or documents deliberately made or submitted to the DoDIG and/or to the House Oversight and Reform Committee by senior officers of the United States Army<sup>1</sup>. This memorandum will conclusively show that at least two general officers of the Army engaged in repeated violations of 18 U.S.C. §§ 907, 1001, 1621. One of these general officers now leads an Army Service Component Command.<sup>2</sup> The other will soon be nominated to lead an Army Command.<sup>3</sup>

Although written in the third person, the recollections expressed are those of Major General (Retired) William J. Walker, U.S. Army, who served as Commanding General of the District of Columbia National Guard on the date in question, and Colonel Earl G. Matthews, U.S. Army, who then served as his Staff Judge Advocate. This memorandum was drafted primarily by Colonel Matthews with the assistance of current and former D.C. National Guard officers who were continuously with MG Walker during the afternoon and evening of 6 January 2021, or who otherwise supported our response to the attack on the Capitol. This memorandum is drawn from the contemporaneous notes and emails of these soldiers and airmen and from their individual and collective memories.

Inspector General investigations are usually and appropriately accorded great deference because they are normally unbiased, independent, contain careful analysis of facts and circumstances, and because they make determinations as to the credibility, veracity and biases of particular witnesses, based on the preponderance of the evidence. Unfortunately, the DoDIG report on its investigation into DoD actions leading up to and during the 6 January attack was marked by few of these characteristics.

The DoDIG report relied heavily on close associates of LTG Walter Piatt and other Army Staff principals and the DoDIG failed to interview numerous District of Columbia National

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<sup>1</sup> [The Capitol Insurrection: Unexplained Delays and Unanswered Questions \(Part II\) | House Committee on Oversight and Reform](#)

<sup>2</sup> [HHRG-117-GO00-Wstate-FlynnC-20210615.pdf \(house.gov\)](#)

<sup>3</sup> [HHRG-117-GO00-Wstate-PiattW-20210615-U1.pdf \(house.gov\)](#)

Guard personnel with highly relevant information. The DoDIG Report eventually adopted a narrative formed and developed by LTG Piatt, and his close associates, and is fundamentally flawed as a result.

The DoDIG report is replete with factual inaccuracies, discrepancies and faulty analysis. It relies on demonstrably false testimony or statements. The focus of this memorandum is on the discrepancies and falsehoods that DoDIG relied on to produce its report. The danger is that if this report, with its glaring errors and wholesale adoption of the Army company line, is accorded the deference typically afforded inspector general investigations, the report will become part of the historical record and a false narrative will have been as adopted fact. Discerning what happened on 6 January is too important to get wrong. If we do not fully comprehend and analyze what occurred on 6 January, the danger is that history will repeat itself. Our collective goal as a government and an American people should be to ensure that what occurred on 6 January does not happen again.

MG Walker's view is that words matter, accuracy matters and precision matters. All too often the DoDIG Report lacked accuracy and precision.

A plausible argument can be made that the imprecision and inaccuracy begins with the title of the DoDIG report itself. The report is titled "Review of the DoD's Role, Responsibilities, and Actions to Prepare For the Protest and Its Aftermath at the U.S. Capitol Campus on January 6, 2021."<sup>4</sup> However, what occurred at the Capitol on 6 January was no mere "protest," it was a riot and an assault on our democracy which occurred at the very seat of government. To not call it what it was is to minimize the importance and gravity of what occurred.

## **A Review of Key Events**

Beginning at 1:49 p.m. on 6 January 2021, MG Walker began to receive a series of frantic telephone calls from the then Chief of the U.S. Capitol Police (USCP), Steven Sund informing MG Walker that the security perimeter at the U.S. Capitol had been breached by hostile rioters. Chief Sund, his voice cracking with emotion, indicated that there was a dire emergency on Capitol Hill and requested the immediate assistance of as many D.C. National Guard personnel as MG Walker could muster at the intersection of New Jersey and Louisiana Avenues, where law enforcement personnel from various local and federal law enforcement partners were assembling to assist and support U.S. Capitol Police efforts to restore order at the Capitol. MG Walker immediately made the Secretary of the Army aware of Chief Sund's request and requested permission to assist USCP. At roughly 2:30PM on January 6, 2021, Dr. Christopher Rodriguez, Director of the District of Columbia Homeland Security and Emergency Management Agency (DCHSEMA) established a telephone bridge and invited MG Walker, Secretary of the Army, Ryan McCarthy, MPD Chief Robert Contee, USCP Chief Steve Sund, D.C. Deputy Mayor Dr. Roger Mitchell and U.S. Secret Service Uniformed Division Chief Thomas Sullivan to join. Conference call participants were informed that Secretary McCarthy

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<sup>4</sup> <https://www.dodig.mil/reports.html/Article/2844941/review-of-the-department-of-defenses-role-responsibilities-and-actions-to-prepa/>

was not available for the conference call as he had gone to see the Acting Secretary of Defense. McCarthy did not participate in the call. However, Lieutenant General Walter Piatt, Director of the Army Staff and Lieutenant General Charles Flynn, the Army's Deputy Chief of Staff for Operations, were both on the call. As was Colonel John Lubas, Executive Officer to the Secretary of the Army. Additionally, Brigadier General Aaron Dean, the Adjutant General of the D.C. National Guard, Colonel Earl Matthews, Staff Judge Advocate of the D.C. National Guard, Command Sergeant Major Michael Brooks, the DCNG Senior Enlisted Advisor, and 1<sup>st</sup> Lieutenant Timothy Nick, MG Walker's aide-de-camp, all joined MG Walker in his office at the D.C. Armory for this 2:30 p.m. conference call.

During the 2:30PM conference call, Chief Sund of the USCP pleaded for the immediate support of the D.C. National Guard at the U.S. Capitol as the security perimeter at the Capitol was being breached at that very moment. Chief Contee reinforced Chief Sund's request. Chief Contee asked Chief Sund aloud if he was requesting immediate D.C. National Guard support at the Capitol. Chief Sund replied "Yes". Chief Contee then asked LTG Piatt if the D.C. Guard would be sent to the Capitol. LTG Piatt stated that it would not be his best military advice to recommend to the Secretary of the Army that the D.C. National Guard be allowed to deploy to the Capitol at that time. LTG Piatt stated that the presence of uniformed military personnel could inflame the situation and that the police were best suited to handle the situation. Both LTGs Piatt and Flynn stated that the optics of having uniformed military personnel deployed to the U.S. Capitol would not be good.

Chief Contee then stated that he would inform the Mayor (D.C. Mayor Muriel Bowser) that the Army was refusing to send the National Guard to the Capitol and that he would ask her to convene a press conference to make this refusal known. LTG Piatt then asked Chief Contee to please not do this. Piatt stated that the request for Guard presence was not being refused and he had no power to deny or approve the request, only that he would not recommend approval to his civilian leadership. Piatt and Flynn recommended that Contee identify locations away from the Capitol where D.C. National Guard personnel could relieve MPD personnel of traffic duties, allowing more MPD personnel to surge to the Capitol. LTG Flynn also stated that the best use of D.C. National Guard personnel would be to free up MPD personnel by performing non-law enforcement traffic duties away from the Capitol. LTGs Piatt and Flynn recommended the D.C. National Guard develop a plan to support MPD at locations other than the Capitol. The telephone call that began at 2:30PM ended at approximately 2:55PM. LTG Flynn then directed that a secure video conference bridge be established between the Army Staff and the D.C. National Guard Leadership.

At approximately 3:05PM, MG Walker joined from his office the secure videoconference hosted by LTG Charles Flynn. Present with MG Walker were BG Dean, COL Matthews, 1LT Nick and CSM Brooks. This secure video teleconference would be continuous until around 5:15PM. Personnel in this teleconference included LTG Piatt, LTG Flynn, later General James McConville, Chief of Staff of the Army, LTG Leslie Smith, Inspector General of the Army, BG Matthew D. Smith, Mr. Casey Wardynski, Assistant Secretary of the Army for Manpower and Reserve Affairs, Wardynski's deputy, Mr. Marshall Williams, and numerous others who joined

and left the call as necessary. This teleconference was used to share information that was received from various sources by the D.C. National Guard or Army leadership. Army leaders on the call provided a situational update to GEN McConville. During this call, at 5:08PM, GEN McConville informed MG Walker and his leadership team that the Secretary of Defense had authorized the D.C. National Guard to deploy to the Capitol in support of the USCP.

### **Getting Facts Consistently Wrong on the 2:30PM Phone Conference**

The DoDIG report consistently gets basic information incorrect as to events that transpired during the day on 6 January. The actual participants on the 2:30 p.m. conference call in which USCP Chief Sund and MPD Chief Contee, and others, pleaded for D.C. National Guard assistance is but one example. Although the call was arranged through the Secretary of the Army's Executive Officer, COL John Lubas, MG Walker and the other non-Pentagon based participants in the call were told McCarthy was unavailable as he had gone to the Acting Secretary of Defense's office.

The DoDIG report incorrectly indicates that McCarthy was an active participant on the call and that he spoke for roughly 5 minutes, before departing. During these 5 minutes, McCarthy was able, according to the DoDIG report, to "hear and acknowledge the urgent request from Mr. Sund and Mayor Bowser." In reality, McCarthy could not have heard from Bowser during the 2:30 p.m. call because she did not participate in the call. Further, there was no indication that she was listening to the call silently. The DoDIG got this important point wrong. Active participants from the D.C. government during the call included Chief Contee, Dr. Rodriguez and Deputy Mayor Mitchell, but not Mayor Bowser. The only active participants in the call from Army headquarters were LTG Piatt, LTG Flynn and COL Lubas. COL Lubas only spoke to announce that McCarthy could not participate and to introduce Piatt and Flynn. The DoDIG report, however quotes several unnamed "Army witnesses" who consistently observed things that did not actually occur during the 2:30 p.m. call:

A supposed witness involved on the call is quoted as saying "Mayor Bowser and Chief Contee were frustrated that LTG Piatt told them that "Mr. McCarthy was getting the approval from Mr. Miller rather than saying, 'Yes, we're coming.'"

The DoDIG further notes "according to an Army witness on the call, Mayor Bowser made the statement about telling the media the Army denied the USCP request"

An unnamed witness to the 2:30 p.m. call stated "Mr. McCarthy asked MG Walker how quickly the QRF could respond MG Walker said that the QRF could move in 20 minutes."

LTG Piatt incorrectly told the DoDIG that Secretary McCarthy directed MG Walker to move the QRF to the Armory during the 2:30PM conference call. This could not have occurred as McCarthy did not speak during the conference call and McCarthy was with the Acting Secretary of Defense at the time in question.

LTG Flynn is portrayed by the report as having listened to the 2:30PM conference call for “a couple of minutes,” not saying anything and then leaving to establish a video conference. The report states that “Army witnesses” confirmed that LTG Flynn’s participation was minimal. These may have been some of the same “Army witnesses” who, according to open press reporting, repeatedly and strenuously denied to the press for days that Flynn was even a participant on the 2:30PM conference call which occurred on 6 January. MG Walker conversely recalls that LTG Flynn was an active participant on the call who stayed to the end of the call and that Flynn commented on the negative optics that would ensue from the presence of uniformed military personnel at the Capitol. Flynn wanted the DCNG to develop a plan to have D.C. National Guard personnel relieve MPD elements at locations away from the Capitol in order to free up MPD resources to go to the Capitol.

According to the DoDIG report, “two Army witnesses” claimed that LTG Piatt asked questions during the 2:30 phone conference such as “what was happening at the Capitol, what tasks DCNG personnel would perform, whether they should be armed, who the QRF would align with, and where the QRF would assemble once they arrived at the Capitol”? An Army witness claimed that “no one on the conference call could answer LTG Piatt’s questions.” This allegation is false on its face and does not withstand basic parsing. Chief Sund, Chief Contee and Chief Sullivan, of the U.S. Secret Service Uniform Division, were relaying real-time reports of events at the Capitol from their respective police personnel arrayed there. The request for DCNG personnel at the Capitol came from Chief Sund, who was on the call. Sund knew exactly what mission he wanted the DCNG personnel to perform was. Sund wanted as many riot-equipped (helmets, body armor, shin guards, batons and shields) D.C. National Guard personnel as possible to report to the Capitol where they would assist USCP personnel in re-establishing the security perimeter which had been breached. Chief Sund had previously provided a link-up location where DCNG personnel should report to the USCP, the corner of New Jersey & Louisiana Avenues. There was never any contemplation or expectation by Chief Sund or Chief Contee that the requested DCNG would be equipped with firearms. The DCNG personnel would essentially perform the same roles they performed at Lafayette Square, along the National Mall, and other locations around Washington, DC during the civil unrest which followed the murder of George Floyd in the summer of 2020. The DCNG was a seasoned force when it came to civil disturbance response operations, having conducted these missions, or prepared to conduct such missions, extensively over the previous 6 months. As MG Walker stated to the DoDIG when interviewed, the DCNG operational plan was to get as many riot gear-equipped Guardsmen on buses and to the Capitol, as soon as possible, where they would form up and take direction from MPD and/or USCP.

### **A Question Raised By the McCarthy-Miller Meeting**

The DoDIG report indeed raises more questions than it answers. According to the report, at 2:30PM on 6 January, at roughly the same time that the conference call was occurring between LTGs Piatt and Flynn, Chief Sund, Chief Contee, DCNG leaders and others, Secretary McCarthy

was meeting with Acting Secretary of Defense Miller. According to the DoDIG report, during their 2:30PM meeting, “McCarthy told Miller that the DCNG needed to mobilize everything and move to the Capitol as quickly as possible, and Mr. Miller immediately agreed.” The report goes on to state that “Miller ordered McCarthy to mobilize all of the DCNG’s 1100 personnel at approximately 3:04 p.m.”. Miller told the DoDIG that his 3:04PM order “gave McCarthy the approval and guidance he needed to mobilize the DCNG to help the USCP and MPD, and that Walker would immediately employ the QRF.” When asked by the DoDIG whether Miller’s order to mobilize the entire DCNG included approval to deploy DCNG personnel immediately to the Capitol to support the MPD and the USCP, McCarthy replied, “It did.”

The DoDIG report glosses over this crucial point. Miller claims he gave McCarthy full discretion to employ the DCNG in force to the Capitol at 3:04PM. For some reason, however, McCarthy felt the need to go back to Miller to report a so-called plan of deployment. It is not clear, whether Miller directly asked McCarthy to come back with a plan, or whether McCarthy simply sought buy-in from Miller because he did not want to be responsible for making the decision to deploy DCNG personnel on his own. The DoDIG does not address whether it asked Acting Secretary Miller if McCarthy was required to submit a plan to address the ongoing emergency then extant at the Capitol, or whether McCarthy simply chose to bring back a plan for approval. Miller’s statement to the DoDIG and his testimony to Congress would indicate that Miller believed that his further concurrence or approval, after his 3:04 PM direction to McCarthy to mobilize the DCNG, was not necessary before the DCNG could deploy to the Capitol. On May 12, 2021, in his sworn testimony before the House Oversight and Reform Committee, in response to questioning by Representative Ocasio-Cortez, former Acting Secretary Miller stated that MG Walker had “full authority. . .in my mind at 3:04.” Later in the same hearing, in response to questioning by Representative Hank Johnson, former Acting Secretary Miller stated, that Walker had “all the approval and authorities he needed at 3:04 when the order went out.” Secretary McCarthy however, believed he did not have the authority and approval he needed at 3:04 PM. The DoDIG does not acknowledge or address this obvious disconnect.

McCarthy supposedly briefed his “plan” to deploy the DCNG to Miller at 4:30PM, nearly 90 minutes after Miller, according to Miller’s statement to the DoDIG and his sworn testimony to a congressional committee, gave McCarthy full authorization to deploy the DCNG to support the MPD and USCP at the Capitol.

### **Another Fictious Phone Call**

The DoDIG report claims that:

Mr. McCarthy left Mr. Miller’s office and called MG Walker at approximately 3:05 p.m. Mr. McCarthy did not want to send the DCNG to the Capitol without a plan he could present to Mr. Miller. A witness told us Mr. McCarthy and MG

Walker discussed how many personnel were already at the Armory and where the DCNG could replace or reinforce MPD officers, freeing the MPD to respond to events at the Capitol in greater numbers. Mr. McCarthy directed MG Walker to recall DCNG personnel to the Armory, including the QRF at JBA and those already supporting the MPD at Metro stations.<sup>5</sup> He ordered all personnel be equipped with riot shields and batons, and for MG Walker to prepare a “hasty” plan to support law enforcement at the Capitol.

The above recitation of events, cited as fact by the DoDIG, does not withstand even light scrutiny. MG Walker had directed that the QRF move from Joint Base Andrews to the Armory on his initiative in advance of 3:05PM (DCNG records show 14:12). Further, all D.C. National Guard personnel preparing to go to the Capitol were already fully kitted out with riot gear.<sup>6</sup>

MG Walker categorically denies that Secretary McCarthy called him at 3:05PM on 6 January. MG Walker at that time was in the midst of a video teleconference with LTG Piatt, LTG Flynn and senior Army leaders, and DCNG key leaders, discussing events at the Capitol and potential DCNG responses thereto. MG Walker would have of course prioritized a call from the Secretary of the Army, his direct and immediate superior, if it had come, but it did not. The above passage, posited as a fact by the DoDIG, apparently does not rely on the firsthand statements of Secretary McCarthy or MG Walker, but the recollection of an anonymous witness. MG Walker maintains that this phone call did not occur. Further, the idea that the DCNG should plan to replace MPD personnel away from the Capitol to free up the MPD to respond to the Capitol was what LTGs Piatt and Flynn proposed during the 2:30 phone conference, however, it is contrary to the determination McCarthy told the DoDIG he made shortly after 2:30 and conveyed to Miller, “that the DCNG needed to mobilize everything and move to the Capitol as quickly as possible.” (see p. 54 of the report).

### **The Making of a False Narrative**

The most glaring deficiencies and outright falsehoods in the DoDIG report relate to events which transpired after Secretary McCarthy traveled to MPD headquarters at 3:48PM to meet with Mayor Bowser and Chief Contee. The purpose of the meeting was ostensibly to reassure Mayor Bowser that DCNG support had not been previously refused and was imminent, and to initiate a plan for the DCNG’s eventual insertion into the Capitol.

The entire “planning narrative” created by BG LaNeve (and LTG Piatt) to justify the delay and inaction of Army civilian leadership between 3:04PM and 5:08PM strains credulity. The crux of this narrative is that, at 3:04PM, Acting Secretary Miller approved the mobilization of the DCNG (which Miller may have interpreted as granting McCarthy permission to send DCNG personnel immediately to the Capitol to support USCP), however McCarthy wanted to see a plan, and to

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<sup>5</sup> The QRF was actually directed to move at 2:14PM, according to JTF-DC records.

<sup>6</sup> BG Dean directed BG Ryan to move the QRF from JBA to the Armory at 14

brief it to Miller and have Miller approve the plan before sending DCNG personnel to the Capitol. Under this narrative, MG Walker was either unable or unwilling to develop a workable plan, so Secretary McCarthy took it upon himself to travel to MPD headquarters, to confer with Mayor Bowser and Chief Contee and to, with their help, personally develop a plan for the employment of the DCNG at the Capitol in support of USCP. The report alleges, based on the statements of anonymous witnesses, “Secretary McCarthy, Mayor Bowser, Chief Contee and others present drafted a detailed plan that identified where DCNG personnel would go, the route they would take, whom they would support, who was in charge, and who the key leaders were.” This detailed plan was developed between the time that McCarthy arrived at MPD HQ at 4:05PM (or 4:10PM according to the DoD publicly released timeline) and the time McCarthy briefed the plan to Miller and CJCS Milley at 4:30PM. This plan for the deployment of DCNG personnel to the Capitol was developed without any input or participation from DCNG leaders. LaNeve claims the detailed plan took 20 minutes to construct, according to the DoDIG report. Miller approved the detailed plan in 2 minutes, at 4:32PM, during his call with McCarthy and Chairman Mark Milley. McCarthy then called MG Walker at 4:35PM to provide the detailed plan to Walker and to direct Walker to deploy all available forces to the Capitol immediately. During the 4:35 call between McCarthy and MG Walker, McCarthy delivered his detailed plan including a link-up point and the names of federal contacts that DCNG personnel should engage at the Capitol. The call between McCarthy and Walker evidently lasted less than 5 minutes because McCarthy then jumped on a 4:40PM telephone call with Governor Larry Hogan of Maryland. It is unclear how long McCarthy’s call with Governor Hogan lasted. One glaring omission from the DoDIG report is that between 4:30 and 5:00 p.m., before DCNG personnel had deployed to the Capitol, McCarthy spent nearly 20 minutes in a live nationally televised press conference with Mayor Bowser and Chief Contee<sup>7</sup>. At 5:00PM, presumably after the conclusion of the televised press engagement, McCarthy then called MG Walker, according to the LaNeve narrative, and had to re-issue his order to deploy to the Capitol because MG Walker and his forces had inexplicably failed to move as directed by McCarthy at 4:35PM.

It is unclear why McCarthy needed to participate in this live press event with the Capitol not yet secured and with DCNG forces not yet deployed there. It is also unclear how this press availability jives with the planning narrative and timeline constructed by BG LaNeve and LTG Piatt. The press conference with McCarthy was at least 17 minutes in length (likely longer) and there is actual video footage of the event. The press conference either began at 4:30PM or at 4:45PM (Mayor Bowser’s website indicates that the press conference began at 4:30PM while a transcript indicates the event began at 4:45PM). If the live news conference began at 4:30PM, then McCarthy could not possibly have briefed Miller and gained his concurrence between 4:30PM and 4:32PM and then called MG Walker to give him an elaborate run down at 4:35PM and then called Governor Hogan at 4:40PM. If the live press conference began at 4:45PM, then McCarthy could not possibly called MG Walker to “re-issue” the deployment that Walker failed to execute.

In certain respects, the DoDIG report serves as little more than a vehicle for anonymous Army officials to take unsubstantiated and uncorroborated pot shots at MG Walker in retaliation for his March 2021 testimony before a joint hearing of the Senate Homeland Security and

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<sup>7</sup> Mayor Bowser incorrectly introduces McCarthy as Mr. McCartney at the beginning of the news engagement.

Government Affairs Committee (HSGAC) and the Senate Rules Committee, and for statements he had previously made to the House Appropriations Committee during its review of 6 January, because those statements and testimony, are viewed as having portrayed Secretary McCarthy and LTG Piatt in a less than flattering light. These anonymous officials took the opportunity to attempt to discredit MG Walker by impugning his competence, integrity and leadership via an official DoDIG report, their statements are not unbiased and must be weighed in context.

Because MG Walker, quite unfairly, was not provided the opportunity to review and comment on these criticisms, much of them innuendo and conjecture published by the DoDIG without verification or analysis, MG Walker he will do so now.

The DoDIG report contains a claim that at 4:25PM (according to anonymous witnesses) then BG Christopher LaNeve called MG Walker and told him to have his DCNG relief element ready deploy to the Capitol. MG Walker denies that LaNeve called him at 4:25PM, or that he spoke to LaNeve at anytime between the phone call from Chief Sund at 1:49PM and the eventual DCNG deployment to the Capitol at 5:08PM. Furthermore, MG Walker and the DCNG had been posturing to respond to the situation on the Hill since at least 1:49PM when Chief Steven Sund initially called requesting urgent and immediate assistance. It is preposterous to assume that MG Walker needed to be notified to prepare to respond at 4:25PM when the Capitol had been breached for over 2 hours.

The DoDIG timeline states that at 4:35 PM Secretary McCarthy called MG Walker to inform him that Acting Secretary of Defense Miller had approved the DCNG request to re-mission the DCNG to support the U.S. Capitol Police at the Capitol. MG Walker denies that Secretary McCarthy called him at 4:35PM or that any such discussion took place at that time. As he stated in sworn testimony, MG Walker became aware of the approval to deploy DCNG personnel during a video teleconference with senior Army officials at 5:08 PM. The decision of civilian leadership was conveyed by the CSA, General James McConville.

The DoDIG timeline also states the McCarthy had to “reissue” his direction for the DCNG to move to the Capitol at 5PM. This is an outrageous assertion given that Walker would have began deploying DCNG to the Capitol when he first received USCP Chief Steve Sund’s urgent requests if he had been given authority to do so. The notion that MG Walker had to be told twice to deploy forces to the Capitol is as insulting as it is false. MG Walker believes that if the foregoing narrative was true, and he really did fail to move after being directed to do so at 4:35PM, by the Secretary of the Army, then he should have been fired immediately by Secretary McCarthy. MG Walker, however, and key DCNG personnel who were constantly with him, all contend that this “planning narrative” is an absolute falsehood.

### **A Plan that If It Existed, Was Never Used**

If Secretary McCarthy did develop a plan to deploy DCNG, with Mayor Bowser, Chief Contee or others, it was created independent of any DCNG involvement, and was not shared

with DCNG leadership prior to the deployment of 154 DC Guardsmen to the Capitol at 5:08PM or afterwards. DCNG leaders still have not seen this so-called plan developed by McCarthy and allegedly approved by Acting Secretary Miller at 4:32PM.<sup>8</sup> When the DCNG did deploy personnel to the Capitol beginning at 5:08PM, it did not do so pursuant to any plan developed by Secretary McCarthy or BG LaNeve, who again had not spoken to MG Walker or anyone else in the DCNG leadership in the immediate few hours before their deployment.

In actuality, the assertion that the DCNG required the Secretary of the Army to provide tactical level planning and coordination support to DCNG personnel preparing to deploy to the Capitol is patently absurd. DCNG maintained a Joint Task Force, led by BG Robert K. Ryan, at the D.C. Armory to plan and conduct domestic operations in the city. LTC Craig Hunter was the senior DCNG officer located at the U.S. Capitol during most of the day on January 6, 2021, serving as the Task Force Guardian Commander. At 2:32PM, LTC Hunter departed his command location in a vehicle and headed towards the Capitol to link up with the MPD and USCP Incident Command Post. Hunter arrived at the Capitol at 2:55PM. At 3:00PM, Hunter made contact with MPD Assistant Chief Jeffrey Carroll, the senior MPD officer then at the Capitol, and a police official with a long history of working with the DCNG. Carroll requested that Hunter accompany him to USCP headquarters. Hunter rode with Chief Carroll in a marked MPD scout car, arriving at USCP headquarters at 3:10PM. Hunter at USCP HQ, and co-located with Chief Carroll and other MPD personnel, was the primary on the ground DCNG interlocutor with both USCP and MPD responding to the unrest at the Capitol.

LTC Hunter was in constant contact with the DCNG Joint Operations Center (JOC), with Joint Task Force DC Commander, BG Robert K. Ryan, BG Dean and/or MG Walker, his superiors in the chain of command, as needed. When asked by the DoDIG whether the DCNG for the flow of DCNG to the Capitol:

**“He responded that he was not sure if Mr. McCarthy was aware that he (the TF Guardian Commander) was with USCP helping to bring in forces. He told us that they had a plan for the troops to assemble at a rally point, organize, and don riot gear, and that he had already made contact with USCP and MPD.”**

Indeed, when DCNG forces began to arrive at the Capitol after 5:08PM, they did so after the coordination with MPD and USCP provided by the LTC Hunter, the senior DCNG officer on the scene, not through the intervention of the Secretary of the Army or BG LaNeve. Hunter was

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<sup>8</sup> It should be noted that this so-called plan for the deployment of the DCNG was developed by McCarthy between 4:05PM and 4:30PM, but that the publicly released DoD timeline for 6 January states that McCarthy participated in a 4:18PM phone call with the Acting Secretary of Defense, the Chairman of the Joint Chiefs of Staff and the Chief of the National Guard Bureau, further shortening the supposed 20 minutes that McCarthy used to develop his detailed plan to employ the DCNG.

not in contact with McCarthy or LaNeve at any time before the arrival of DCNG personnel after 5:00PM.

### **Obvious Unaddressed Inconsistencies**

The DoDIG report alleged that Secretary McCarthy called MG Walker at approximately 4:35PM and told him to immediately move all available DCNG personnel from the Armory to Lot 16 at the corner of 1<sup>st</sup> and D Street and to meet with the MPD Assistant Chief to perform perimeter and clearance operations. The DoDIG report states that after McCarthy gave MG Walker the deployment order, he handed the telephone to BG LaNeve, who informed MG Walker of the plan's details. (DoDIG Report p. 60). In the very next paragraph however, LaNeve is recorded as stating that at the time that Miller approved the re-mission plan (at 4:32PM according to the DoD timeline and Miller's congressional testimony), "there was still no meeting point established." LaNeve states that approximately 20 to 30 minutes later, at around 5:00PM, and at that time provided a link-up location. If LaNeve's recollection is true, then McCarthy could not have directed Walker to deploy forces to the Capitol at 4:35PM (to Lot 16 at 1<sup>st</sup> and D Street), as that location had not been established as the link up point. The DoDIG does not address this glaring inconsistency. The DoDIG claims it reviewed contemporary handwritten notes which indicated that at 4:36PM., "LaNeve and a witness coordinated with MG Walker, advised him to mobilize 150 DCNG personnel, and move, under police escort, to 1<sup>st</sup> Street and D Street. The DCNG personnel would meet FBI personnel there and move into position to establish an inner cordon." MG Walker doubts the credibility of these notes as they reflect an event that did not occur. Again, LaNeve's own statements to the DoDIG that Walker received the link-up point at around 5:00PM contravene the allegedly contemporaneous notes of Secretary McCarthy's aide.

In addition to LaNeve, another witness who was accompanying McCarthy (likely COL John Lubas) at MPD Headquarters told the DoDIG that Walker:

**“did not get ‘approval to do the specific actions’ until close to or just after 5:00 p.m. This witness confirmed to us that no one conveyed to MG Walker the specific meeting point and other details until after 5:00 p.m.”**

This unnamed military officer who was present with Secretary McCarthy at MPD Headquarters was apparently in a position to know what information Walker received and when he received it. This unnamed officer at least corroborates that MG Walker did not receive direction to deploy until after 5:00 p.m. It is unclear why the DoDIG would disregard or not credit the statements of both LaNeve and this unnamed Army officer. Instead, the DoDIG report states as accepted and uncontroverted fact that McCarthy had to re-issue an order to

Walker to deploy DCNG forces to the Capitol at 5:00 p.m. when McCarthy could not have issued an order to deploy at 4:35PM because the details had not been worked out (and McCarthy may have been in a nationally televised press conference, or preparing for a nationally televised press conference at 4:35PM).

Given the foregoing, the below passage seems to be included merely to discredit MG Walker:

**“According to an unnamed witness, Mr. McCarthy had to reissue the deployment order to MG Walker 30 minutes after he conveyed it to MG Walker, which the witness believed contradicts MG Walker’s March 3, 2021 testimony to the Senate Homeland Security and Governmental Affairs and Senate Rules and Administration Committees. The witness told us that MG Walker’s assertion to those committees that the DCNG could have responded to the Capitol in 20 minutes was not true. The witness said, “It took 27 minutes for [MG Walker] to get the order from Mr. McCarthy] around [4:35] to actually get his wheels moving on the bus.” In addition, the witness said “mischaracterization” was the word the witness would use to describe MG Walker’s response to questions from congressional committees.” (p. 61)**

The alleged witness who provided the foregoing statement essentially accused MG Walker of willfully misleading two congressional committees during sworn testimony. The DoDIG allowed this conjecture to stand, without providing MG Walker opportunity to respond to or rebut the assertion, even though the DoDIG had in its possession evidence (namely the statements of LaNeve and the other unnamed Army with Secretary McCarthy) that the underlying assertion is likely false. Even LaNeve, most of whose assertions are in direct contradiction with Walker, concedes that at 4:35PM there was still no meeting point established (p. 60). BG LaNeve stated to the DoDIG that MG Walker did not receive direction on where to have his forces report until around 5:00PM. Importantly, the additional unnamed witness who accompanied McCarthy at MPD headquarters told the DoDIG that “no one conveyed to MG Walker the specific meeting point and other details until after 5:00 p.m.”

When McCarthy visited MPD Headquarters at 4:05PM (or 4:10PM) he was accompanied by his Executive Officer, COL John Lubas, his aide-de-camp, MAJ Matt Scot, his public affairs officer, LTC Audricia Harris and his congressional liaison LTC Scott Mras. BG LaNeve arrived at MPD Headquarters shortly after McCarthy. LaNeve, when he traveled in a separate vehicle, typically traveled with his own executive officer, an Army major. It should be noted that these individuals are not unbiased, disinterested parties. They in most instances were personally close to McCarthy, traveled with McCarthy and have some degree of personal loyalty to and affection for him, or in the case of LaNeve’s XO, for LaNeve. These individuals, who were with McCarthy and LaNeve may be some of the anonymous Army witnesses that have impugned MG Walker’s integrity. One of these officers is likely the person who was with McCarthy and who was able to “confirm” to the DoDIG that MG Walker was not made aware of the deployment authorization until after 5:00 p.m. MG Walker does not question the integrity and honesty of any

of these officers, except to the extent that they say that they have personal knowledge that Secretary McCarthy called MG Walker at 16:35 on 6 January and directed him to immediately deploy the D.C. National Guard to the Capitol. No such call took place, if an individual alleges such a call took place, than they are lying.

### **Failure to Interview Key DCNG Personnel**

MG Walker was never alone during the hours in question. He was constantly in the presence of, among others, the Adjutant General of the DCNG, the senior enlisted leader DCNG, his own aide-de-camp who was taking contemporaneous notes throughout the afternoon and evening, and his staff judge advocate. These individuals participated in the 2:30PM conference call between senior Army leaders, D.C. government officials, the Chief of the U.S. Capitol Police and the Chief of the Secret Service Uniform Division. They also participated in the follow-on secure video conference with senior Army leaders from the Pentagon. These DCNG leaders were present when MG Walker received the approval of civilian leadership to deploy to the Capitol at 5:08PM. This approval was conveyed on the call by the Chief of Staff of the Army, the message passed to him by an unknown person in the room. The DoDIG apparently interviewed most, if not all of Secretary McCarthy's entourage, but did not interview any key personnel who were with MG Walker when events unfolded on 6 January, to include his aide-de-camp 1LT Timothy Nick, a sworn federal law enforcement officer, and the Staff Judge Advocate, COL Earl Matthews, who were constantly by MG Walker's side during the events in question, nor the Command Sergeant Major of the D.C. National Guard, CSM Michael Brooks who was also with MG Walker throughout the day.

The DoDIG decision not to interview COL Matthews stands out for several reasons. Matthews was integrally involved in the planning leading up to DCNG support to MPD on 5-6 January and he was an expert on D.C. National Guard authorities. The DoDIG investigative report quotes a witness from the Army Staff who states "The discussion of the QRF implementation beforehand was very clear and General Walker understood it and he knew exactly what needed to happen if the QRF needed to be employed and he had no questions or concerns at that time." If COL Matthews had been interviewed he would have characterized the Army Staff witness's comment as an absolute lie. The addition of the restriction withholding QRF employment authority from MG Walker was not discussed with the general during the meeting with Secretary McCarthy and the Army Staff which occurred during the afternoon of 4 January. The specific withholding QRF approval authority to Secretary McCarthy's level was inserted by Army Staff officers late on the evening of 4 January. Matthews, if interviewed, would have stated that neither McCarthy, Walker nor Matthews knew about the restriction before it was added. McCarthy had typically trusted Walker to deploy the QRF at his discretion. McCarthy didn't ask for the specific change to Matthews' knowledge. The restriction, or at least the more stringent language was added at the request of the Judge Advocate General of the Army. If the restriction was not there, Walker would likely have interpreted the riot on Capitol Hill as a 'last resort' situation and employed the QRF on his own initiative in support of MPD at the Capitol. Additionally, Matthews had raised his own concerns about certain restrictions on

MG Walker with both the Army Staff at 3:48 AM on 5 January, leading the Army Staff to make a late change.

At 4:00AM on 5 January, Matthews sent an e-mail to a senior official in the Office of the Secretary of Defense who was involved in the drafting of the OSD restrictions on DCNG employment on 5-6 January. The subject line was "Employment Guidance." In the e-mail Matthews noted, "As written now, SECDEF would need to personally approve before our personnel in the city wear helmets for personal protection. I do not believe this restriction meets the Acting SecDef's intent. Flagging for your situational awareness." Matthews did not believe the Acting Secretary of Defense wanted to intentionally restrict the ability of soldiers or airmen to protect themselves by donning their helmets in an *in extremis* situation, but that was the literal interpretation of the memorandum that was issued.

On January 6, 2021, at 2:19PM, MG Walker sent an email to Secretary McCarthy, LTG Piatt and BG Christopher LaNeve. He copied COL Matthews on the cc line. The subject line was FLASH UPDATE. The e-mail stated:

**Mr. Secretary:**

**Chief Steve Sund advised that the US Capital (sic) has been breached and they need immediate assistance at least 200 Guardsmen. Chief Sund advised that a formal letter requesting support is forthcoming.**

**V/R**

**MG Walker**

At 2:21PM, COL Matthews forwarded the above e-mail to the unlisted personal DoD e-mail address of the Acting Secretary of Defense, Christopher Miller. Matthews' e-mail to the Acting Secretary stated:

**Sir:**

**Army has DCNG on stand down despite request for support.**

A former senior DoD official, Matthews was a personal friend and former work colleague of both Acting Secretary Miller and Secretary of the Army McCarthy, he just happened to be the DCNG's top lawyer as a part-time job. His name and role were well known in particular to the official within DoDIG, Marguerite Garrison, who had responsibility for that office's investigation into 6 January. That COL Matthews was not interviewed by the DoDIG was in retrospect stunning to both MG Walker and COL Matthews. MG Walker was himself an experienced former federal criminal investigator and knew that DoDIG had likely accessed the

contemporaneous emails of the DCNG, the Office of the Secretary of Defense, the Army Staff and Army Secretariat from 6 January as part of its investigation. That a serving DCNG officer had sent a direct e-mail to the Acting Secretary of Defense's unlisted work email address during the midst of the breach of the Capitol, and had not been asked about it was not reassuring. It was perhaps a reflection of the thoroughness of the DoDIG investigation.

It's unclear from the DoDIG Report whether Secretary McCarthy is asserting that he told Walker the things that Piatt, Flynn, LaNeve and others associated with McCarthy are now falsely asserting, or whether Piatt and LaNeve (and McCarthy's former retinue are merely stating these lies because they believed it will help McCarthy). McCarthy and Matthews are friends. They were among the first Trump political appointees at the Pentagon together. They had each others personal cell phones, they called each other on weekends. McCarthy never referred to Matthews as "COL Matthews," but as "Earl". The DoDIG report even mentions Matthews calling McCarthy on January 6, while redacting his title and stating an incorrect time for when the call actually occurred. However, the lies being told by Piatt and Flynn would pit Matthews against McCarthy. Matthews would be forced to say under oath that he was on the 2:30PM call, that he knew Piatt and Flynn quite well, and that both were absolute and unmitigated liars. Matthews had actually helped to revive Flynn's career a few years ago when no less than Marguerite Garrison, the same DoDIG official that had inexplicably allowed the flawed report about MG Walker to be issued, had once had her sites on Flynn. Garrison had previously launched a DoDIG investigation against Matthews as well, when he was Principal Deputy General Counsel of the Army, that went nowhere. Matthews could prove that without Matthews' personal actions a few years ago, Flynn would not even have been eligible for promotion to his 3-star rank. Flynn did not know this. He does not know Matthews. Piatt does. Though undoubtedly close to MG Walker, Matthews had no reason to lie about Flynn or Piatt on behalf of Walker.

Matthews also found the story about Chris Miller requiring a back brief before DCNG could be launched to Capitol Hill to be strangely odd. Miller was the most informal government official that Matthews had ever known. He was a laid back Iowa farm boy, turned DC Guardsmen (while attending GWU), turned Green Beret Colonel/secret warrior for a special mission unit. He was a guy who believed in cutting through bureaucracy and getting stuff done. Requiring McCarthy to come back to Miller when the Capitol was under siege sounded strange. As an Army officer, Chris had trusted and empowered subordinate leaders to make life or death decisions. Requiring a formal backbrief in the midst of a national emergency didn't sound right. Not for a Tier 1 operator like Chris Miller. Matthews knew Piatt and Flynn didn't respect Miller or Walker.

## **The DCNG Timeline**

DCNG officers who had been present with MG Walker throughout 6 January also created a timeline of events that transpired that day, based on contemporaneous notes and their collective

memories. The timeline was digitally signed by the DCNG Secretary of the General Staff.<sup>9</sup> MG Walker provided a copy of the timeline to members of the House Appropriations Committee and the Senate HSGAC and Rules Committees. In the hindsight of March 2021, the DCNG timeline did not paint LTG Flynn nor LTG Piatt in a favorable light. One paragraph read:

**1437: LTG (P) Flynn and LTG Piatt recommended that the D.C. National Guard standby and start drafting a plan for courses of action (COA). Recommended plan that the D.C. National Guard can take over more points and help Law Enforcement Officers (LEOs) to go to the U.S. Capitol to assist USCP.**

Another paragraph of the DCNG timeline reflects:

**1620: LTG Piatt advising MG Walker to plan and prepare to transition from TCPs and be placed around other federal building (sic) and monuments. Also, to create an outer perimeter around other federal places. (SVTC)**

Both of the above paragraphs were taken from the contemporaneous notes of MG Walker's aide-de-camp, who was the designated notetaker in MG Walker's office during the conference call and SVTC and other meetings during the day. Both of the above entries from the DCNG timeline reflect the mindset of Piatt as expressed during the 2:30PM call and the SVTC as recorded contemporaneously by the DCNG notetaker. With respect to the 2:30PM call, LTG Piatt himself caused an official press statement to be issued by the Army Office of the Chief of Public Affairs<sup>10</sup>, Piatt stated:

**“I told the assembled group on the call that we need to work together to develop a plan on how to use National Guard Soldiers if their participation was approved. This included options of relieving law enforcement throughout the city so those assets could assist with law enforcement actions at the Capitol, or using the National Guard to set a perimeter at the Capitol”**

What Piatt's statement did not concede was that he said his best military advice to the Secretary would be that the DCNG not be deployed to the Capitol at the moment. Regardless, it should be noted that at around 2:30PM on January 6, 2021, when Congress was under an

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<sup>9</sup> The DCNG SGS did not participate or observe the 2:30PM or the follow-on secure teleconference but signed the document as a staffing action. The timeline is drawn largely from the contemporaneous notes of MG Walker's aide-de-camp, designated notetaker during the day.

<sup>10</sup> Piatt's January 2021 public statement was in response allegations from Steve Sund about the 2:30PM call. The statement no appears on the Army Public Affairs website as Piatt's narrative has changed.

unprecedented siege, the Director of the Army Staff, by his own admission, was contemplating at least one course of action to present to the Secretary of the Army wherein the D.C. National Guard would not be used at the Capitol, but elsewhere away from the locus of the emergency. This key point has been obfuscated by Piatt's subsequent self-serving statements and by the less accurate timeline he helped engineer. Piatt's suggestion astounded MG Walker, Chiefs Sund and Contee and all the speaking participants on the call, except Piatt and Flynn. The DCNG had a great deal of experience handling civil unrest in Washington in support of local and federal law enforcement. It had a 40-member Quick Reaction Force and MG Walker could pull troops off of the traffic control points or could direct other trained and experienced personnel present at the Armory to immediately don riot gear and respond to support USCP and MPD at once. To everyone else on the conference call, immediately re-establishing or reinforcing the security perimeter at the U.S. Capitol was the only acceptable course of action to consider.

### **The Army Timeline and The Purposeful Distortion of Fact**

By March 2021, both Chief Contee and Chief Sund had testified in congressional hearings about Army leaders, Piatt and Flynn, displaying an overconcern about the optics of military personnel at the Capitol, about their lack of urgency during the 2:30PM conference call, about their indicating that they would not recommend that the Secretary of the Army authorize troops at the Capitol based on the information they had at the time, and about their desire that the DCNG plan to deploy troops away from the Capitol in the midst of the riot to free up police to move to the Capitol<sup>11</sup>. MG Walker testified about the same issues, and about what he felt were unusual restrictions placed on his command authority and freedom of maneuver in the run up to 6<sup>th</sup> January. Walker's testimony also highlighted the 3 hours and 19 minutes that elapsed between Chief Sund's emergency pleas for assistance at 1:49PM and when MG Walker received notice to deploy to the Capitol at 5:08 PM, and the lack of personal communication between Secretary McCarthy and MG Walker during the afternoon and early evening of 6 January.

The cumulative impact of the Contee, Sund and Walker testimonies, and the attendant negative news stories, coupled with the revelation that Army leaders had for a time falsely denied that LTG Flynn was even on the 2:30PM call worked to create a narrative which made Army Senior Leadership look bad. In March 2021, MG Walker was told by a friend that LTG Piatt was so upset with MG Walker that he directed the development of an Army "White Paper" to retell events of 6 January in a light more favorable to LTGs Flynn, Piatt, Secretary McCarthy and the Army Staff. The initial version of the "White Paper" was so incendiary that other Army Senior Leaders convinced LTG Piatt not to release the paper shortly after MG Walker's testimony in March 2021. When he became aware of the document, MG Walker asked a senior Army officer (a 3-star general) for a copy and was told by the officer that the report "wasn't mine to share."

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<sup>11</sup> Notably neither Sund, Contee, nor Walker in recounting the 2:30PM phone call ever stated the either McCarthy or Mayor Bowser were on the call.

At the direction and under the supervision of LTG Piatt, however, with the assistance of BG Chris LaNeve, the “White Paper” morphed into the Army’s Report (Report of the United States Army Operations on January 6, 2021). The judgment of history is depends on who writes it. With respect to the Army on January 6, Piatt was determined to be that author. The Army Staff sought to change that narrative and to create an alternate history which would be the Army’s official recollection of events. Piatt and LaNeve literally changed facts and recollections overnight. The end product, a revisionist tract worthy of the best Stalinist or North Korea propagandist, was close hold.

Where MG Walker indicated in his Senate testimony that he did not talk directly to Secretary McCarthy between 1:49PM and roughly 6:00PM on January 6, 2021, Walker was now directly tasked by Secretary McCarthy at 2:30PM, 3:05PM, 4:35PM and again at 5:00PM. Where Walker had once directed on his own that the QRF be moved to the Armory from Joint Base Andrews, now McCarthy made that decision. Where Walker was told about the deployment authorization via SVTC from the Chief of Staff of the Army 5:08PM, he now found out directly from the Secretary at 4:35PM. Under the new fabricated timeline supervised by LaNeve and Piatt, McCarthy was an active participant in the 2:30PM phone conference. Mayor Bowser was now in meetings she did not actually attend, making statements she did not actually utter. McCarthy had to call Walker twice because, presumably due to his bumbling incompetence, he had inexplicably not followed Secretary McCarthy’s order to deploy forces to the Capitol campus. The Army Staff and not Joint Task Force-DC under BG Robert K. Ryan was now primarily responsible for the movement of DCNG forces to the Capitol on 6 January. The buses left at 17:02, not at 17:08 as Walker swore under oath. Piatt had to know these insertions into the timeline and official narrative were incorrect. Still he presented this timeline to a congressional committee as fact as developed from an official unbiased Army product, the Army Report, which he directed be written.

The DoDIG then adopted Piatt and LaNeve’s narrative wholesale, in some places verbatim, subsequently releasing it as if it was the authoritative word of God, and creating the impression that Walker was deceitful during his congressional testimony. The official Army narrative also found Army leadership was blameless in the delay in National Guard reaching the Capitol.

Piatt, Flynn and LaNeve engineered a multitude of demonstrable falsehoods and misstatements about Army activities leading up to and on 6 January, especially on the afternoon of 6 January, and then submitted this report to select members of Congress in an effort to absolve Army leadership (especially Piatt who was slated to be nominated for promotion) of any missteps on 6 January. The document is an effort to mislead the Congress and to retroactively change history. The very existence of the document calls into question the honesty and integrity of LaNeve, Piatt and Flynn. The Army Staff most significantly has avoided releasing this document to the public, but we know it contains a few things from Piatt and Flynn’s perjured testimony before Congress. The report states, quite falsely that McCarthy contacted Walker at around 3:05PM and at 4:35PM gave him a go order to deploy to Capitol Hill. At 4:35PM the link up location and the name of the name of the lead law enforcement officer were provided to MG Walker (according to Piatt’s testimony)

McCarthy apparently had to call back at 5:00PM (although Piatt and Flynn’s testimonies don’t state this, it’s likely in the Army Report). We also know from their testimonies that the first DCNG buses departed the DCNG Armory at 17:02. That is what the Army Report states.

DCNG's Joint Task Force-DC records indicate that the buses actually departed at 17:08, after Walker received authorization from McConville. It's unclear how the Army Staff could have a more accurate recollection of when the buses left than the DCNG Joint Task Force which actually controlled the buses. There were no Army Staff representatives or embedded liaison officers at the D.C. Armory when the buses left. However, having the buses depart from the Armory at 17:02 allows for the narrative that it took MG Walker 27 minutes to get the first buses off after McCarthy first directed him at 4:35PM.

When Congressmen Lynch and Raskin, during June 2021 hearing, questioned Piatt and Flynn about the timeline discrepancies, Piatt and Flynn referred to their more accurate Army Report (a fabricated distortion) and made sure to laud the DCNG for doing the best it could under the circumstances. The questioning by Lynch and Raskin is revealing.

The Army Report indicates that MG Walker was notified to deploy at 16:35 by the Secretary of the Army. LTG Piatt knows this assertion to be incorrect, because Piatt was on a secure video conference with MG Walker and other Army and DCNG leaders at 16:35. He repeated the false assertion in his testimony before a congressional committee anyway. To support this assertion he relied on the official Army timeline contained in the Army Report, the document he directed be drafted and which he influenced heavily. This is the definition of a self-serving document. It is preposterous to assert that MG Walker would have received authorization to deploy personnel from the Armory at 16:35 and then stayed on video conference without directing at least some of the personnel awaiting at the Armory to head to the Capitol. As MG Walker has publicly stated, minutes mattered.

How was McCarthy able to brief Walker with all the details of the link up and the name of the officer and still call Governor Hogan at 16:40 while participating in a live nationally televised press conference at 16:30 or 16:45?

Whether Walker was told to deploy at 16:35 or 17:08 is a small point, what matters is the lie being crafted by senior officials who know better. This lie seems aimed and discrediting Walker for his testimony. Also, the lie is easily revealed because the Army timeline doesn't withstand simple scrutiny.

## **Lying Under Oath**

An analysis of the facts demonstrates that Piatt, Flynn and their confederates repeatedly and deliberately made false statements under oath or false official statements to the DoDIG and/or a congressional committee in order to support their contrived narrative, to discredit MG Walker, to absolve Army Senior Leaders of any responsibility in the delays on 6 January, and to burnish the promotion chances of Walter Piatt.

Piatt repeated a narrative that he knew to be untrue to both the DoDIG and to the House Oversight Committee. Piatt claims that on the conference call, “the SecArmy asked MG Walker how quickly the 40-member QRF could respond; MG Walker stated the QRF could be ready to move in 20 minutes. The SecArmy directed MG Walker to prepare to move the QRF to the Capitol Building and support the USCP, but to remain at the Armory until he confirmed approval from the Acting SecDef.” That sentence is drawn from whole cloth and did not occur. In later testimony Piatt and Flynn would state that the QRF was ill-equipped and ill-suited to respond to Capitol Hill, but here Piatt states as early as 2:30PM, before meeting with Miller, McCarthy had already saliently determined and directed Walker to posture the QRF to move to the Hill.

In sworn testimony, under penalty of perjury, Piatt and his confederates, falsely claim that an elected official, Muriel Bowser, the Mayor of the Nation’s capital, is present on a conference call that she very obviously was not present on. They have her making comments that she did not utter, and then they falsely imply that false stories spread by her caused a delay in the federal response to a riot at the Capitol because McCarthy had to deal with media inquiries generated by her rather than the urgent crisis underway<sup>12</sup>. They do this in a DoDIG report that is supposed to accorded great deference and to form part of the historical record for our grandchildren, long after we are gone. Secretary McCarthy was not on the 2:30PM call, certainly did not task MG Walker to prepare to move the QRF to the Capitol at 2:30PM and certainly did not talk to the Mayor during that call as Piatt and others associated with him suggested in sworn testimony and in official statements to the DoDIG and the House Oversight committee. According to Piatt’s official January press statement, “As soon as Secretary McCarthy received the specific request for assistance from the Capitol Police on the phone call at 2:22 p.m., he ran to the Acting Secretary of Defense’s office to request approval.”<sup>13</sup> Piatt’s story changed in June to where McCarthy now stays until 2:30 on the conference call, hears Mayor Bowser and Chief Sund’s pleas and questions and tasks MG Walker. None of which occurred. Further Piatt’s statement conflict’s with LTG Flynn’s statement from the same hearing.

Flynn states: “At 1421, my Executive Officer interrupted the meeting stating that the Capitol was under attack and the Secretary of the Army’s office had called for me to come up to his office. I paused the meeting, gave guidance for my directors to remain in my office, and left. . .for Secretary McCarthy’s office, he was walking out and giving instructions to staff members who were already in the room.” Secretary McCarthy’s office is one flight up from LTG Flynn’s office in the Pentagon. Assuming it took 5 minutes for Flynn to reach the Secretary’s office (which it would not), Flynn still has McCarthy headed to Acting Secretary Miller’s office. Piatt’s story has McCarthy staying. According to Piatt, at roughly 2:25PM, McCarthy was sitting next to Piatt in McCarthy’s office. Surely Flynn would not have seen him leaving the office when he did.

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<sup>12</sup> It is unclear why the Secretary of the Army who had a 1-star general and a lieutenant colonel on his personal staff to address media inquiries, needed to personally address false news stories while the Capitol was under siege and the D.C. National Guard had not been authorized to move.

Piatt in his sworn testimony, repeatedly made false or misleading or statements to inflate and exaggerate the insignificant role played the Army Staff in support of DCNG operations on the afternoon of 6 January:

**“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 adjust rapidly. We needed to redeploy the D.C. National Guard from 37 locations throughout the district, alert and recall soldiers from their civilian workplace, organize into unit configurations, equip the force, prepare 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.**

Piatt is falsely asserting that the Army Staff is performing the delineated actions on behalf of the DCNG, which it was not. The DCNG Joint Task Force under BG Robert K. Ryan had a very capable staff on 6 January that was not in contact with the Army Staff. None of the tasks Piatt lists in the preceding paragraph were performed by the Army Staff to support DCNG. Piatt implies that the Army Staff was planning for the “re-mission” and “re-equipping” of DCNG personnel employment of the DCNG and that this was a source of delay in getting SecArmy or SecDef’s approval to deploy to the Capitol. This is false. The Army Staff had no involvement in the movement or consolidation of DCNG personnel from the 30 traffic control points or 6 metro stations (indeed Guardsmen at the TCPs were never recalled to the Armory from the TCPs as Piatt implies).

Further, the Army Staff had no involvement in the recall of DCNG personnel from their civilian workplaces or in unit sizing as Piatt implies. Piatt states “we” needed to determine if the D.C. Guard would be armed or unarmed—in reality there was absolutely no discussion or request to arm the DCNG on 6 January. MG Walker did not request this, nor did the Chiefs Sund or Flynn on the 2:30PM call. DCNG personnel performing civil disturbance response duties are typically unarmed as there is enhanced risk that a demonstrator could go for a soldier’s firearm, when the soldier is kitted out with shield, baton and firearm. Keep in mind that Piatt and Flynn wanted DCNG personnel to perform duties for the police away from the Capitol, they certainly didn’t want those personnel armed. Piatt states that “we” needed to determine whether they would be with or without riot control gear. This is similarly an absurdity and altogether implausible. MG Walker had been adamant about his troops having helmets and body armor when the traffic control mission was being planned on January 4, 2021.

The troops at the TCPs had riot control gear in their vehicles (although admittedly they weren’t suppose to have this equipment, they did have it). The QRF had riot control gear on their persons. The DCNG had over 500 individual riot control kits stored at the Armory, left over from summer 2020 civil disturbance operations. There is no way MG Walker would have brooked a discussion about his troops not having riot control gear in the midst of a riot. Concerns about optics would be the only reason DCNG personnel would not have been in riot gear, and Piatt and

Flynn claim optics were not an issue. Piatt implies that the Army Staff was involved in equipping the DCNG on 6 January which is an absolutely false insinuation. Piatt evoked issues of deputization and rules for the use of force, legal issues handled on the 6<sup>th</sup> by DCNG judge advocates outside the purview of the Army Staff.

Piatt mentions communications, specific routes, link up locations, CASEVAC routes.<sup>14</sup> These were all tactical issues handled internally by the DCNG Joint Task Force on January 6<sup>th</sup> without any Army Staff involvement. These issues were certainly not addressed or handled by the 3 and 4-star generals, and civilian political appointees on the secure teleconference started by Charlie Flynn. These issues were the purview of BG Robert K. Ryan, COL Jon Ebbert and LTC Craig Hunter, LTC Sekou Richardson, and other DCNG officers on 6 January. Ultimately the issues belonged to MG Walker. These matters were not an Army Staff responsibility. In short, the Army Staff was not involved in the planning of any of the matters on January 6<sup>th</sup> that Piatt references before the House Overnight Committee during his opening statement. If the Army Staff developed a plan for the deployment of the DCNG on 6<sup>th</sup> January, it was done without DCNG input and outside of our purview. DCNG is still waiting to see this purported plan. The entirety of the referenced paragraph in Piatt's opening statement is deceptive and misleading, designed to continue a false narrative. The main communications link and interface between the Army Staff and the DCNG on 6 January was the secure video conference bridge established by LTG Flynn.

In his sworn statement, LTG Piatt states:

**“No personnel, including the QRF, were armed with lethal weapons, and none of the TCP or Metro station personnel had any equipment beyond their helmets and ballistic vests stored in their vehicles.”**

That assertion is not a reflection of reality as events unfolded on the afternoon of 6 January. The mention of lethal weapons is a deflection. DCNG civil disturbance response personnel would typically not have lethal weapons and this of course avoids the potential of a Kent State scenario. Neither Sund nor Contee requested Guardsmen have lethal weapons. Through fortuitous oversight, each of the TCP and Metro station teams had full riot gear in their GSA vehicles<sup>15</sup>.

Piatt states:

**“As a soldier who has commanded numerous times in combat, I knew we needed a plan to safely and properly redeploy forces from the traffic control mission, equip, arm, remission, and then deploy our Guardsmen to the Capitol from over 37 dispersed locations”**

Piatt's statement is misleading. MG Walker, the DCNG CG, BG Dean, the DCNG TAG, BG Ryan, the JTF-DC CDR and LTC Craig Hunter the TF Guardian CDR, were all experienced combat veterans. With the exception of LTC Hunter, they were all also experienced in riot control operations in the District of Columbia. They all wanted to send as many DCNG personnel to the as they could as Capitol as soon as possible. They had a plan to do that if allowed to exercise it. Piatt was implying that he cared more about the safety and well-being of DCNG personnel than

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<sup>14</sup> The TF Guardian Commander, LTC Craig Hunter, was an actual combat-seasoned medevac pilot. He required no instruction or direction from the Army Staff.

<sup>15</sup> Despite the restrictions imposed by the civilian chain of command.

did their own commanders. Additionally, the traffic control element was never redeployed, despite having full riot kits with them.

At the start of his testimony, Piatt notes:

**The Army's role on 6 January began as unarmed support by the D.C. National Guard to metropolitan police. By midday, the mission had changed drastically to respond to the attack on the Capitol. That change of mission was unforeseen, and we were not positioned to respond with immediate supports.**

While the attack on the Capitol was not anticipated, LTG Piatt is misleading the committee when he implies that the DCNG could not have been able to respond immediately to the riot on Capitol Hill. Indeed, MG Walker, BG Dean, BG Ryan and LTC Hunter all wanted to respond immediately. They could have directed their 40 person QRF to move immediately from Joint Base Andrews to link up with USCP near the Capitol. DCNG could also have diverted personnel supporting the traffic control mission to the Capitol. These soldiers and airmen possessed the requisite riot gear in their vehicles.<sup>16</sup> DCNG estimates 131 riot gear-equipped troops could have been mustered immediately and an additional 200 Guardsmen within the following 2 hours.

In his sworn statement, LTG Piatt falsely asserts the following:

**“In the meantime, the Army Staff was planning with the DCNG to recall forces and redeploy the forces committed to traffic control posts and Metro station control. We assisted in directing the staging of the DCNG forces in order to be as ready, as quickly as possible, once a plan for commitment was approved.”**

The above statement is untrue in its entirety. The Army Staff conducted no planning with the DCNG to recall forces and redeploy the forces committed to traffic control posts and Metro station control. Indeed the dayshift at the TCPs were never recalled. The night shift was converted into a civil disturbance response posture at roughly 2:14PM at the direction of the DC Adjutant General. The Army Staff played no role in this decision. The Army Staff did not assist in directing the staging of the DCNG forces in order to be ready, as quickly as possible, once a plan for commitment was approved.

In his sworn testimony, Flynn claims, a team under his direction of **“40 officers and noncommissioned officers, immediately worked to recall the 154 D.C. National Guard personnel from their current missions, reorganize them, reacquaint them, and begin to redeploy them to the Capitol.”** Flynn’s sworn statement is so astounding on its face that it defies

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<sup>16</sup> DCNG logisticians had not received word of the restrictions on riot gear imposed by SecDef and SecArmy. They made sure full riot gear for each Guardsmen were contained in their GSA vehicles.

reason. If it does not constitute the willful and deliberate misleading of Congress, than nothing does. Flynn was referring to 154 D.C. Guardsmen who were already on duty, were trained in civil disturbance response, already had area familiarization with Washington, DC, were properly kitted and were delayed only because of inaction and inertia at the Pentagon. Why would the DCNG need the assistance of **“40 officers and noncommissioned officers”** from the Army Staff to **“organize and acquaint”** these Guardsmen?

GEN Flynn states: **“Members of my G-3/5/7 staff supported the SecArmy and LTG Piatt by coordinating planning and decisions for the recall of the 350 DCNG personnel from their current mission, so the DCNG could re-deploy, re-organize, re-equip and re-mission their force to be federalized and employed by the Lead Federal Agency.”** Flynn’s statement is willfully inaccurate and designed to mislead Congress and re-write history. The Army Staff was not in contact or coordination with the DCNG Joint Task Force, under BG Robert K. Ryan. Ryan, not anyone working for Flynn was responsible organizing, and directing the soldiers referenced. Ryan was a member and the leader of the referenced 350 DCNG personnel. The very able LTC Sekou Richardson, a Master Logistician, was responsible for equipping the 350 soldiers. Richardson ensured Ryan’s people had all the kit they needed. Neither Ryan nor Richardson was in coordination with anyone who worked for Charlie Flynn on the afternoon of 6 January. Flynn implies there was an intent to federalize the D.C. National Guard. His inclusion of this notion proves that he had no clue about the history, purpose and structure of the DCNG on 6 January or when he testified in June. The D.C. National Guard was created by an Act of Congress to respond to rioting and other civil disturbances in the Nation’s Capitol. DCNG already worked for the President, through SecArmy and SecDef. There was no need to federalize it.

Piatt and Flynn consistently and repeatedly misrepresented, understated, or misled the House Oversight Committee and the DoDIG regarding the capability, readiness and motivation of the DCNG to respond on the afternoon of 6 January. They falsely claimed that the DCNG did not have, the training and resources to move quickly, to pivot from traffic control to civil disturbance operations. This was untrue. Flynn falsely stated that the Army Staff (which is supposed to be running the global operations of the U.S. Army) had to devote 30 to 40 officers and non-commissioned officers to get 154 ill-prepared DC Guardsmen to Capitol Hill. This assertion constituted the willful deception of Congress. It is not just imprecision, it is lying. Senior Army officers lied about little stuff. Their lies contributed to the deficiencies in the DoDIG’s findings because the DoDIG allowed the Army Staff to define the DCNG and to set the narrative, allowed LTG Piatt (and Flynn and LaNeve) to define the story. DoDIG also didn’t talk to anyone from the DCNG who could challenge the false Army Staff narrative. What’s most stunning is that they almost got away with it. If they hadn’t gratuitously attacked MG Walker’s character and integrity and then publicized the DoDIG report, they would have gotten away with it.

The D.C. National Guard in Piatt and LaNeve’s narrative was poorly led, poorly motivated, under resourced, and lacked equipment and training to respond immediately to the

Capitol. This notion is an outright lie and is not borne out by a review of what really was happening on the afternoon of the 6<sup>th</sup>. What was occurring between the Army Staff and the DCNG on the afternoon of 6 January, after the breach and before receiving permission to deploy to the Capitol, can in no way be characterized as military planning. Piatt and Flynn knew this when they falsely testified to the House Oversight and Reform Committee on June 15, 2021.

It is important to note that neither Piatt nor Flynn were in the Chain-of-Command of the DCNG. The Commanding General, MG Walker, worked for Secretary McCarthy who was incommunicado or unreachable for most of the afternoon. The Army Staff was not providing any independent direction or guidance to MG Walker. They were only sharing information. The only orders Walker received that afternoon, through secure video, were the decision to mobilize the DCNG after 3:04PM and the 5:08PM authorization to deploy forces to the Capitol.

The main channel of communication between the DCNG and the Army Staff on the afternoon of 6 January was the secure video bridge established by LTG Flynn. This communication was occurring mostly at the general officer level. MG Walker was in his office with his Deputy, BG Dean, his Senior Enlisted Leader, CSM Brooks, his aide-de-camp (who was taking thorough notes) and his staff judge advocate, COL Matthews. On the other end were mostly 3-star Army Staff principals, or their deputies, and 2 to 3 senior civilian officials. These individuals were mostly in their personal offices in the Pentagon. The open channel was essentially a “general officer chat line” to relay information back in forth. With the exception of MG Walker’s aide-de-camp, COL Matthews was probably the lowest ranking officer on the teleconference.

The Army Staff was not in communication with Joint Task Force-DC, under BG Robert K. Ryan, which was running on the ground operations. DCNG required none of the technical, administrative or logistical assistance or support from Army Headquarters that Piatt and Flynn falsely implied during their congressional testimony. DCNG had all the equipment it needed. On the afternoon of January 6, 2021, the DCNG likely had more civil disturbance or riot gear on a per capita basis than any state National Guard in the country.<sup>17</sup> Enough to equip roughly 500 Guardsmen if necessary. These were left over from the summer of 2020 and were in good condition. Flynn and Piatt either didn’t know this when they testified, which they should have, or they willfully deceived Congress. Further, DCNG personnel at the traffic control points and Metro stations had full riot kits with them in their vehicles at the TCPs and Metro stations. This fact was in direct contravention of the SecArmy and SecDef guidance on 4 January. The word had not passed to the DCNG supply officers who equipped the TCP personnel with the gear anticipating they might need it.

By the time of the breach, the Joint Task Force leadership knew their troops at the TCPs and Metro stations had the necessary riot gear and could be directed to designated rally points for formation and movement to the Capitol. That was LTC Hunter’s plan if the DCNG had been given permission to move. The TCP based troops would not have required the assistance and coordination from the Army Staff that Piatt and Flynn falsely stated they required in their sworn

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<sup>17</sup> Much of the equipment DCNG had in stock on 6 January was left over for the summer 2020 civil unrest.

testimony. To a person, every leader in the DCNG wanted to get to Capitol Hill with deliberate speed when the Capitol security perimeter was breached. Their attitude was “This is What We Do.” “Send Me.” In fact, responding to civil unrest within the confines of the District of Columbia was a foundational mission, a statutory mission of the D.C. National Guard, given it by the Congress. It is part of the reason the moniker of the D.C. National Guard is “Capital Guardians.” The Dome of the U.S. Capitol is literally on the uniform of every D.C. Guardsman. DCNG has responded to civil unrest in the District in 1968 after the assassination of Dr. Martin Luther King, Jr., it did so again during the 1971 anti-Vietnam War May Day riots, the 2000 IMF riots and the recent riots in the wake of the murder of George Floyd.

BG Robert K. Ryan had commanded 5,530 joint service members from 12 states and the District during the unrest in the city following the Floyd murder. He was a retired career ATF special agent. He took some unfair hits because of a helicopter incident in the city, but no one doubted Ryan’s competence or dedication to the mission or his people. Ryan enjoyed the full confidence of the DCNG command team. He would lead 25,711 joint service members from 50 states, three territories, and the District in the immediate aftermath of the 6 January unpleasantness. In their perjured testimony before the House Oversight Committee, Piatt and Flynn were saying, by implication, that this Joint Task Force Commander, his headquarters and staff did not exist.

Piatt and Flynn were similarly trying to airbrush the work of Craig Hunter. Hunter, was a unicorn, an African-American originally from Florida, who started his career as an enlisted sailor, but became an Army Apache pilot and CIA operations officer, before becoming a medavac pilot in the D.C. Guard. He had extensive special operations experience, served on the Joint Staff, and was a resident NDU grad. Many people considered him the future of the D.C. Guard. MG Walker had referenced his initiative in immediately rushing to the Capitol and linking up with USCP and MPD once the Capitol was breached, during his March 2021 Senate testimony. The testimony Piatt and Flynn were trying to discredit with their fake timelines and statements. Hunter and Sergeant Major Barrick, his senior enlisted leader, were on the Hill scouting rally points and coordinating with MPD and USCP early after the breach. Incidentally, the Chief of Staff of the Joint Task Force on the afternoon was a Colonel, like Hunter a resident NDU grad and a combat-experienced aviator, and unlike Hunter, he was a still-serving CIA officer. Piatt and Flynn’s testimony airbrushed these men (and women) and many others from history and falsely replaced them with the Army Staff, who according to them, was doing all the heavy lifting [“40 officers and noncommissioned officers” who never left the Pentagon]. This was wrong.

In his testimony, Piatt states:

**During a January 4, 2021 back brief from MG Walker to the SecArmy, MG Walker briefed the commitment criteria for employment of the QRF and expressed no concerns with the guidance for the use of the QRF.**

The above statement is misleading and disingenuous. On the morning of 4 January 2021, at 11:31AM, Colonel Jon Ebbert, J-3, Director of Operations for the DCNG sent an e-mail to MG Walker, copying Colonel Matthews. Subject was, "Triggers for QRF Deployment," the e-mail read:

**The QRF will be on standby but won't be used unless required.  
The CG will deploy the QRF based on a MPD Chief of Police request.**

**Indicators that the QRF may deploy include the following events:  
Flash crowd that is not manageable by assembled Law Enforcement; Civil unrest not manageable by assembled Law Enforcement Civil Disturbance Units; Large scale vandalism and looting (ie City Center area); Vandalism or damage to National Monuments or Museums; Attempts to breach Federal or District government buildings; Acts of arson.**

**Very respectfully,**

**COL Jonathan S. Ebbert**

During the afternoon meeting that Piatt references in his statement, with the Secretary, the Chief of Staff of the Army and the Army Staff presents, the discussion of what might happen in an emergency came up. MG Walker listed the triggers for QRF employment contained in COL Ebbert's e-mail to the Secretary and no one objected. However, at 9:12PM, on the evening of 4 January, an Army Staff action officer changed the draft document that MG Walker had reviewed with the Secretary earlier in the afternoon. The draft delegation to MG Walker had initially read:

**You may employ the DCNG Quick Reaction Force (QRF) only as a last resort, in response to a request from an appropriate civil authority. If the QRF is employed, DCNG personnel will be clearly marked and/or distinguished from civilian law enforcement. You will notify me immediately upon your authorization.**

The changed delegation memo read:

**I withhold authority to approve employment of the DCNG Quick Reaction Force (QRF) and will do so only as a last resort, in response to a request from an appropriate civil authority. I will require a concept of operation prior to authorizing employment of the QRF. If the QRF is employed, DCNG personnel will be clearly marked and/or distinguished from civilian law enforcement**

**personnel. You will notify me immediately of any requests for QFR employment.**

The change effectively limited the discretion of Walker to deploy the QRF when the very trigger scenarios that COL Ebbert had identified 2 days prior actually occurred on 6 January. The Chief of MPD made an urgent request for DCNG to assist with a: “flash crowd that is not manageable by assembled law enforcement,”; with “civil unrest not manageable by assembled law enforcement civil disturbance units”; with “large scale vandalism and looting” and with “attempts to breach federal or district government buildings.” Now Piatt and Flynn were deceitfully testifying that the QRF was never at all contemplated to be employed in those scenarios.

In a Question for the Record submitted by Chairwoman Carolyn B. Maloney, LTG Piatt is asked when he became aware of Acting Secretary Miller’s determination that “all available forces of the D.C. National Guard [were] required to support the MPD and USCP” at the Capitol? Piatt answers:

**“I learned that Acting Secretary of Defense’s approval of the full mobilization of the District of Columbia National Guard at a time after 3:04 p.m. To the best of my recollection, I learned of the approval during the Army planning meeting on a secure teleconference that began before 3:00 p.m.”**

The above statement is one of the few times Piatt answered a question somewhat truthfully. His statement tells us a few things. Piatt did not learn of Miller’s decision from McCarthy. He also did not see McCarthy tell Walker of the decision. Walker was on the same Army “planning meeting.” That such a momentous determination by the Acting SecDef was not conveyed by Secretary McCarthy to his principal staff officer speaks volumes as to McCarthy’s priorities on the afternoon of 6 January. The answer also shows that Piatt perjured himself when he says McCarthy personally tasked Walker at 3:05PM. The one untruthful part of the answer was that the video conference on the afternoon of the 6<sup>th</sup> was an actual Army planning meeting.

Piatt stated:

**“The Secretary [McCarthy] surveyed the Capitol to establish where the best anchor point would be.”**

If true, that assertion was a new revelation and is not mentioned in the public DoD timeline. Why the Secretary of the Army is conducting tactical reconnaissance is unknown. This statement is likely untrue, designed to mislead a congressional committee. The DoDIG report says McCarthy’s aide-de-camp carried a map with him to the Mayor’s office, not the Capitol. If McCarthy surveyed the Capitol, why didn’t he stop by and see Steve Sund, Chief

Carroll or LTC Hunter? If the statement is true, it begs the question, of how it was safe for a civilian Army Secretary to reach the Capitol, but too dangerous to employ the DCNG?

In a Question for the Record, Chairwoman Malone noted that the D.C. National Guard timeline shows that at 4:20PM, more than an hour after Acting Secretary Miller's 3:00PM authorization—Piatt advised Walker to “plan and prepare to transition from [traffic control points] and be placed around other federal buildings and monuments.” Piatt was asked if it was accurate that you recommended that the DCNG conduct a mission other than helping secure the Capitol? Piatt's reply is easily parsed as a lie. He states:

**I do not believe the D.C. National Guard timeline accurately describes my conversation with MG Walker. I believe the Army's Report (Report of the United States Army Operations on January 6, 2021) more accurately describes the relevant details. I believe the description at page of the Army's Report to be more accurate where it states that, at 3:04 p.m., “Immediately upon Acting SecDef's approval, SecArmy directed MG Walker to recall all personnel and to initiate movement to posture forces to support the [Metropolitan Police Department]; SecArmy directed MG Walker to create a hasty plan to employ DCNG personnel and to ensure the Guardsmen were properly equipped for the mission.” It is important to note that, as a staff officer whose role it is to carry out the Secretary of the Army's orders, I would not recommend to the D.C. National Guard's Commander that he carry out preparations that would be inconsistent with the Secretary of the Army's intent.**

Piatt's comment that the DCNG consider missions away from the Capitol was not just heard by Walker but a room full of other DCNG personnel. His sentiments were recorded contemporaneously by a 1<sup>st</sup> Lieutenant with no reason to lie. An officer who in his civilian capacity is a member of the Uniformed Division of the U.S. Secret Service. Piatt relies on the Army Report to refute the DCNG timeline because he knows the Army Report is a work of historical fiction that he himself wrote and controls. Further, by his own admission, at 3:04PM, Piatt had not spoken with McCarthy and may not have spoken with him by 4:20PM. Piatt likely didn't know what McCarthy's intent was. McCarthy was at MPD Headquarters with Mayor Bowser preparing for a nationally televised press conference, or alternatively, “drafting a plan.” According to the DoD public timeline, McCarthy would have been on a call with Miller, Milley and the Chief of the National Guard Bureau at 4:20PM.

When asked in a Question For the Record to explain the discrepancies between the DCNG and official Army Timelines, Piatt replies:

**“Unfortunately, I cannot explain why that timeline differs from my recollection and the Department of the Army's timeline. After the Capitol was breached on January 6, 2021, it was a chaotic day. It is possible that some of the reports that were used to put together the D.C. National Guard's timeline came from individuals who misperceived or misremembered**

**the events of that day. For example, many of the participants were distressed and talking over one another.”**

Piatt’s reply meets the definition of chutzpah. He is claiming the DCNG personnel who heard his remarks misunderstood, misremembered or misstated them. Piatt knew exactly why the D.C. National Guard and Army timelines differed. He directed and supervised the creation of the Army timeline (which has not been publicly released or otherwise subjected to public scrutiny) which he knew to be false. Piatt shielded the Army Report from public disclosure and selectively released it when it inured to his benefit. The DCNG timeline portrayed him in a negative light, while he held the pen on the Army timeline, it was guaranteed to comport with his faulty memory. He provided the Army Report, or portions thereof, to congressional committees in order to discredit MG Walker.

Piatt is next asked if at any other time between 3:00PM and 4:32PM on January 6, he advised anyone in the D.C. National Guard’s chain of command that Guard personnel should not deploy directly to the Capitol. Piatt dishonestly replies:

**At no point on January 6 did I tell anyone that the D.C. National Guard should not deploy directly to the Capitol. My role that day was to make recommendations and to help guide the Army’s planning efforts that ultimately led to the re-taking and re-securing of the Capitol. Between 3:00 p.m. and 4:32 p.m., the Army Staff, which included myself, was assisting with coordinating numerous tasks, including assisting the D.C. National Guard to prepare to conduct their new mission once it was approved by the Acting Secretary of Defense.**

Piatt’s above answer is again false and misleading. First, Piatt did not limit himself from 3:00PM to 4:32PM, he replied that at no time during January 6 did I tell anyone that the D.C. National Guard should not deploy directly to the Capitol. Although not in the chain of command, or a decisionmaker, Piatt did tell the 2:30PM conference call participants that it was his best military advice that the DCNG not be deployed to the Capitol. The Secretary of the Army was incommunicado. Walker was communicating through Piatt. Walker sought permission to at a minimum to deploy the QRF. Presumably, Piatt conveyed MG Walker’s request to deploy to the Capitol to Secretary McCarthy, and then recommended that the Secretary reject Walker’s request. Lastly, Piatt repeats the falsity that the Army Staff was assisting the DCNG with preparations to conduct its new mission when approved. The Army Staff provided no technical, administrative, logistical, medical or legal support to the DCNG Joint Task Force—directly or indirectly—between the time of the breach and the 5:08PM movement of 154 D.C. Guardsmen to the Capitol.

Chairwoman Maloney last asked Piatt to clarify whether at any point on January 6, he expressed a concern about the visuals, image, or public perception of the sending the D.C. National Guard to the Capital even if you did not specifically use the term “optics”? She asked what specifically Piatt had stated.

**I do not recall using the term optics, visuals, image, public perception or any similar term during the 2:30 p.m. phone call, or in any other conversation on January 6, 2021. I respect and understand that others may recall things differently, but**

**ultimately, on that day, my chief concern was developing a plan to effectively assist D.C. and Federal authorities in regaining control of the U.S. Capitol. This is what I was ordered to do during the 2:30 p.m. phone call by the Secretary of the Army, as he ran to get approval for the use of the D.C. National Guard from the Acting Secretary of Defense.**

**During the 2:30 p.m. call, in gathering necessary information to help develop and coordinate a plan, I recall asking those on the call to identify specific tasks that were needed to be performed by the D.C. National Guard. I asked questions to help determine the mission requirements and the best ways to employ the National Guard Soldiers. I asked if there were other buildings or monuments that needed protection to seek ways to free up law enforcement officers so they could immediately respond to the U.S. Capitol. I also asked if there were any additional armed law enforcement personnel conducting missions from which the National Guard Soldiers could relieve them. I knew that the forces that the Army had available were not postured, prepared, or equipped to conduct this type of law enforcement operation.**

Piatt's response is again troubling. Piatt told the DoDIG that optics were a concern as the Army prepared to deploy Soldiers into downtown D.C. in response to the D.C. RFA, but he could not remember making that statement during the telephone call specifically about Chief Sund's request for immediate assistance during the 2:30PM. Chief Contee, Chief Sund, and MG Walker each recounted Piatt expressing concerns about optics during their sworn testimony before various Congressional committees.

Four other DCNG soldiers heard Piatt say optics were an important consideration. Two Army witnesses on the conference called [based at the Pentagon] told the DoDIG that LTG Piatt questioned the impression that the or "optic" of uniformed Soldiers rushing into the Capitol would make with the public. In a January 2021 media interview, Chief Steven Sund recalled that, after he pleaded for immediate and urgent National Guard assistance during the 2:30PM conference call, Piatt said **"I don't like the visual of the National Guard standing a police line with the Capitol in the background."** Piatt at first publicly denied making the comment, then later "backtracked" according to a media report stating that although he didn't recall saying anything about optics but Army note-takers in the room told him he "may" have said something similar to what Sund recalled.<sup>18</sup> However, by March 2021, Deputy Assistant Secretary of Defense Robert Salesses appeared in the same joint Senate HSGAC and Senate Rules Committee meeting where MG Walker was appearing. Salesses stated in his sworn testimony, that in preparing for the hearing, he had spoken directly with Piatt on the issue and Piatt denied saying anything about optics during the meeting.

Piatt evidently forgot about the Army notetaker present in McCarthy's office with him who heard and recorded his statements. Notetakers on two different sides of the river heard Piatt

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<sup>18</sup> Pentagon restricted commander of D.C. Guard ahead of Capitol riot - The Washington Post

say the optics matter. At least 9 people then who were in the meeting heard Piatt mention optics. Only Piatt and Flynn are adamant that he did not. Lastly and very importantly, Piatt asserts that the forces the “Army \_\_\_\_\_ had available were not postured, prepared, or equipped to conduct this type of [civil disturbance] law enforcement operation.” Piatt’s last sentence is true only if you place the word “Staff” between “Army” and “had” and you forget that we are talking about a civil disturbance response mission, a core mission of the D.C. National Guard. There is a reason the United States Government gave all of those CD or riot kits to the D.C. National Guard. Hint/Hint, it wasn’t to plan. It was to respond to civil disturbances in Washington, D.C. Every leader in the D.C. Guard wanted to respond and knew they could respond to the riot at the seat of government. They set stunned watching in the Armory while for the first time in its 219 year history, the D.C. National Guard was not allowed to respond to a riot in the city.

In a Question For the Record from Chairwoman Maloney, GEN Flynn is asked if at any point he observed LTG Piatt express a concern about visuals, image, or public perception of sending the D.C. National Guard to the Capitol even if he did not specifically use the term “optics”? What specifically did he state and when? GEN Flynn replies:

**No, I did not observe LTG Piatt express concern about the visuals, image, or public perception of sending the D.C. National Guard to the U.S. Capitol at any point on January 6, 2021 or in the following days. In the few minutes that I listened to the 2:30 p.m. phone call, LTG Piatt’s demeanor was calm, that of a combat-experienced leader reacting to a violent, unpredictable event. It was in clear contrast to others on the call.**

MG Walker, BG Dean, COL Matthews and CSM Brooks have a combined 130 years of service to our Army. They had served multiple tours to Iraq and Afghanistan among them. Each is a recipient of at least 1 Bronze Star Medal for meritorious service during combat operations. Walker is a 32 veteran of federal agent and intelligence officer He has been shot at and he has shot people. Sullivan, Sund and Contee have over 90 combined years of police service in some of the toughest streets of our country. None of the men on the call (and they were all men) were strangers to violence. Flynn’s comment suggests that Piatt’s calm demeanor was a reflection of his combat experience. Others would say it reflected his indifference and tone deafness. Flynn’s comment was aimed at denigrating these soldiers and public servants because they expressed an urgent desire to re-establish security at the Capitol and to protect the Congress of the United States. That is the noticeable contrast that Flynn observed.

Chairwoman Maloney also asked Flynn, “At any point during this call, or during an other communication on January 6, did you personally express a concern about the visuals, image, or public perception of sending the D.C. National Guard to the Capitol even if you did not specifically use the term “optics”? What specifically did you state and when? Flynn replied:

**No. I never expressed a concern about the visuals, image, or public perception of sending the D.C. National Guard to the U.S. Capitol. When the Army received the request for D.C.**

**National Guard support, my focus was to facilitate the planning and execution of Secretary McCarthy’s decisions and guidance regarding Army support on January 6, 2021.**

In the above answer Flynn again engaged in outright perjury. MG Walker and COL Matthews, and others on the call were very familiar with whom Flynn was, knew his voice, and had spoken to him in different contexts. Both Walker and Matthews heard Flynn identify himself and unmistakably heard him say that optics of a National Guard presence on Capitol Hill was an issue for him. That it would not look good. Either Piatt or Flynn mentioned “peaceful protestors.”<sup>19</sup> Flynn likely did very little if any planning to facilitate the immediate and urgent movement of D.C. National Guard soldiers and airmen to the U.S. Capitol. Flynn’s only personal contact with the DCNG on 6 January would be via the 2:30PM call and the secure VTC he set up. The Army Staff action officers who worked for him had no direct contact with Joint Task Force-DC under BG Robert K. Ryan.

In response to a Question For the Record from Ranking Member Comer, LTG Piatt replies:

**As established by the 18 U.S.C. 1385 (the Posse Comitatus Act), the Army does not conduct law enforcement operations against American citizens, subject to a few limited exceptions.**

Piatt is intentionally seeking to obfuscate issues. Posse Comitatus did not apply to the DCNG, sitting in its Armory on 6 January, while the Capitol was being overrun. He is well aware that the Posse Comitatus Act is not applicable to the D.C. National Guard, or any National Guard, in a militia status. Piatt was involved in the uplift of over 5,000 out-of-state National Guardsmen into the District of Columbia, ironically under the command of BG Robert K. Ryan, during the first week of June 2020. Posse Comitatus was inapplicable to those forces. Even if the Act applied to National Guard in a militia status, the Act would not apply to the D.C. National Guard because the D.C. National Guard was created by a specific act of Congress. The D.C. Code is such an act, an in pertinent part states:

**§ 49–103. Suppression of riots.**

**When there is in the District of Columbia a tumult, riot, mob, or a body of men acting together by force with attempt to commit a felony or to offer violence to persons or property, or by force or violence to break and resist the laws, or when such tumult, riot, or mob is threatened, it shall be lawful for the Mayor of the District of Columbia, or for the United States Marshal for the District of Columbia, or for the National Capital Service Director, to call on the Commander-in-Chief to aid them in suppressing such violence and enforcing the laws; the Commander-in-Chief shall thereupon order out so much and such portion of the militia as he may deem necessary to suppress the same, and no member thereof who shall be thus**

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<sup>19</sup> Matthews did not know Flynn well, but had been around MG Walker when he spoke to Flynn in person at the Pentagon.

**ordered out by proper authority for any such duty shall be liable to civil or criminal prosecution for any act done in the discharge of his military duty.**

## **Conclusion**

Given the glaring deficiencies with respect to the DoD IG investigation, and given that his name was unfairly besmirched, MG Walker requests an independent review of the investigative findings of the DoDIG report and most importantly, the Army Report that was created at LTG Piatt's direction should be publicly released, independently reviewed and substantiated. The timeline the Army produced should be carefully scrubbed for accuracy. Evidence of the actual planning activities of the Army Staff, and especially of the G3/5/7/ under BG LaNeve and LTG Flynn should be reviewed. What planning and coordination did these individuals actually conduct? How did this planning enable DCNG to support the U.S. Capitol Police on 6 June after the Capitol had been breached? What evidence is there of the planning and support the Army Staff provided to DCNG after the Capitol's breach and before DCNG deployed to the Capitol after 5PM on January 6, 2021.

## **Unanswered Questions**

Did Miller believe that he had authorized the actual deployment of the DCNG to the Capitol so that McCarthy's decision to seek his concurrence of a deployment plan was not required?

Where was Ryan McCarthy on the afternoon of 6 January, what is his personal timeline?

Where did Secretary McCarthy call MG Walker from at 3:05PM, 4:35PM and 5:00PM?

What phones were used to call Acting Secretary Miller and MG Walker?

Where is the plan that Secretary McCarthy generated with the Mayor?

Why didn't McCarthy and or LaNeve invite DCNG participation in the planning that occurred at MPD?

Who conveyed the plan (any plan) to DCNG?

Where is the plan? Why wasn't it implemented on 6 January?

Were congressional leaders and the press misled by being told that the DCNG was mobilized (with an inference that the DCNG had been approved to come to the Capitol)?

What kind of operation are Troy O'Donnell and Marguerite C. Garrison running, what is their agenda?