

[H.A.S.C. No. 116-86]

**DEPARTMENT OF DEFENSE AUTHORITIES
AND ROLES RELATED TO CIVILIAN
LAW ENFORCEMENT**

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

SECOND SESSION

HEARING HELD
JULY 9, 2020



U.S. GOVERNMENT PUBLISHING OFFICE

42-162

WASHINGTON : 2021

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ONE HUNDRED SIXTEENTH CONGRESS

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DEPARTMENT OF DEFENSE AUTHORITIES AND ROLES RELATED TO CIVILIAN LAW ENFORCEMENT

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Thursday, July 9, 2020.

The committee met, pursuant to call, at 1:00 p.m., in room 2322, Rayburn House Office Building, Hon. Adam Smith (chairman of the committee) presiding.

OPENING STATEMENT OF HON. ADAM SMITH, A REPRESENTATIVE FROM WASHINGTON, CHAIRMAN, COMMITTEE ON ARMED SERVICES

The CHAIRMAN. I call the meeting to order. I welcome our witnesses, Secretary of Defense Esper and Chairman of the Joint Chiefs of Staff Milley. We appreciate you being here today.

I do have to read an opening statement here about procedure in light of the fact that we do have members who are participating remotely in this hearing in accordance with House rules. So I will do that, and then a couple other programming notes, and we will get started.

I would like to welcome members who are joining today's markup remotely. Those members are reminded that they must be visible onscreen within the software platform for the purposes of identity verification when joining the proceeding, establishing and maintaining a quorum, participating in the proceeding, and voting.

Well, we are not going to be voting. But members participating remotely must continue to use the software platform video function while attending the proceeding unless they experience connectivity issues or other technical problems that render the member unable to fully participate on camera.

If a member who is participating remotely experiences technical difficulties, please contact us and we will help you.

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Members participating remotely will be recognized normally for asking questions. But if they want to speak at another time they must seek recognition verbally. In all cases, members are reminded to unmute their microphone prior to speaking.

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they attend the proceeding. Those members may leave and rejoin the proceeding.

If members depart for a short period for reasons other than joining a different proceeding, they should leave the video function on. If members will be absent for a significant period or depart to join a different proceeding, they should exit the software platform entirely and then rejoin it if they return.

Members are also advised that I have designated a committee staff member to, if necessary, mute unrecognized members' microphones to cancel any inadvertent background noise.

Members may use the software platform's chat feature to communicate with staff regarding technical or logistical support issues only.

Finally, remotely participating members should see a 5-minute countdown clock on the software platform's display. But, if necessary, I will remind members when their time is up.

The only additional notes I would make to that, apparently, if your microphone in here is left on when you are not speaking it can generate some feedback within the platform.

So if you are not speaking turn the microphone off so that we can avoid that feedback. So I am going to make an opening statement. Mr. Thornberry is going to make an opening statement.

We have a hard stop in this hearing at 3:00 o'clock. I am not going to ask any questions. I will go right to the first member on our side of the aisle who is in order.

I will just let my opening statement stand.

So the purpose of this hearing is to look at the events surrounding the Department of Defense's response to the protests that arose out of the murder of George Floyd in Minneapolis, and sort of twofold what I would like to accomplish.

One, we would like to better understand what happened, how was the DOD [Department of Defense] involved, what were the steps between the DOD and the White House and the decisions that were made at the various points about DOD involvement specifically in dealing with domestic unrest.

To begin with, there is the basic question of Guard units, and this is pretty straightforward and we have used Guard units for a number of different reasons to deal with the emergencies in States across the country.

The Department of Defense works with the Governor of every State to determine that. But getting a little clarity as to how that process worked in this case would be enormously helpful.

Then there is the more complicated question of how this applies to Washington, DC. As we all know, they don't have a Governor. The Department of Defense has greater authority over the Guard in the District of Columbia than they do in States. How did that play out? How was the coordination handled between the mayor of DC, the police force in DC?

And then also adding to the confusion, the Department of Justice has various security personnel that they employed within Washington, DC. There is considerable concern about how all of that played out.

What was the level of coordination? Why were there helicopters, military helicopters buzzing over the top of protestors in the middle

of that protest? Who made that decision? What was the level of coordination?

And then connected to all of this, as we get beyond the normal use of the Guard, is the Insurrection Act, is the ability of the President to activate Active Duty military personnel over the objections of Governors that use them to deal with civil unrest.

How was that considered in this context? There seemed to be conflicting statements out of the White House and out of the Department of Defense about how that was being viewed.

We would like to know what came to pass in that regard, and in particular, the one group of Active Duty troops that were called up they were never, as I understand it, deployed but they were put on standby across the river in Virginia for potential use in Washington, DC. What played out in that decision as well?

But then more broadly than just what happened in this instant, this is something that is going to involve our country in the future, without a doubt. We will have different Presidents and different Secretaries of Defense and different Chairmen of the Joint Chiefs of Staff who will be having to make decisions like this.

So what is the Department's view on the role that they should play in dealing with civil unrest? What role should the Guard play? How should they coordinate with Governors? When do they think the Insurrection Act is appropriate to be used? How does all of that play out?

And then, more specifically on that, is the question of how, regardless of whether it is the DOD or the State or whoever, how do you deal with civil unrest?

Now, I was struck by the fact that there seemed to be a lack of coordination and a lack of thought in that response. I am not talking about DOD.

I am talking about across the country as people saw these protests rise up, in some cases turning violent, what was the plan for dealing with that?

There's actually a lot of very well-documented history about how to deal with domestic unrest, ranging everywhere from, you know, civil war to protest movements, and we have studied this extensively.

I have read quite a bit about it and, you know, what is our plan? You had a lot of the President's rhetoric that sort of sounded like, you know, basically, we will crush you so you better stop doing this, to a more nuanced approach to how do you de-escalate, how do you protect the legitimate right of people in this country to protest while at the same time stopping crime, stopping protest movements from becoming violent.

I think it is something that requires thought, and all leaders in a place to make those decisions need to be better educated on how that comes to pass.

And then the last two things that I would like to touch on is, one, the disturbing lack of coordination between what the White House was saying and what DOD was saying and, in some cases, doing.

The President started a lot of this with his announcement, and forgive me, I forget the exact words, but the general gist of it was, you know, we will bring order to this country and if the Governors

don't do it then I will use the Active Duty military to do it for them.

That statement did not seem to be followed up by any actual actions to do it, but why would he say that if that was the case? And what sort of conversations went on between the Department of Defense and the President and others in the White House about the best way to respond to that?

And that gets to an interesting part of this and that is the difficult position that any Secretary of Defense and any Chairman of the Joint Chiefs of Staff is in. You work for the President. He is the Commander in Chief. That is the way the flow chart goes, and his decisions are final and you have to follow those.

Now, it is absolutely impossible that any person in either of your positions would agree 100 percent of the time with everything the President said. How do you handle those disagreements?

How do you work through that, you know, admittedly, that you can't come out in public and say, yeah, I think my boss is an idiot; I completely disagree with his decision. And it is something that happens in this committee all the time.

I have been on this committee through four Presidents—two Republicans, two Democrats—and whenever that is the case, invariably, the party up here that is not in the White House tries to get everybody at the Department of Defense to admit that some decision by the President, they don't agree with it.

Under President Obama it happened all the time. We had DOD personnel up here. Some decision was made. They would say, come on, you really don't think that is the right thing to do.

I do understand that, in my time anyway, I have never seen a single solitary witness confess and say, oh, yeah, I thought that was stupid. That is not the way it works, and I am not looking for that.

I am looking for an understanding as to how the White House and DOD can better coordinate. We have had a disturbing pattern, not just on the domestic unrest issues but on a number of issues, of the White House seemingly out of the blue making bold policy statements that affect DOD decisions that do not appear to have been well coordinated or certainly not well delivered: the decision to pull out of Syria, the decision to remove troops from Germany, the decision to ban transgender people from serving in the military.

That one was particularly galling because it came within days after every service chief had testified that there was no problem with them serving. Then a tweet goes out and DOD has to respond.

That sends a mixed message to the country about what our defense policy is and, in particular, what happened on Syria when that announcement was made and then we had to figure out how to make that work.

So we are curious within those limitations how is that coordination happening.

Lastly, there is concern about the politicization of the military and, again, this is not unique to any one President. The President is the Commander in Chief, has a duty to, you know, guide the military and, at the same time, has political interests.

But how do we make sure those two things get separate—stay separate, sorry. And the biggest concern of that, obviously, was the

incident at St. John's Church when the President and Secretary of Defense and a few others, you know, took a picture in front of the church and then it was quickly turned around into a political ad.

You know, it is, I think, incredibly important that we respect the institutions of our government irrespective of who is in charge. You know, we are a nation of laws, a nation of institutions, not a nation of any one individual.

Long after this President is out of office, long after all of us are gone from our current positions, there will be new people in those positions and those institutions need to survive on their own, not to serve any one particular person's political interests.

And I am very concerned about the Department of Defense becoming unduly politicized. I will say, for the record, that I think both of these gentlemen have done, by and large, an excellent job of not doing that, even in what is a very difficult environment.

We have seen politicization happen in the Department of Justice, in the intel community, to, I personally feel, a shocking degree. I have not seen that at the Department of Defense and I respect that.

I just want to make sure that it doesn't happen because you make bad decisions in that environment. If the decision is based on the loyalty to one individual instead of loyalty to the country, loyalty to the law, loyalty to what is in all of our best interests, it makes a difficult job even more difficult.

So I look forward to the witnesses' answers to these questions and explanations of what happened, and more than anything I think it is incredibly appropriate that the public sees this in one straightforward situation where two of the people who are in the middle of this can tell what happened, what the thinking was, so that we can have greater confidence in those institutions that we so greatly need to make sure that we remain a stable and peaceful nation.

And with that, I will yield to Mr. Thornberry for his opening statement.

STATEMENT OF HON. WILLIAM M. "MAC" THORNBERRY, A REPRESENTATIVE FROM TEXAS, RANKING MEMBER, COMMITTEE ON ARMED SERVICES

Mr. THORNBERRY. Thank you, Mr. Chairman, and let me join in welcoming the Secretary and the Chairman to be with us, and we appreciate your flexibility in these rather unusual circumstances and locations and all that is required with—in the current situation.

In addition to many of the specific questions that the chairman laid out, I think one of the most important things that you all can help us do, which the chairman also mentioned a couple times, is help us look at these issues in context, both in a historical context and a context of everything that the military is being asked to do these days.

Because I am struck by the fact that even when you look at DOD's support to civilian law enforcement, obviously, we think of the protests and what happened here in Washington.

But elements of the military have been doing a lot of law enforcement missions related to COVID [coronavirus disease] for months.

Again, it is primarily the National Guard that has been doing that. But it seems to me since the beginning of the year the military has been asked to take on a number of additional missions unexpectedly that require different kinds of training and preparation but, at the same time, you still have to pay attention to the Russians, the Chinese, the North Koreans, the Iranians, and the terrorists who are trying to kill us every day.

And so it is in that larger context, I think, that I am particularly interested in your assessment on how our people are doing and also how our budgets are doing, because even when it is the Guard in many of these situations that are being asked to do civilian law enforcement, DOD is footing the bill for that.

So, again, my point is in addition to a number of particular questions, the larger context, how the military is doing with these added responsibilities is important.

Last thing I just want to say is, agreeing with the chairman, the temptation here is to focus on a particular incident, a particular President, and particular political differences.

I think what is most helpful for us, as the chairman said, Presidents come and go. Everybody in our jobs come and go. We are talking in part about an act that was passed in 1807 and hasn't been changed very much since then.

So the historical context is also, seems to me, important with the institutions. You know, I keep always in the forefront of my mind the Gallup polls that are done every year, what institutions do you respect the most. The military is at the top of the list, and that is a key national strength of this—of this country.

And whatever we do, we want to make sure that the men and women who serve the military continue to have that exalted position of respect throughout the country as Presidents come and go and as issues and incidents come and go. And to me, that is a key responsibility of this Congress.

Like the chairman, I am not going to ask specific questions. I will go directly to the folks on our side.

But, again, thank you both for being here.

The CHAIRMAN. Thank you.

Mr. Secretary.

STATEMENT OF HON. MARK T. ESPER, SECRETARY OF DEFENSE, U.S. DEPARTMENT OF DEFENSE

Secretary ESPER. Chairman Smith, Ranking Member Thornberry, and distinguished members of the House Armed Services Committee, thank you for the opportunity to be before you today.

Throughout our history, the United States military has demonstrated an unwavering commitment to uphold our oath to the Constitution and to support our civil authorities.

Over the past several months, more than 60,000 service members have unfailingly answered our Nation's call, working on the front lines in the fight against the COVID-19 pandemic, saving lives and stemming the spread of the virus.

At the same time, we are hard at work as part of Operation Warp Speed to accelerate the development, manufacture, and distribution of therapeutics and vaccines at scale by the end of the year.

And over the next few months, we will likely be called upon by the States once again to support hurricane and wildfire relief efforts.

No matter the challenges or circumstances, our service members stand ready to serve and I am incredibly proud of their dedication and commitment to our fellow Americans.

In late May, our ongoing support to civil authorities' mission expanded in the wake of the horrible killing of George Floyd and an officer being charged with his murder, a tragedy we have seen repeated too often in our Nation.

Following his tragic death, thousands of our fellow citizens sought to exercise their First Amendment rights to free speech and peaceful assembly.

While most of these protests were law-abiding, it is clear that some individuals exploited a situation to sow chaos and commit acts of violence, destruction, and theft.

That is why at the height of the civil unrest more than 43,000 National Guard personnel were called upon by Governors across the country to uphold the rule of law, safeguard life and property, and protect the rights of Americans, all Americans, to protest safely and peacefully.

As a former soldier and member of the National Guard, I am a firm believer that in these situations the Guard is best suited to provide domestic support to civil authorities in support of law enforcement.

Using Active Duty forces in a direct law enforcement role should remain a last resort and only in the most urgent and dire of situations.

I want to make very clear that no Active Duty military units engaged protestors or otherwise took part, direct part, in civilian law enforcement or Federal protection missions in the District of Columbia or anywhere else in the country.

And with regard to the role the National Guard played in Lafayette Park on June 1, I also want to make clear the following: that the Guard did not advance on the crowd, that the Guard did not shoot rubber bullets, that the Guard did not employ chemical agents of any type.

Rather, the Guard remained in a static role as backup to law enforcement if needed.

A detailed account of DOD's involvement in the civil unrest beginning May 29th, 2020, is included in my written testimony submitted for the record.

Following the events that transpired in the District of Columbia, I directed the Secretary of the Army to complete a full after-action review by the end of July.

I also directed investigations into two separate incidents that occurred that week.

And, Mr. Chairman, with your permission I would like to enter into the record my directive to the Secretary of the Army with regard to the conduct of his after-action review.

The CHAIRMAN. Without objection, so ordered.

[The information can be found in the Appendix on page 93.]

Secretary ESPER. As the American people continue to express their outrage at the killing of Mr. Floyd and long for meaningful

change, we once again face the painful truth that racism is real in America.

We also know that the Department of Defense is not immune to the forces of bias and prejudice, whether seen or unseen, deliberate or unintentional. These issues have no place in our military because they degrade the morale, cohesion, and readiness of our force.

While our military has often led on addressing these issues, the events of recent weeks are a stark reminder that much more work remains to be done.

Therefore, on June 17th, I announced three new initiatives aimed at advancing equal opportunity, diversity, and inclusion across our force.

First, I directed our civilian and uniformed leadership in the Pentagon to bring me concrete ideas by the end of June that we could implement quickly, such as removing photos from selection boards.

Second, I established an internal Department of Defense Board on Diversity and Inclusion, which will provide recommendations by the end of the year on how we can increase diversity and ensure equal opportunity for all service members.

Finally, I began the process of establishing a Defense Advisory Committee on Diversity and Inclusion in the Armed Services that will be a permanent structure composed of an independent and diverse group of Americans committed to building upon the work of the Defense Board over the long term.

These are just the first steps towards shifting our culture and creating lasting change across our enterprise. In doing so, we will build a better force, one that is diverse, inclusive, and more representative of the American people we serve and we protect.

And while we may come from different backgrounds and parts of the country, we all make the same commitment: to support and defend the Constitution of the United States.

We all strive to uphold that oath and serve in an apolitical manner at all times. By doing so, we earn the trust and confidence of the American people.

Meanwhile, while much has been focused on our support to our fellow Americans at home, thousands of military personnel remain engaged abroad, in harm's way, to ensure that we can enjoy the blessings of this country.

We take very seriously any threats to our forces, whether in Afghanistan or anywhere else across the globe. I want our adversaries to know that we will always do our utmost to ensure their safety and security.

In closing, I want to assure the American people that the Department of Defense takes seriously our oath to defend the Constitution, with many having paid the ultimate sacrifice to protect the sacred rights and freedoms this document guarantees all of us.

We will continue to protect and defend our homeland, our people, and our way of life as we work to build a better force, one that represents the rich diversity of our great Nation.

Thank you.

[The prepared statement of Secretary Esper can be found in the Appendix on page 51.]

The CHAIRMAN. Chairman Milley.

**STATEMENT OF GEN MARK A. MILLEY, USA, CHAIRMAN,
JOINT CHIEFS OF STAFF**

General MILLEY. Chairman Smith, Ranking Member Thornberry, distinguished members of the committee, thank you for the opportunity to appear before you today with Secretary Esper.

It is indeed an honor to represent the soldiers, sailors, airmen, Marines, and coastguardsmen stationed around the world protecting our freedoms.

Today, as you know, we are operating globally and here at home. The past few months have been exceptionally challenging times for America. The COVID-19 pandemic has stressed our health system, our economy, and the social fabric of our communities.

In addition, George Floyd's death amplified the pain, the frustration, and the fear that so many of our fellow Americans live with day in and day out.

I have many policemen in my family and I am personally outraged by George Floyd's brutal and senseless killing. The protests that have ensued not only speak to this injustice but also to centuries of injustice towards Black Americans.

We as a nation and as a military are still struggling with racism and we have much work to do. We who wear the cloth of our Nation understand that cohesion is a force multiplier. Divisiveness leads to defeat. As one of our famous Presidents said, a house divided does not stand.

Our troops are part of cohesive teams consisting of people of different races and genders and religions and sexual orientations, working to accomplish their mission in peace and war all over the globe.

Equality and opportunity are matters of military readiness, not just political correctness. There is no place in our Armed Forces for manifestations or symbols of racism, bias, or discrimination.

We, the military, have a long history of inclusiveness, teamwork, and merit that is the keystone to American military success.

In fact, this month, 71 years ago in 1948, Harry Truman integrated the Armed Forces of the United States, 17 years before the 1965 Civil Rights Act.

But we are not perfect and we must thoughtfully examine our institution and ensure it is a place where all Americans see themselves represented and have equal opportunity to succeed, especially in leadership positions, and every member of our joint force, including myself, has sworn an oath to support and defend the United States Constitution.

This oath underpins my duties as the Chairman of the Joint Chiefs of Staff and I am deeply committed to fulfilling both the letter and the spirit of my oath, regardless of consequences to self.

We, the United States military, hold dear the Constitution and the principle of an apolitical military that is so deeply rooted in the very essence of our republic.

My role as the Chairman is to be the principal military advisor to the President of the United States, the Secretary of Defense, the National Security Council, and the Homeland Security Council, and

throughout the recent period of civil unrest in our Nation I exercise this role exclusively.

At no time was I ever in command of any forces. All of my actions have been consistent with my statutory authority as an advisor who is explicitly not in the chain of command.

We should also be proud, proud that the vast majority of the protests we saw around the country were peaceful, and peaceful protest means that American freedom is working.

Some protests, however, turned violent. In Minneapolis, significant violence began on the evening of 26 May where looting, commercial property damage, and arson quickly overwhelmed the Minneapolis firefighters and police officers.

On 28 May, Governor Tim Walz declared a state of emergency and activated the Minnesota Guard under his authority and deployed them to Minneapolis to support State and local law enforcement.

The Secretary of Defense and I spoke by telephone with the Governor to better understand the situation in Minneapolis and see if he required any additional assistance. This conversation helped inform my military advice.

Over the night of 29 May, the number of violent protests increased nationally to 13 major cities, escalating to 34 just 2 days later.

By the morning of 1 June, 29 States and the District of Columbia had activated the National Guards, totaling more than 17,000 National Guards men and women.

And Washington, DC, our Nation's capital, faced 3 nights of escalating violence starting on Friday, May 29th. The White House increased its security posture. The Federal Government vacated certain buildings. Our Nation's monuments and government buildings were defaced. Businesses in DC were looted and some were set ablaze.

With more than 420 arrests and 150 law enforcement officers and half a dozen National Guardsmen injured, it was reported to me that it was the worst 3 days of violence in Washington, DC, in over 30 years.

There were troops and police from 22 different organizations not including those from the Active Duty in the vicinity of the military district of Washington. There were three major departments—Department of Justice, Department of the Interior, and Department of Defense—all involved.

There were National Guard troops from 11 different States, and the chain of command for those National Guard troops ran from the President to the Secretary of Defense to the Secretary of the Army to Major General Walker, and it never changed.

Since the protests began, I sought information to help me assess the ability of Federal, State, and local authorities to handle situations under their responsibility and I met and spoke with National Guard leadership and troops often, Army and DOD leadership, Department of Justice and others, along with Governors and DC officials.

I continually assessed and advised that it was not necessary to employ Active Duty troops in response to the civil unrest occurring in our Nation.

It was my view then and remains so now that local, State, and Federal police, backed up by the National Guard under Governor control, could and continually can effectively handle the security situation in every case across the country.

However, I recommended to the Secretary of Defense and he ordered about 1,700 Active Duty troops to an increased alert posture in the vicinity of Washington, DC, but none of them were ever used and there was never an Active Duty troop used in any location anywhere in the United States.

Additionally, I repeatedly advised the Secretary of Defense and he repeatedly ordered de-escalation measures to be taken, including removing weapons and helmets and consistent with force protection measures.

These de-escalation measures were widely implemented from 2 to 3 June, and by 4 June Active Duty and National Guard units began redeploying in the vicinity of Washington, DC, back to their home station. A more detailed account is in the written record.

I am incredibly proud of the professionalism exhibited by the citizen soldiers that make up our National Guard. Since their formation, they have operated in support of local and State governments throughout history, responding to hurricanes, forest fires, health crises, COVID-19, the pandemic, and many forms of civil unrest throughout the years.

By my research, I count at least 19 times that National Guard and militia troops were used in support of the Insurrection Act and it is important to note the Insurrection Act was not invoked in the last several weeks.

The United States military comes from the people of our Nation and we remain dedicated to the Constitution. We will never turn our back on that document. We swore an oath of allegiance at the cost of our lives to an idea embedded within that document and we will always protect it.

Thank you very much, and I look forward to your questions.

[The prepared statement of General Milley can be found in the Appendix on page 86.]

The CHAIRMAN. Thank you.

Members will now be recognized in the order that they were here when the gavel dropped. There is a 5-minute limit and we will have—we won't have enough time to get to every member so I am going to be ruthless on the 5-minute clock, and one of the hardest problems there is a lot of times witnesses are in the middle of an answer when that 5-minute clock goes up.

I am not attempting to be rude or attempting to cut you off. I will try to give you the opportunity to complete your thought. But as members ask questions and witnesses answer, understand when the 5 minutes is up we are going to do our level best to as quickly as possible move on to the next member.

And with that, first on our side is Representative Davis, who is participating remotely.

Representative Davis, you are recognized for 5 minutes.

Mrs. DAVIS. Thank you very much, Mr. Chairman, and thank you to Secretary Esper and General Milley. We appreciate your joining us for this.

I wanted to start with you, Mr. Secretary. You mentioned the after-action review on July 30th. Is that on course for the end of the month and will we be scheduling a briefing on that?

Secretary ESPER. Congresswoman, I am not sure I heard—parts of your question didn't come through. But I think you asked is the—is the after-action review on track and will you be briefed on it.

If that was your question, I spoke to Secretary McCarthy just yesterday. As you may know, he played a very prominent role in all this.

I know he briefed the committee a few weeks ago, along with General Walker. But he is handling that piece of the review. His assessment, currently, it is on track.

I am, though, however, more concerned about getting it right than getting it done quick. But my aim would be after that to make that available to you.

Also something that I put forth in my directive to him was to be prepared to take his findings and recommendations and to have a similar conversation, a similar type of review process, with law enforcement that was on the ground in DC because I think that is a very important second step in that process to have that discussion so that we can have lessons learned—

Mrs. DAVIS. Yes. Thank you.

Secretary ESPER [continuing]. And work them out between us and law enforcement for the—if this happens again.

Mrs. DAVIS. Thank you, Mr. Secretary. I know we are all concerned about being prepared, and I wanted to especially focus on the 1st of June because that was a time that there was concern that there was a great deal of violence that day and the understanding, I think, of most people that were on the ground in terms of—including the reporting of the Washington Post and others is that that particular day actually it was peaceful.

And there may have been a few incidents. I don't know. I wasn't there. But I understand from all the reporting that that was the case, and that they—in fact, the Park Police, as you mentioned, was there. You talked—General Milley talked about the Guard being there as backup.

But we saw Attorney General Bill Barr actually talking about the fact that it was—that it was violent and that they needed to move forward because the—they were very worried of things coming out of control.

And I just wondered if do you—from where you sit today, do you think that that assessment, that in fact it was violent on that day and that there was a need to even have the Guard as backup?

Is that true? Do you think that in further reflection that isn't quite what people thought?

Secretary ESPER. Congresswoman, I think when you look back at the days leading up to June 1st you see a tremendous amount of violence that had been building up over a period of days.

If I had my numbers right, that over a period of 3 days I think eventually, regrettably, over 50 Park Police officers were injured. Over 60 Secret Service agents were injured.

We had six National Guardsmen hurt to include one who was hit in the head with a brick and suffered a concussion. You had parts

of DC to include the church set on fire, and other acts of vandalism across the area.

So there was a great deal of consternation by law enforcement with regard to what might happen that evening of June 1st.

I think that is why there was the push to get additional law enforcement in as soon as possible, backed up by National Guard, so that you had enough presence to calm the situation down, regain some degree of control, and allow for Americans to peacefully protest their government to express their outrage over the brutal murder of George Floyd and to allow those things to happen free of violence from those individuals, those folks out there who were trying to cause mischief.

So that's my assessment. The Chairman may have something to add on that.

Mrs. DAVIS. Thank you.

Well, I think—I was just going to say, Secretary, I think that this certainly is an area to take a very hard look at and to be certain that it is clear among the departments, because even when we ask those questions when we had Army leadership here, they actually were not clear about what was going on.

They had situational awareness but they didn't know who ordered the clearing of protestors and who authorized the helicopters to use—

The CHAIRMAN. I am sorry. The gentlelady's—your time is expired.

Mrs. DAVIS. Thank you.

The CHAIRMAN. Mr. Turner is recognized for 5 minutes.

Mr. TURNER. Thank you, Mr. Chairman.

First off, I want to thank Secretary Esper and General Milley for your leadership. You give great confidence to everyone on this committee on both sides of the aisle.

I want to appreciate your strong words, both of you, on the killing of George Floyd and the fact that your whole focus as protecting people's First Amendment rights is incredibly important and should be foundational and important to this discussion.

I appreciate your recognition of the outrage everyone felt, and I appreciate your condemnation of racism and the fact that we are dealing with this as a nation across all areas and you are being called in a very difficult time.

Mr. Secretary, I appreciate your statements on diversity and inclusion. This committee took several actions with the National Defense Authorization Act that I think will be helpful and we look forward to your comments on those.

You made a statement. I have three questions and we have limited time. I have three questions.

One, you said that the Guard is best to support these efforts. Is it because of their dual nature of the fact that they are both private citizens and serve in the military?

Secretary ESPER. I think—first of all, Congressman, thank you for your comments. First of all, I think that, one, they are citizen-soldiers and that matters because they often come from those communities in which they may be serving.

They are protecting their fellow Americans. They understand what is happening in the neighborhoods, in the communities. So I think that is important.

Number two, they are trained, in many cases, to do civil disturbance, and number three, they are equipped to do this. So it is part of what we call their mission essential task list, their METL tasks, in most cases to perform these duties and, again, having been a citizen-soldier myself I appreciate their capacity at this, which is better in many cases than the Active Duty.

Mr. TURNER. Mr. Secretary, I have a question for you that I believe it has the narrowness of—which is going to be helpful for all of us so I would appreciate if you would let me finish the entire question so we can get to the narrowness part that I think will give you comfort.

I understand the rules with respect to classified material and I also understand that things that haven't happened are not classified.

Mr. Secretary, during your time as Secretary, have you ever received an intelligence briefing where it stated that Russia had offered bounties for the killing of American soldiers, and if you had wouldn't you think that was important enough to bring to the attention of the President?

And I am focusing here on the narrowness of the word "bounties" and I want you to know also that the people in this room know the answer to the question. We are not able to give the answer because of the rules.

But you are, and I think with the narrowness of this question we would greatly appreciate your answering it.

Have you received an intel briefing that stated—that included the word "bounty" with respect to Russians and killing of American men and women in uniform?

Secretary ESPER. Congressman, to the best of my recollection, I have not received a briefing that included the word "bounty."

Mr. TURNER. Mr. Secretary, I really appreciate you saying that. Now, my next question then is and if you had wouldn't that have risen to the level of importance enough for you to bring it to the President's attention?

That would be an action item, wouldn't it? I mean, it would be so outrageous that you would bring that up the chain of command.

Secretary ESPER. If it was a credible report—that is important—a credible corroborated report that had—that used those words, certainly, it would have been brought to my attention by the chain of command, by the Chairman of the Joint Chiefs and others for action.

It would have been—and we would have taken upon that action in an interagency effort to make sure that we got—we addressed it.

But, look, at all times we take force protection very seriously and take all those actions regardless of the credibility of a report. We take all that seriously.

Mr. TURNER. I understand.

Turning back to this issue, Mr. Secretary, the mayor of DC has a police chief. Governors have access to other resources with respect to the Guard.

Could you compare and contrast those with us? Because it is important for people to understand when people talk about the mayor of DC being consulted versus a Governor being consulted what their structures are.

Secretary ESPER. So, first of all, I want to commend the police chief of Metro Police Department. He worked very well and was very helpful to the Secretary of the Army during those difficult days. So I want to commend him.

But as I understand it, he is the police force for Washington, DC. Washington, DC, does not have a State police force like many other States have that they can call upon if they will and, of course, the DC Guard does not report to the mayor.

The DC Guard—the commander is the Commander in Chief, the President, who can delegate that authority to me and then I can further delegate it down.

So the capabilities of the DC to handle civil unrest is limited as best I know it to just the Metro Police Department.

Mr. TURNER. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Larsen is recognized for 5 minutes.

Mr. LARSEN. Thank you, Mr. Chairman. Appreciate the opportunity to ask a few questions.

First off, for Secretary Esper, and this has to do with the after-action report and the coordination question. Would you see National Guard leadership in response to the DC protest, the DC National Guard leadership as the only agency that runs through the chain of command and up to you? Is that correct?

Secretary ESPER. Yes. The DC chain of command, National Guard chain of command, runs from the commanding general, Major General Walker, to the Secretary of the Army, to me, and then to the President of the United States.

Mr. LARSEN. And that was the only agency unit involved that ran through the chain of command of the Department. Is that right?

Secretary ESPER. I am sorry. Can you repeat that? I didn't pick up the second word that you said.

Mr. LARSEN. I am sorry. That is the only—that is the only agency that ran up through the DOD chain of command in response to the DC protest. Is that right?

Secretary ESPER. Yes, that would be outside of any Active Duty, that is correct, with regard to title 32. Otherwise, all other National Guard forces either in their home States or that eventually deployed to Washington, DC, remained under the command of the State's Governors.

And General Walker's role was—

Mr. LARSEN. Okay. That is fine.

Secretary ESPER [continuing]. Tactical control on the ground.

Mr. LARSEN. Yes. So there is video of nonuniformed Federal Government folks who were deployed to Washington, DC, presumably from the Bureau of Prisons and presumably at the request of the attorney general.

You mentioned that you were doing an after-action report and that after-action report will apply only at this point to the Department of Defense and the DC National Guard.

Is that where it stands right now?

Secretary ESPER. Yes, Congressman. The note I sent to the Secretary of the Army was to look at the National Guard writ large.

It directed him to focus also on the events in DC and then, of course, related issues that arose like the use of helicopters and he is to look at training, equipping, organization, all those issues that might be—his findings that might include refining some lessons learned for future—for future employment of the National Guard.

Mr. LARSEN. Thank you.

Do you know at this time whether or not the head of the DC National Guard was aware of the deployment of these nonuniformed presumably Federal law enforcement folks that created a perimeter around the White House I think on June 3d? Was that coordinated? Have you concluded that that was coordinated yet with the DC National Guard?

Secretary ESPER. Well, again, I am not sure I understand your question. Let me answer it this way.

The Chairman and I spoke to Major General Walker yesterday. He had—he had an understanding of who was on the ground in Lafayette Park. He was there. He knew that the DC National Guard were in a supporting role to the Park Police. I—

Mr. LARSEN. Okay. Can I stop there—can I stop you there? You are talking about Lafayette Park and that is fine. But there were other law enforcement deployed who were apparently non-local non-DC.

They were Federal law enforcement also deployed to take actions within DC, within the boundaries of the District of Columbia. I am asking if that—those—do you know yet whether or not those actions were coordinated with the DC National Guard or not?

Secretary ESPER. My understanding is because I was with the Secretary of the Army McCarthy, the Chairman, we were down at the FBI [Federal Bureau of Investigation] Joint Operations Center on Monday evening with representatives from a number of agencies.

I can't list them all, the Federal—as you describe them. So I know it was fairly well coordinated. Secretary McCarthy did an outstanding job with regard to working that out on the spot and Major General Walker was by his side most of the time.

I will turn to Chairman Milley to see if he has anything to add on that.

Mr. LARSEN. I have got about 30 seconds.

General MILLEY. So, Congressman, I would—I can't confirm or deny that all of those Federal law enforcement agencies were tied into the DC National Guard. Personally, you know, for Walker I would have to go talk to Walker specifically about that.

But all of the Federal agencies came underneath the Department of Justice except for the Park Police, who are under the Department of Interior, and the Metro Police remained under the command and control of the mayor.

The CHAIRMAN. Thank you.

General MILLEY. So I don't know if that helps clarify or not but—

Mr. LARSEN. Thank you. A little bit.

Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Yes, that does help. That is a major question that we have.

Mr. Rogers is recognized for 5 minutes.

Mr. ROGERS. Thank you, Mr. Chairman; and Mr. Secretary, Mr. Chairman, thank you both for being here and for your service to our country.

Mr. Secretary, in early June you requested members of the National Guard under section 502(f) of title 32. You made some reference to this, but can you give us a more full picture of what the command and control structure under that authority is and kind of give us an organizational structure?

Secretary ESPER. Are you speaking, I assume, within Washington, DC?

Mr. ROGERS. Within Washington, DC. Yes, sir. I am sorry.

Secretary ESPER. So you are right. On the afternoon of 1 June, the—we knew we would have available throughout that evening up to 1,200 DC National Guard. As we just described, they work for Major General Walker, who was reporting to Secretary of the Army McCarthy, who was reporting to me.

We estimated that we needed 3,800 additional National Guard to support the efforts in DC. So what we did was through a combination of myself and General Lengyel had reached out to a number of States to seek the permission from the Governor to deploy elements of their Guard to DC to support the law enforcement effort.

Eleven States, if my number is correct, provided that and it got us to a little bit over 5,000 on the ground. It took a period of days to do that. But that gave us the numbers we needed at all times.

The outside—the Guard units coming in from outside of DC, non-DC National Guard, were under 502(f) authorities provided—funded by the Federal Government. Their role is to protect Federal functions, property, and personnel and at all times they remained under the control of their Governors.

Mr. ROGERS. I want to shift a little bit.

Mr. Chairman, in your opening remarks you made reference to the fact that 60,000 service members have been employed dealing with a variety of issues, mostly COVID but some other law enforcement and I know it is mostly National Guard.

And this is kind of a follow-up to Mr. Thornberry's questions. How are they holding up? With all this variety of missions that has been foisted at—47,000 of those are National Guardsmen that have been working in COVID.

What is the state of the National Guard right now, given the way they are being spread out? And then as a follow-up to that, the economic impact to your budgets and what we are going to need to backfill.

General MILLEY. So the numbers—you got the numbers about right. For the National Guard globally, about 120,000 are on duty—on Active Duty. About 45,000, I think, if I remember this right from my briefing with Joe Lengyel, about 45,000 are dedicated to COVID.

At the peak—not right this minute but at the peak there were around 40,000 to 43,000 on the civil unrest under Governor control, and then there is about 30,000 doing title 10 missions around the world or in the United States.

So about 120,000 total, which is significant. That is a big chunk of the U.S. National Guard, both Army and Air.

The reports to me are morale is good. They feel good about their contribution and they joined the Guard to make sure that they make a contribution to the Nation. So I am not particularly aware of any particular issues. But they are going pretty fast at a high OPTEMPO [operations tempo], probably faster than they have in the past except during the surge periods of Iraq and Afghanistan.

Mr. ROGERS. What about the economic impact to your budgets of having these individuals deployed in these various missions that were unplanned?

General MILLEY. There is an economic impact. I don't know that it is—it is not going to—I don't think it is going to break the DOD back on the economic impact because of the numbers. But there is an impact, absolutely.

Mr. ROGERS. So you don't expect to be asking the Congress for additional money to replace that or backfill that money in a supplemental later this year?

General MILLEY. I will leave that up to the Secretary.

Secretary ESPER. We have been keeping careful accounting of the dollars through the comptroller. That is, obviously, something we need to come back to and to make sure we understand what those numbers are and how material they are to the budget.

Mr. ROGERS. And finally, Mr. Secretary, do you believe that the Insurrection Act needs any legislative modification by this Congress?

Secretary ESPER. Well, the Insurrection Act is an extraordinary piece of legislation, as we know, has endured well over the past couple hundred years and it is under the exclusive authority of the President.

So it would not be appropriate for me to opine in terms of material changes to the act. I would reserve that to the President.

My view is there is nothing that has happened that strikes me as compelling to change it at this point in time.

Mr. ROGERS. Great. Thank you both for being here.

I yield back, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Courtney is recognized for 5 minutes.

Mr. COURTNEY. Thank you, Adam, and thank you to the witnesses for being here today. Particularly, I want to recognize both of you made very strong comments expressing, you know, your—upholding your oath in terms of supporting the First Amendment and people's right to protest peacefully.

Of course, another part of the First Amendment is freedom of the press, and freedom of the press did not have a very good day on June 1st a couple days ago over at the Natural Resources Committee. A reporter from Australia, Amelia Brace, who was a TV news reporter, was at Lafayette Park with her cameraman, Tim Myers, when the U.S. Park Police, two of the officers, just completely assaulted them on live television.

She was actually broadcasting into The Morning Show in Australia. It is kind of the equivalent of the Today Show, and I don't know if it is still coming through here but in any case, her testimony described, again, the riot shield of the Park Police being

rammed into the chest and stomach of the cameraman and on camera you could see her getting hit with a truncheon. She was shot with rubber bullets and both of them were hospitalized.

But, again, I just wanted to maybe give you both an opportunity to just go on the record to say that, you know, we, obviously, as part of recognizing the First Amendment, recognize that the media has a role to play that is protected by the Constitution. In fact, the curfew order that the mayor issued exempted the media from the curfew that was in place on June 1st.

And I just wanted—again, would ask both of you to comment on that because, frankly, this was on live television in Australia, who is probably one of our closest allies.

Secretary ESPER. Congressman, I will go first.

You are right, Australia is one of our most important allies. I spent the other night, as the chairman knows, speaking with my counterpart in Australia.

Let me say this. We have said it numerous times. I swore an oath to uphold and defend the Constitution of the United States and I do that not just because I swore an oath but because I believe deeply in that document and all that it guarantees, our rights and democracy.

And you have talked about the First Amendment. That includes the big five and one of which is the freedom of the press, and I think a free and open press is critical to the functioning—the efficient functioning, you know, of our democracy.

And so I think that is something that we need—we cherish. That is one of the reasons why, you know, the National Guard, when it gets used in defense of support of civil authorities is out there is to give Americans the right to peacefully assemble, to express their views and for the press to cover it, hopefully, as accurately as possible so that the American people can—have an understanding of what is happening in the country.

General MILLEY. And, Congressman, I am not familiar with the particular incident that you are referring to. But I am deeply committed to a free press.

Like I said, I will die for the Constitution. It is an idea, and part of that is the free media, and a free media is fundamentally essential to a free people as fundamental to our democracy.

So, absolutely, I am committed to that.

Mr. COURTNEY. Well, thank you both again. This was front page news in Australia and I would just say that it was the Park Police. It was not National Guardsmen who were involved in that violence that took place there.

But the fact is, as the Secretary's testimony indicates, the DC National Guard was acting in support of local police authorities, including the Park Police.

And I think, frankly, whatever after-action report goes out, the fact that media are present in situations where they have a legal duty—not just a right but a duty to be there, which was recognized by the District of Columbia, that really there has got to be some training to make sure that people recognize that it is off limits to treat them in any way that is inappropriate, which is exactly what happened.

And I would encourage you to watch the testimony which took place from Ms. Brace. It is actually quite shocking and, frankly, particularly the fact that it happened to an ally of ours it will make you heartsick to watch it.

With that, I yield back.

The CHAIRMAN. Thank you.

Mr. Conaway is recognized for 5 minutes.

Mr. CONAWAY. Thank you, Mr. Chair. I will yield my time to the next Republican on the list.

The CHAIRMAN. Mr. Lamborn.

Mr. Lamborn, are you with us?

[No response.]

The CHAIRMAN. Ms. Stefanik.

Ms. STEFANIK. Thank you, Mr. Chairman, and thank you, gentlemen, for your service.

I wanted to focus on an issue of importance to constituents in my district. I have had the privilege of hosting both of you, Secretary Esper, in your capacity when you were Secretary of the Army, as well as General Milley. I have spent time with you at Fort Drum.

And given some of the recent press reports regarding Afghanistan, as you know, I represent military families and 10th Mountain Division soldiers who are currently deployed in Afghanistan.

And I wanted to get your comments, General Milley, on your commitment and the Department's commitment to force protection at all costs.

That is one of my top priorities, whether it is rebuilding military readiness, investing in training, investing in equipment, and having the most exquisite exceptional intelligence that is verified out there.

But I think it is important for families to know the lengths to which the Department goes to ensure that we are protecting the safety and well being of our service members deployed.

I will start with you, General Milley.

General MILLEY. You have a 1,000 percent commitment. I have got three tours in Afghanistan and multiple tours in a lot of other places, and I have buried a lot of people in Arlington National Cemetery.

So I am committed to the nth degree to protect our force and we will ensure that they have all the right equipment, training, alerts, warnings, intel, et cetera.

I know what you are referring to specifically with the Russians, and I will tell you that we are at the highest levels of force protection. Units and people are and were informed and will remain informed.

We are going to get to the bottom of all that but I can assure the families that the force protection of our force, not only for me but for every commander all the way down the line. That's the number one priority for every one of us, absolutely.

Ms. STEFANIK. Thank you.

Secretary Esper.

Secretary ESPER. I 1,000 percent agree as well. I say it again as a former soldier myself with one combat tour under my belt.

This is something we talk with—I talk about with the commanders all the time, with General Miller and General McKenzie

on multiple occasions. We make adjustments all the time across the theater and other theaters. But force protection is number one to take care of our soldiers, sailors, airmen, and Marines. They are our most vital resource, our most trusted asset, and we will do everything and anything it takes to protect them.

Ms. STEFANIK. My next question, and just so you know, I sit on the House Intelligence Committee so I have received the classified briefings, understanding we are in an unclassified setting right now.

I also think it is important to talk about how we know, going years back, that Russia has meddled in Afghanistan as well as other countries have also involved themselves in Afghanistan counter to our commitments and our strategic goals in the region, whether that is Iran, whether that is China, using economic tools.

So I wanted to get your comment on that because I think it is important to consider that long-term impact rather than just this one illegal leak that has been covered in the media.

General MILLEY. Well, on the—specific to the Russians, yes, we have known for years that the Russians have been involved for their own national security interests and in Afghanistan, and the Russians are not our friends and their involvement is worrisome and we monitor it closely and we take the appropriate actions.

The Chinese are involved. The Pakistanis are involved. The Iranians are. There are a lot of countries involved in Afghanistan, and many of them have malfeasance aforethought against the U.S. and U.S. forces, et cetera.

We are aware of a lot of that. Not perhaps every single thing, but we are aware of a lot of it and we take the appropriate measures. And with respect to the issue and was previously asked by one of the other Congressmen, we are aware of the variety of intelligence that you were briefed on this morning, and we are pursuing that.

Ms. STEFANIK. Secretary Esper, any comments on that?

Secretary ESPER. I share the same views as the Chairman. The Russians have been involved, and many, many other countries and many other players—you know, nonstate players—in Afghanistan for a long time, and we take all that into account, and I can tell you on other occasions we have adapted force posture.

We have adapted authorities, equipment, you name it, rules of engagement to make sure that our forces were well protected and able to accomplish their mission.

Ms. STEFANIK. And then my last question, can you discuss the damage that illegal leaks have on our ability to collect intelligence, on our force protection measures? Because I am very concerned the damage that illegal leaks have in general when it comes to our national security.

Secretary ESPER. I am conscious of the clock. The illegal leaks are terrible. They are happening across the government, particularly in the Defense Department.

I am pushing for it on the new effort to remind people of OPSEC [operations security] whether it is predecisional, unclassified items or even classified items, it hurts our national security. It jeopardizes our troops, and it is just damaging to our government and our relationships with our allies and partners.

Ms. STEFANIK. Thank you. I yield back.

The CHAIRMAN. Thank you. Mr. Garamendi is recognized for 5 minutes. Mr. Garamendi, are you with us? Make sure you unmute yourself.

[No response.]

The CHAIRMAN. I don't see him actually. So we will move on to Mr. Norcross. Mr. Norcross, are you with us?

Mr. NORCROSS. Yes, I am. Thank you, Chairman. Secretary Esper, in your opening remarks you mentioned that the National Guard did not play an active role or advancing on the crowd, did not use rubber bullets, paraphrasing that, and used the term "static role."

I would like to focus on that and the events of June 1st involving the Army National Guard helicopter.

How would you refer to that as a static role? And I have a follow-up when we're finished.

Secretary ESPER. Congressman, I was referring to the static role with regard to the actions of the National Guard in Lafayette Park on June 1st. The helicopter issues in question that you are raising happened later that evening, I think maybe around 11:00 p.m. or so. I don't recall the times.

So obviously that was different. That was not a static role. I was talking about the forces on the ground in Lafayette Park.

Mr. NORCROSS. Thank you for clarifying that. When Secretary McCarthy was with us earlier this month, he mentioned that the report on the investigation was going to be very soon. We understand that you might be finished now. When is that going to be released to us and to the public?

Secretary ESPER. So Congressman, I spoke to Secretary McCarthy about this. As you know, I launched this investigation within 2 hours of finding out about it, I think on June 2nd, if memory serves me.

The investigation was conducted. It is completed. It is being reviewed by Secretary McCarthy. I think if—I am looking at Chairman Milley—DOD IG [Inspector General] may take a look at it. But it should be available next week to the committee. That is my—the latest report I got from the Secretary of the Army. Chairman, is that correct?

General MILLEY. That is correct. The IG—DOD IG has to do their review. So I would expect it pretty shortly, like, within days, perhaps early next week.

Mr. NORCROSS. Thank you, and I yield the balance of my time to Mikie Sherrill of New Jersey.

The CHAIRMAN. Yes, that gets awkward. Pause the clock for a second. Mikie, do you wish to take the time? If you do, you got to come forward. Beg your pardon? Oh, she's here.

Michelle, you are recognized for the remainder of the time, a few minutes and 40 seconds.

Mr. NORCROSS. Thank you.

[Pause.]

Ms. SHERRILL. Secretary Esper and General Milley, I echo the chairman's concern about politicizing our military, and given the attempts at politicizing our military in the unorthodox way the

President attempted to control troops in our Nation's capital, I want to discuss some of the legal underpinnings of civilian control.

Because I have such a short period of time, I am looking for a yes or no. If you don't know the answer, please just let me know you will take it for action. Secretary Esper and General Milley, you both testified that you have taken oaths to the Constitution of the United States. Is that correct?

Secretary ESPER. Yes.

Ms. SHERRILL. And that oath includes an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same, correct?

General MILLEY. Yes.

Secretary ESPER. Yes.

Ms. SHERRILL. And are you both aware that Article 2 of the Constitution states that the executive power shall be vested in a President—in other words, one or a single President?

General MILLEY. Yes.

Secretary ESPER. Yes.

Ms. SHERRILL. And are you both aware that Article 2 of our Constitution makes the President the Commander in Chief of the Army and Navy of the United States?

General MILLEY. Yes.

Secretary ESPER. Yes.

Ms. SHERRILL. And Secretary Esper, are you aware that the President's power to remove from office Cabinet officials from key national security positions, including the Secretary of Defense, is undisputed?

Secretary ESPER. I am sorry. Can you repeat that?

Ms. SHERRILL. Certainly. Are you aware that the President's power to remove from office key Cabinet officials, especially in national security positions including the Secretary of Defense, is undisputed?

Secretary ESPER. Yes.

Ms. SHERRILL. And General Milley, are you aware that the Uniform Code of Military Justice, which applies to all uniformed officers, criminalizes mutiny and sedition and soliciting or advising on the commission of mutiny or sedition?

General MILLEY. Absolutely. Yes.

Ms. SHERRILL. And Secretary Esper, are you aware of the fundamental proposition that the Secretary of Defense is selected by the legitimate President?

Secretary ESPER. Yes, and confirmed by the Senate.

Ms. SHERRILL. And that the legitimate Commander in Chief is the one who oversees the chain of command, correct?

General MILLEY. Yes.

Secretary ESPER. Yes.

Ms. SHERRILL. So finally, the Insurrection Act states that whenever the President considers that unlawful obstructions, combinations, or assemblages or rebellion against the authority of the United States makes it impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any

State and use such of the Armed Forces as he considers necessary to enforce those laws or to suppress rebellion, yes?

General MILLEY. Yes.

The CHAIRMAN. And unfortunately, the gentlelady is out of time. Mr. DesJarlais, I do not see you on the screen. You are next.

Okay. We will go on to Mr. Gaetz. Mr. Gaetz, you are recognized for 5 minutes if you are, in fact, with us.

[No response.]

The CHAIRMAN. Mr. Bacon, you are usually pretty good at this. Mr. Bacon, are you on the stand?

Mr. BACON. Thank you, Mr. Chairman. I appreciate both our Secretary of Defense and our Chairman for your leadership and have the utmost respect for you all.

I wanted to just ask, if you can say it, the report on the bounties, did it originate from an intelligence agency within the military, like the DIA [Defense Intelligence Agency], or is this from outside of the military?

Secretary ESPER. I am sorry, Congressman. I didn't hear the question. Did you ask if—

Mr. BACON. The intelligence report that talks about the Russian bounties in Afghanistan, did that come from outside of the DOD, like CIA [Central Intelligence Agency] or NSA [National Security Agency], or was this like DIA or did it come from a military intelligence agency?

Secretary ESPER. It was not produced by a DOD intelligence agency.

Mr. BACON. Okay. I thank you for that. I just—because I go back to what Ms. Stefanik said. These leaks I think undermine our intelligence communities, and it just undermines the confidence of the citizens either of the President in this case or depending on what side of the aisle you're on or where you stand to our intelligence organizations themselves.

And how active are you in pursuing similar type leaks within DOD? Because I think it is imperative that we start holding people accountable to the maximum extent the law allows. So I would be just curious for your insights on this. Thank you.

Secretary ESPER. Congressman, we are aggressively pursuing leaks within the Defense Department. We had some I would characterize as bad leaks last fall. So when I—when we turned the corner of the new year, I made—emphasized on day one of the new year of 2020 that OPSEC was going to be a key thing for us to focus on. Leaks continued.

I have launched an investigation that is underway to go after leaks, whether it is of classified information or unclassified information that is sensitive, and also, you know, unauthorized discussions with the media.

All those things, again, hurt our Nation's security. They undermine our troops, their safety. They affect our relations with other countries. They undermine our national policy.

It is bad, and it is happening all over the government—executive branch, legislative branch to some degree. So it is something we need to get control of, and this is not new to this administration.

Previous administrations, Republican and Democrat alike, have had to deal with this and it is just—it is bad and it is unlawful and it needs to stop.

Mr. BACON. Mr. Secretary, I appreciate your comments there.

I also liked your comments a couple days ago. I appreciated your transparency, I should say, on the report itself. You said that it was not corroborated, that you didn't have the level of confidence perhaps that the President would get the briefing. Is that still your opinion?

Secretary ESPER. It is the opinion of a number of intelligence entities, agencies, that could not corroborate the report.

Mr. BACON. Okay. Thank you. I am going switch subjects or topics on you, briefly. Could you just go through—maybe this is more for the Chairman—what kind of training the Guard gets when it comes to supporting law enforcement. Is it universal to all the Guard members, or is it to certain specialties? How does that work? Thank you.

General MILLEY. Great question. The National Guard, as the Secretary said up front, you know, really, we are talking about Air Force, police, and the Army National Guard. It is part of their mission essential task list.

Most of the ground units will be trained explicitly in civil disturbance in support of law enforcement. Those would be infantry units, but primarily military police, and the DC Guard explicitly is trained in that. In addition to that, you get refresher training throughout the year and throughout their weekend drills, et cetera.

So they are trained. Not every single guardsman, not every single unit, but the ground force units that are most likely to work in the civil disturbance area or in support of law enforcement are trained.

Mr. BACON. Okay. Thank you, Mr. Chairman. I will just close with just a comment. I appreciate the teamwork that the Guard gave the DC authorities and also the other 30-some-odd cities that they were a part of.

And what I heard from our local constituencies, how appalled they are that, you know, that church was burnt, you know, fire-bombed, and the AFL-CIO [American Federation of Labor-Congress of Industrial Organizations] was torched. Many of the memorials were defaced, and it was—action was needed to be taken, and restoring law and order.

So I just—I appreciate what the Guard did to support law enforcement, and with that, Mr. Chairman, I yield back.

The CHAIRMAN. Thank you. Mr. Gallego is recognized for 5 minutes.

Mr. GALLEGO. Thank you. Secretary Esper or General Milley, can you explain to us the actual command structure that—how it was set up? You know, we had the National Guard working with local police as well as Park Police.

So how did that happen? Where were—how was the communications between all parties involved and who was actually in actual command and control of that area, of Lafayette Square, let's say?

Secretary ESPER. Yes, it is a very good question, Congressman. It is a very—it is not clear. You understand change of command—

Mr. GALLEGO. Yes. Yes.

Secretary ESPER [continuing]. From your service. So it defies that in many ways. So I will just speak to National Guard under title 32 for DC.

I already explained, the President, to me, to the Secretary of the Army, to the head of—Major General Walker in support of law enforcement, and law enforcement was both the Department of Justice agencies, entities, and Department of Interior, specifically Park Police.

Mr. GALLEGO. Okay.

Secretary ESPER. That relationship is more of a cooperative one. It is not something that you and I and others who serve would understand as OPCON [operational control] or tactical control. It is more of a cooperative relationship where law enforcement would say look, you would help us if you were here, here, and here—

Mr. GALLEGO. Right.

Secretary ESPER [continuing]. And then we would agree or not agree to do that. But it was a very good relationship that made that work out.

Mr. GALLEGO. Okay. And—

Secretary ESPER [continuing]. And of course, any Guard units coming into the city—

Mr. GALLEGO. Right.

Secretary ESPER [continuing]. Remained under the control of the Governors, but also reported to General Walker but more, again, on a cooperative—I will call it “cooperative con”—

Mr. GALLEGO. Right.

Secretary ESPER [continuing]. Than a traditional military relationship.

Mr. GALLEGO. So that being said, the deployment of the National Guard in front of Lafayette Square the day of the incident on June 1st there was an agreement between—Chairman Milley, maybe you could answer this—at some point there was a discussion that the National Guard should stay here in a static position and on this day. So there was a conversation. Who was that conversation between?

General MILLEY. I am not sure specifically who, but I think it was probably Secretary McCarthy and General Walker, and the Department of Justice, perhaps Attorney General Barr or—

Mr. GALLEGO. Okay.

Chairman Milley [continuing]. Representatives—or the representatives of the Department of Interior and the Park Police, perhaps Park Police captain. I am not sure of the specific individuals. I can find that out though and get back to you.

Mr. GALLEGO. Yes, I would appreciate it. And then how—what was the method of communication? Because we are dealing across agencies. Were they talking over cell phones to each other?

You know, how do we actually communicate across all these agencies, especially, you know, considering the tense situation that everyone was dealing with? As you—go ahead.

General MILLEY. Well I was going to say there was a command post set up, a combined command post with all the different agencies, 11—you know, you had the Metropolitan Police represented there, the Park Police with the Department of Interior, the Secret

Service, FBI, DEA [Drug Enforcement Administration], ATF [Bureau of Alcohol, Tobacco, Firearms and Explosives], Capitol Police, Bureau of Prisons, U.S. Marshals, and various counties from around Arlington, or various police forces from around Arlington County, plus the DC Guard. They are all located in the FBI building.

So they did the larger coordination there, and then on the very—at the various monuments, for example, that is the Department of Interior, and that is Park Police with the DC Guard.

Mr. GALLEG0. Just specific to Lafayette Square.

General MILLEY. They would communicate with cell phone.

Mr. GALLEG0. Cell phone.

General MILLEY. And/or they would be co-located face to face, and one guy would have a radio for his particular agency, and the other guy would have a radio for his.

Mr. GALLEG0. And the National Guards were largely—when we were communicating to the National Guard that was done over radio?

General MILLEY. I think it is a combination.

Mr. GALLEG0. Combination?

General MILLEY. Yeah, I think it would be a combination.

Mr. GALLEG0. Could we—could we also figure that out too, what was the method of communication?

General MILLEY. Sure. Yeah. Yeah.

Mr. GALLEG0. And lastly, if—

General MILLEY. That is air-ground communication and there is—you know, there is—

Mr. GALLEG0 [continuing]. And especially if there—and if there was any communication over radio through the National Guard, the National Guard—that the National Guard used, I am assuming that we have a transcript of the conversations that were happening?

General MILLEY. That I am not so sure. I don't know if there is actual—

Mr. GALLEG0. Could you check on that also?

General MILLEY. If it is a military communication, I doubt there is a transcript. Just if it is a radio. I may be wrong, but I doubt it.

Mr. GALLEG0. Gentlemen, can you check to see if there is any recordings—

General MILLEY. Sure. Yes, I will—

Mr. GALLEG0 [continuing]. Specific to the date of June 1st—

General MILLEY. Yes.

Mr. GALLEG0 [continuing]. Or any other—or any other recordings that—see if you have it.

General MILLEY. Police forces normally do that. I am not so sure about the—we can find out. We can get it. Yes.

Mr. GALLEG0. Thank you. I yield back my time.

The CHAIRMAN. Thank you, and I do have one follow-up question. Do either of you know who specifically gave the order to clear the protestors out of Lafayette Square ahead of the President's visit to the church on June 1st?

You said the Guard was in support. Who gave the order and to whom I guess, to clear the protestors out of that square?

Secretary ESPER. We have had that discussion a few times. We had it the other day with Secretary McCarthy and Major General Walker, and it is still unclear to me who gave the direction to clear the park at that moment in time.

The CHAIRMAN. See, I find that hard to believe. I am sorry, but it is like a pretty big decision. A lot of people there. Everyone is there, and it just sort of happened?

Secretary ESPER. No, I am not saying that. I am just saying I don't know. I have never inquired. I have never pursued it with anybody because you get caught up in other things more relevant to——

The CHAIRMAN. Well how did you know to have the Guard hold back? Because I think there was a lot of testimony that says the Guard did not participate in clearing the square.

Secretary ESPER. Yes, I——

The CHAIRMAN. Why did they not participate?

Secretary ESPER. I think, Congressman, that is the—we could actually get something from General Walker. I want to say—I don't want to quote him. I don't want to get it wrong. But I want to say that he was on the ground with the Park Police, and what they had asked him to do was to stay static, not move, and that was what he was operating from.

I don't know——

The CHAIRMAN. Okay.

Secretary ESPER [continuing]. That moment when he decided to move forward. But he was on the ground. I know he told me that yesterday or the day before, and was clear on that piece. But beyond that, maybe we get something from him to share with you.

The CHAIRMAN. Chairman Milley, do you have anything to add?

General MILLEY. Yes. I mean I think—I don't know with certainty but I am pretty sure that there was a planning session down at the FBI building in either late morning, around noon-ish, or early afternoon where they divided up who was going to do what to whom.

Major General Walker is there. Secretary McCarthy is there and there are some others there, and I think that is where the agreement was as to where they would be.

As to who gave the order, I don't know. I know Attorney General Barr has spoke to that publicly, and I know that it has been mentioned the Park Police captain, et cetera.

I do not have personal knowledge as to who gave that actual order to clear the park.

The CHAIRMAN. Okay. Thank you. Mr. Wittman, you are up next for 5 minutes. Sorry, didn't mean to surprise you there.

Mr. WITTMAN. Thank you, Mr. Chairman. I would like to thank our witnesses for joining us today.

General Milley, I would like to go into a little more depth. You answered the question about the training that our National Guardsmen have in responding to situations like we have seen here recently.

As we know, most Americans associate National Guard with response to natural disasters and that sort of role. They are not used to seeing guardsmen in the role that we have seen them recently.

You talked about some units being trained for that direct contact. But are there instances where a Guard unit may be called up that doesn't have that particular training, or do they—do they get the training across the full scope of what they may face?

I understand how to organize, how to tactically address the situation. But there are other things, too. You know, the element of controlling emotions, all those sorts of things which are, you know, I call it the depth of training. It is not just the immediate tactical, but it is the depth of training to understand, hey, if you get in this situation—we see police go through that training all the time—to be able to deal with the adrenaline and the emotions of the situation.

Give us a little idea, a little more in-depth. I know you talked about that because it is—

General MILLEY. Yes. I mean your first National Guard unit of choice for civil unrest is police, and remember, a lot of these guardsmen are also cops in their civilian life.

So but they will get very specific training on the rules on the use of force. They are not cops at the moment in time, so they are not going to conduct arrests, but they can do temporary detention.

They are tasked with things like rules of conduct, crowd control, de-escalation procedures, how to make an appearance, don't react to verbal—don't react to verbal provocations, et cetera.

So there is a wide variety of training they go through. A lot of it is vignette training and scenario training and STX [situational training exercise] type training. They do that during the course of the year.

And then in this particular case they got quick refresher training as well, and they are trained on their equipment, and so on and so forth. And in this particular case, you are looking at batons and shields, and then their personal protective gear. None of them have any weapons downtown or right there at the Lafayette Square.

So but they are trained on all of that stuff, and they are the force—the military force that we would first call for civil unrest would be National Guard, military police, and then you go from there with other types of units.

Mr. WITTMAN. Okay. Very good. Secretary Esper, I want to ask you a little bit about the 1033 program. It obviously through time to time gets a lot of attention with the equipment that is formally used by the military that would be available to civilian law enforcement, and the question is, you know, does that militarize the police force?

The questions always surround the central point of: do civilian police forces need that, and what connection is there to the military being requested for that equipment and the determination they make as to whether or not it is applicable for that to be sent to a civilian police force?

Can you give us a little more laydown about what happens with the 1033 program? And does it just include the big equipment we hear about, or is it things like protective equipment like vests and those sorts of pieces of equipment?

Secretary ESPER. Yes, Congressman. As you know, it is a congressional program, and it is not something I have studied in much

detail, and I don't think I could speak to what law enforcement deems as its requirements.

It is something that I spoke with General Lengyel about the other day, and it is something that I hope will be—that may come up as part of the after-action review to get their assessment, if not internal but with law enforcement.

But there is a wide range of items that are covered under that program. I can't pass judgment on some of the things. I would say I think we could all generally agree that if we have body armor, that would be helpful to the police to protect them.

But beyond that, I would like to wait and see how our review comes out, or if you have specific questions I could take back and maybe see if the Guard wants to take a look at it or somebody like that.

Mr. WITTMAN. General Milley, any comments?

General MILLEY. Yes, I would—I would say that, like, in the case of DC with all of those different forces, uniforms—just simple uniforms as opposed to other types of equipment, that became an issue and it was brought up a little earlier with the Bureau of Prisons.

Our guys are wearing, you know, camouflage uniforms, et cetera. Some of these police are in blue uniforms, other in camouflage, other in solid green, et cetera. That became—in terms of the lessons learned, that would be something I would put in there as far as distinguishing character because you want a clear definition between that which is military and that which is police, in my view.

Mr. WITTMAN. Yes.

General MILLEY. And consistently you want police, local police, State police, Federal police, dealing with law enforcement stuff, and if necessary, National Guard under Governor control.

But you want a clear distinction that which is police—a visual distinction of that which is police and that which is military, because when you start introducing military, you're talking a different level of effort there.

The CHAIRMAN. I am sorry. The gentleman's time has expired. Mr. Esper was waving at me. Do you have a quick there?

Secretary ESPER. Just real quick. One of the things that we discussed the other day that I want to address is in terms of equipment.

At one point, the National Guard, for example, cross-leveled its riot shields and lent them to the law enforcement. So if you saw police out there using a military police shield, it is because we cross-leveled it and that is a lesson learned.

But if you are going to do that, then we have got to figure out a way to mask the name Military Police so we don't confuse who is actually doing the crowd control.

The CHAIRMAN. Thank you. Mr. Moulton is recognized for 5 minutes.

Mr. MOULTON. Mr. Chairman, I learned very early in my Marine training that there are two types of courage: physical and moral. Usually the toughest challenges that I faced in Iraq required moral courage.

Mr. Chairman, your apology for the events of June 1st at St. John's Church was an act not just of contrition, and rightly so, but

also an act of moral courage, and I want to commend you for that. It is certainly unusual in this administration.

Mr. Chairman, you, clearly, recognize the value of unity, not just in our military but in our country. Do you believe that other countries, our various adversaries around the world, are interested in taking advantage of divisions and unrest in our country?

General MILLEY. I not only believe that they would, I know they are.

Mr. MOULTON. Mr. Chairman, are you willing to elaborate on that in any detail?

General MILLEY. It would be best to do that in a classified session.

Mr. MOULTON. Very well.

General MILLEY. I have no doubt in my mind that foreign adversarial countries are trying to take advantage of civil unrest in the United States.

Mr. MOULTON. Well I think it should go without saying that in fulfilling your primary job description, to provide forthright military advice to the President, I strongly advise you to advise him to work to sew up these divisions rather than exacerbate them as he likes to do, as Secretary Mattis and others have described in intimate detail.

Mr. Secretary, turning to you, I don't think you get to pick and choose which leaks you like, which leaks aren't damaging versus what is an OPSEC problem. This White House routinely uses leaks to their advantage, but suddenly it is a problem for their apologists.

Now, you and I have both commanded troops in combat, been responsible for their force protection. So I can assure you that I also don't care about the mere semantics of an intelligence report, and whether or not a particular word was used or not used. That proves nothing. What matters is the substance, and I have never seen in my time in combat when we didn't take any threat to our troops seriously, regardless of the confidence in the intelligence report, which is never 100 percent. Whether it was leaked or not, we take action.

So a very simple question. When were you made aware of Russian material support of the Taliban, who we all know have been killing American troops in Afghanistan for years, and what action did you take?

Secretary ESPER. Congressman, let me say on the first part though of your statement, you talked about the credibility of threats and all that. As you have heard us say that the reports were not—have not been corroborated, nonetheless—

Mr. MOULTON. My understanding is that some intelligence agencies believe that. There is not general consensus on that.

Secretary ESPER. The—all the—

Mr. MOULTON. But the bottom line is—

Secretary ESPER [continuing]. All the defense intelligence agencies have been unable to corroborate that report. To your—one of the points you made, let me say this. You may have seen my written statement that was put out on my behalf.

What I said was regardless, we do, I do, he does, the commanders take all reports seriously, regardless of the degree of credibility

or confidence and I think that is the point you were trying to make, and I want to——

Mr. MOULTON. Absolutely.

Secretary ESPER [continuing]. I want to reassure you of that. So I—we have been in discussions with the commanders about this. I know General Miller and General McKenzie, going back as early as January were looking into this, pulling the threads, taking appropriate force protection measures.

Our troops are already at the highest force protection level. But nonetheless, it is something that when I talk to them, I talk to them all the time about how do we—how can we do better—how can we do more?

Mr. MOULTON. So Mr. Secretary, you mentioned January.

Secretary ESPER. Right.

Mr. MOULTON. What action did you take to counter Russia, not to improve force protection of our troops, but to directly counter this threat from Russia?

Secretary ESPER. Yes. So I didn't see the first report until February when it came out in an intelligence piece of paper. I think General McKenzie and General Miller—the Chairman will help me here—got some initial reporting on the ground that they began pursuing.

Neither thought the reports were credible as they dug into them, and in the time we have I see General Miller was—General Milley might be able to kind of add some more color to that.

General MILLEY. Yes. I don't want to go too deep into the actual intel, but I've got multiple tours in Afghanistan, as you know, Congressman, and I have been aware of Russian meddling for years——

Mr. MOULTON. I understand, but my question is——

Chairman Milley [continuing]. Going back to 2013 or so.

Mr. MOULTON [continuing]. What action did you take?

General MILLEY. Well specifically at the tactical and operational military action, there is no military action that that intelligence specifically warranted, like conduct a raid or go after——

The CHAIRMAN. And I understand. I apologize. I do apologize. Sorry, but the gentleman's time has expired and that is not a question that I think is going to be answered in the next couple of seconds. So we will have to take that for the record and get back to you.

General MILLEY. I will get you an answer. I'll get an explicit answer.

[The information referred to can be found in the Appendix on page 109.]

Mr. MOULTON. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Gaetz.

Mr. GAETZ. Thank you, Mr. Chairman. General Milley, I will allow you to respond to Congressman Moulton specifically as it relates to the depth, duration, and extent of the Russian malign influence campaign in Afghanistan, and perhaps the extent to which that well predates the current administration.

General MILLEY. Well, first I want to be clear. It is not just Russia. There is many other countries that are influencing various actors in Afghanistan, and they are influencing them with training,

money, weapons, propaganda, and international support and a lot of other things.

And I am not going to go into sources and methods as to how we know that, but we know that. With respect to Russia, Russia is one of those countries that has been doing that for years, and they are doing it for their own reasons.

The military action for us—and they are doing it through the Taliban and Haqqani and other groups. So the military action for us is the issue, first and foremost, is force protection.

Regardless of who is providing weapons or who is providing money, our force protection measures are at the highest levels, and they are going to stay at the highest levels as long as we have troops out there. So——

Mr. GAETZ. But just so that I could focus the question——

General MILLEY. But I want to go to what we are doing for action. So at the tactical and operational level, there is no particular military action that we are not doing that we should be doing. The issue is higher than that. The issue is at the strategic level. What should or could we be doing at the strategic level?

Is there diplomatic and informational and economic? Are there sanctions? Are there démarches? Are there phone calls? Are there pressure? Those sorts of things.

And I can tell you that some of that is done. Are we doing as much as we could or should? Perhaps not. Not only to the Russians but to others. But a lot of it is being done. Some of it is quiet. Some of it is not so quiet. But don't think that we are not doing anything because that it not true.

Now I want to get to specifically to the bounties, specifically to the bounties. That is a unique discrete piece of information that is not corroborated. You have all been briefed on it. I have, too, and I am—I, and the Secretary and many others, are taking it serious. We are going to get to the bottom of it. We are going to find out if in fact it is true, and if it is true we will take action.

Mr. GAETZ. And I am glad you mentioned the other countries. September 5th, 2010—this is from the Times of London—Iran pays the Taliban to kill U.S. soldiers. Then also, following up on that, there is a December 2nd, 2015, report from Fox News, a report “Iran Paying Taliban to Kill U.S. Troops.”

Mr. Chairman, I seek unanimous consent to enter these in the record.

The CHAIRMAN. Without objection, so ordered.

[The information can be found in the Appendix beginning on page 95.]

Mr. GAETZ. And General Milley, is it safe to say, given these reports along with the testimony you just provided, that the environment in Afghanistan, the very nature of the place and the very nature of the entities involved, means that our presence there does create these risks where our foreign adversaries create incentives and resources and opportunities for our service members to be harmed.

General MILLEY. Anytime you commit U.S. military forces anywhere on earth, there is going to be risk. We went to Afghanistan for a single purpose, to prevent Afghanistan from ever being a plat-

form to attack the United States of America with terrorists, and we have been there ever since to do that.

We are drawing down forces in accordance with the agreement that was signed with the Taliban last February. There hasn't been significant Taliban or Haqqani attacks on U.S. forces since that agreement was signed, and under further direction of the President of the United States we are drawing down forces, as you will see unfold, and you will be briefed on that in full coming into the fall.

But there is always risk, Congressman, and I know you know that. There is always risk. There is nothing risk free here.

Mr. GAETZ. It is a risk I know you both appreciate, given your service to the country. It is a risk I know the President appreciates. I have had the occasion to join him at Dover when my constituents have come back for a dignified transfer, and that risk being so ever present seems to accentuate the importance of your mission to draw down troops, to create some semblance of normalcy in Afghanistan to the extent to which that is even possible. And I believe that it is an unrealistic goal to say that we have to chase every terrorist into every cave forever and stay there forever in order to protect the homeland.

I think that we have proven that we can be more resilient at home without being more extended abroad, and that after 19, 20 years in Afghanistan our Nation is growing very weary of this.

We are growing weary of the dignified transfers. We are growing weary of the cost in terms of blood and treasure, and we grow weary of these circumstances where our adversaries—not just Russia but Iran and others that are in the region—utilize our continued presence. They utilize our, might I say, you know, unfocused extension of this conflict to try to harm Americans.

So I wish you godspeed in the mission that you are on to draw down those forces, and I thank you for giving us the briefing, and certainly for enlightening us to the fact that this was not some further flare-up.

The CHAIRMAN. The gentleman's time has expired.

Mr. GAETZ. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Carbajal is recognized for 5 minutes.

Mr. CARBAJAL. Thank you, Mr. Chairman. Chairman Milley and Secretary Esper, thank you for joining us today to cover these very important issues.

Before I ask my questions, I wanted to take a moment to mention Specialist Vanessa Guillen, who disappeared from Fort Hood in April after confiding in her family that she had been sexually harassed by a sergeant. Her remains were tragically found a few days ago. I am sure you are both aware of her story. I expect that you will do everything in your power to ensure that a full and independent investigation is completed, and continue to work to make our military welcoming and safe for our female service members.

As for today's topics, both of you noted in your testimonies our country is going through a period of anger and self-reflection regarding how our society treats and includes certain members of our Nation. While I appreciate your words, actions speak louder.

Secretary Esper, what concrete steps have you already taken and what other immediate actions do you plan on doing in the coming months to ensure that diversity is substantially valued and in-

creased at all levels of our military, especially amongst the officer ranks?

Secretary ESPER. Congressman, thank you, and first of all, you mentioned Specialist Guillen. What a terrible tragedy, murder. It is just a horrible, tragic story, and I feel for the family and they have my deepest sympathies and condolences. And we will conduct a full and thorough investigation and get to the bottom of all that happened, and hold those accountable as appropriate.

With that, your question is spot on. Look, we recognize that race is a problem in the military across the Nation. Discrimination, prejudice, bias. I talked about my quick action items. I have a list. I will probably put that out next week in terms of immediate things we will do to start getting rid of hidden bias in the military, such as removing photographs from promotion boards.

But I have also had the privilege over the last 3 weeks to hold over half a dozen listening sessions with soldiers, sailors, airmen of all ranks across the country and simply listen.

Beginning the conversation alone is something we have never really done, and the chance to sit down with these young men and women, I probably spent a total of 10 hours or so just listening, having the—having discussion, understanding that we don't even have the right terms and language and understandings of the definitions to have such a tough conversation, and I sat through many of them.

So that will be part of what we are going to begin. But I think in terms of standing up the Defense Board, and ultimately the Defense Advisory Committee that is mirrored on DACOWITS [Defense Advisory Committee on Women in the Services], I want to believe in some ways it is an historic step, a major step forward, to really get at this underlying issue that has hung around the neck of our country for well over 200 years, and to address the fundamental problems of racism and discrimination, prejudice and bias, both conscious and unconscious.

Because at the end of the day, the DOD is about having a cohesive unified ready force, and we rely heavily on persons from all backgrounds, creeds, races, ethnicities, genders, et cetera, to make us the greatest fighting force in the world.

Mr. CARBAJAL. Thank you, Secretary. I want to ask another question. General Milley and Secretary Esper, I would like to also take a moment to commend you regarding the statements you made at Lafayette Square, being there in field fatigues. You state that it was a mistake, and you learned from it.

I believe over the last month, there are many moments we can all learn from. Regret is one thing, but what would you do different in a similar situation? And while I understand we are waiting on reports on specific instances, such as the low-flying National Guard helicopters and reconnaissance planes, what lessons has the Department learned about its response, and how would you—how are you both working to make improvements?

Secretary ESPER. You know, Congressman, one of the—go back to June 1st, the evening of June 1st, it became apparent to me late that evening.

I think Chairman Milley and I had spent a couple hours walking around DC speaking to the soldiers. We were at the World War II

Memorial and the Jefferson Memorial, and it, you know, became very clear that we needed to speak on this topic.

And if you recall, and I think I entered into the record, Mr. Chairman, already, I put a statement out to the force within 18 hours or so that said very clearly that we have an oath to the Constitution, and that is our sworn oath to protect and defend the American people, and to give the American people the freedom to peaceably assemble and offer their speech, and that we at all times must do our best to remain an apolitical institution. That, I believe, is why we have the highest regard and respect in the country and have maintained that for many years.

The CHAIRMAN. Mr. Carbajal, your time has expired.

Mr. CARBAJAL. General Milley, what will you do different?

The CHAIRMAN. Mr. Carbajal, your time has expired. Mrs. Hartzler, you are recognized for 5 minutes.

Mrs. HARTZLER. Thank you very much, Mr. Chairman. Thank you, gentlemen. First of all, I want to commend you for the amazing professional job that you all have done, especially the National Guardsmen, in very, very difficult situations.

Mr. Secretary, you just mentioned the oath to defend our First Amendment rights, and just to review that, "Congress shall make no law respecting an establishment of the religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, [or] of the press; or of the right of the people peaceably to assemble, and to petition the government for redress of grievances."

What I have seen and what this country has witnessed in the last few weeks, I would argue, has not been peaceable many times and the National Guardsmen, these brave men and women who have volunteered and left their home to protect their country, they have faced with only batons and shields, they have been yelled at, called names that are unbelievable.

They have had bricks thrown at them. They have been shoved. They have had frozen water bottles thrown at them. I have seen on TV fireworks being shot at them, and they have stood there. They have professionally taken it. They have defended our monuments and our treasures, and I just want to commend them.

At the same time I want to denounce these actions of some Americans. This is violence. This is not peaceably assembling, and it should be treated as such.

And we have had questions about training, and Mr. Secretary, I know you were just at Fort Leonard Wood a couple weeks ago, and our community was so thrilled to host you and I know that you have seen our missions there, including being home of the Army's Military Police School, and hopefully you have seen that we have room to expand, and we have heard a little bit about the training.

I am wondering if you think it would be helpful to have centralized training to ensure consistency across all of the Armed Forces in military police actions, civil unrest behaviors.

Secretary ESPER. It is a good question, Congresswoman. I would like to take that back. Certainly, for the National Guard and how they train, you know, it is very important, particularly for the Guard that has this as a mission essential task to make sure that we have a solid baseline. But I would like to be deliberate and thoughtful on these things and get back to you.

[The information referred to can be found in the Appendix on page 109.]

Mrs. HARTZLER. Thank you. We would—

General MILLEY. Typically, Congresswoman, it is not going to be possible to do centralized training, given the scale of the military in terms of the numbers.

So what is typically done is training is centrally planned, the task, conditions, and standards. Training and doctrine commands of each of the services lay out all the requirements, and then it is distributed for execution by unit commanders.

That is for the forces that are in the operational force. All of the units in all of the different services go through the training school-house. So having one central location for all things civil disturbance, that can be okay for doctrine, for task, condition, standards, to lay that out and that is typically what everyone does.

But then the execution of the actual training, that needs to be more decentralized and distributed.

Mrs. HARTZLER. Right. Thank you. The Insurrection Act has been mentioned as well, and you were asked a lot of questions where you're supposed to ask yes or no.

So I will carry on that for just one more question. Do you realize that the Insurrection Act was not acted on in this recent—in the recent days?

General MILLEY. Yes.

Secretary ESPER. Yes.

Mrs. HARTZLER. Okay. Now that we have that clear, could there be scenarios in the future for a President where perhaps an Insurrection Act might be utilized and could be helpful?

Secretary ESPER. Congresswoman, let me answer it this way. Rather than speculating, let me offer history. The Insurrection Act was used in 1957 by President Eisenhower to federalize the Guard in Arkansas and to also call up the 101st Airborne Division in order to protect nine African-American students, known as the Little Rock Nine, so they can go to school.

It was called up in 1962 by President Kennedy to federalize the Mississippi National Guard to secure the University of Mississippi, Oxford, in order to ensure James Meredith, an African-American Air Force veteran, to go to school. The military police remained there for over a year.

In 1965, President Johnson deployed Active Duty forces to protect peaceful protest marchers in Alabama to ensure that they could protest peacefully opposing I believe segregation and confirming their First Amendment rights.

So if you look at history, you can see where the Insurrection Act was used to advance civil rights, and in a very positive way that our history accounts fairly well.

Mrs. HARTZLER. Thank you. I yield back.

The CHAIRMAN. Thank you. Mr. Brown is recognized for 5 minutes.

Mr. BROWN. Thank you, Mr. Chairman. I have two questions. I will ask them quickly and I hope that you can answer them briefly.

The first for you, General Milley. I know that you are a student of history, the history of warriors and warfare of the United States and our Armed Forces, and that you use that knowledge and un-

derstanding of our history to guide your decisions and thinking. You not only understand but you embody the values that we live by and that we die by as soldiers.

Can you comment on the naming of Army installations after Confederate soldiers? Does it reflect the values that we instill in soldiers? Are these Confederate officers held up as role models in today's military?

Does it help or hurt the morale or the unit cohesion of service members, particularly that of the black and brown service members who live and serve on these installations today?

General MILLEY. Congressman, we have had a lot of discussions in the Department of Defense and the Joint Chiefs amongst the senior leaders on that very topic. I will give you a couple things to think about. I, personally, think that the original decisions to name those bases after Confederate generals—the 10 bases you are talking about in the Army—those were political decisions back in the 1910s and 1920s and 1930s and World War I, World War II time-frame—100 years ago. And they are going to be political decisions today.

The military equity here is divisiveness, and as you mentioned cohesion. Forty-three percent of the United States military are minorities and in the Army, for example, in these Army bases you are talking about, we are up to 20-plus percent African American, and in some units you will see 30 percent, and for those young soldiers that go onto a base, a Fort Ord or a Fort Bragg or a Fort wherever named after a Confederate general, they can be reminded that that general fought for an institution of slavery that may have enslaved one of their—one of their ancestors.

I had a staff sergeant when I was a young officer who actually told me that at Fort Bragg, and he said he went to work every day on a base that represented a guy who enslaved his grandparents. So the symbols of it, it is not just—you know, we have to improve the substance of promotions, et cetera, in the military. But we have also got to take a hard look at the symbology, the symbols. Things like Confederate flags and statues and bases and all that kind of stuff.

The Confederacy, the American Civil War, was fought, and it was an act of rebellion. It was an act of treason at the time against the Union, against the Stars and Stripes, against the U.S. Constitution, and those officers turned their back on their oath.

Now some have a different view of that. Some think it is heritage. Others think it is hate. The way we should do it matters as much as that we should do it. So we need to have—I have recommended a commission of folks to take a hard look at the bases, the statues, the names, all of this stuff, to see if we can have a rational clear discussion.

Mr. BROWN. Thank you, General Milley. I appreciate it. I do want to get to Secretary Esper.

General MILLEY. Okay. I got it.

Mr. BROWN. I want to take a moment to thank you, Secretary, for clarifying your position on the use of force in deployment of our military against civilians exercising their constitutional rights to assemble to petition our government and peacefully protest.

Mr. Secretary, as you stated in your June 17th statement, we strive to create an environment of diversity and inclusion in the military. You specifically stated removing bias and prejudice in all its forms and ensuring equal opportunity and respect for all will make us stronger, more capable, and more ready as a joint force.

Last month, both the U.S. Marine Corps and U.S. Navy announced plans to ban the Confederate flag and associated imagery on bases and installations around the world. This symbol honors those who fought, as General Milley mentioned, to maintain oppression and slavery.

Furthermore, the Confederate flag is used albeit not by everyone, but is used by white supremacists and other organizations to continue to spread hate and racism.

In the NDAA [National Defense Authorization Act] we include a provision to ban its display on all Department property. But I believe that immediate action should be taken. What is your plan regarding a Department-wide ban of this symbol?

Secretary ESPER. Thanks, Congressman. First of all, let me again, you know, echo what you said about the National Guard, and I am reminded this is a use-of-force card that was handed out to the DC Guard, and here prominently in bold says, remember to preserve the peace and allow fellow Americans to peacefully assemble and exercise their First Amendment rights. That is what our Guard was trained on when they were operating in DC.

Look, I have a process underway by which to look at a number of issues, both substantive and symbolic. It will be a combination of the Defense Board and the Advisory Committee. We want to take a look at all those things. There is a process underway by which we affirm—

The CHAIRMAN. And I am sorry, Mr. Secretary, if you could wrap up quickly. The gentleman's time has expired.

Secretary ESPER [continuing]. Which we affirm what types of flags are authorized on U.S. military bases. I want to make sure that we have an approach that is enduring, that can withstand legal challenge, but that unites us, and most importantly helps build cohesion and readiness. And again, that process is underway and—

The CHAIRMAN. Thank you. I think that—

Secretary ESPER. Yes, sir.

The CHAIRMAN. Mr. Waltz.

Mr. WALTZ. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Waltz, you are recognized for 5 minutes.

Mr. WALTZ. Thank you, Mr. Chairman.

Mr. Secretary, General Milley, I do want to commend the Guard. [Inaudible.]

The CHAIRMAN. I am sorry, Mr. Waltz. You are—you are deep in the water here. We cannot understand you. Can you give it one more quick try? Or we may have to move on.

Mr. WALTZ. Okay. How are we doing now?

The CHAIRMAN. Much better. Go.

Mr. WALTZ. I just want to commend the Guard. My understanding is we have over 70,000—you know, that is, roughly, six divisions—currently deployed for the homeland and overseas. That is for COVID; that is for civil unrest; that is for ongoing overseas

missions. And they haven't even gotten into hurricane season in Florida or wildfires or others.

Mr. Secretary, the Guard's defense strategy points to demographic and economic trends that are critical to where we have the force structure around the country and says that it must be prepared to reposition Guard force structure in light of those shifting trends, particularly shifting populations, which as we know shifted fairly drastically over the last several decades.

Yet the force structure hasn't followed. In fact, in Florida, Florida right now ranks 53 out of 54 States and territories in terms of the size of the Guard per capita of its population. I think we all know with every hurricane bearing down every season, wildfires, and others, how much it is used.

Can you come back to me for the record [inaudible]—

[The information referred to can be found in the Appendix on page 109.]

The CHAIRMAN. I am sorry, Mr. Waltz. Once again, we—Mr. Waltz, we can't understand you. I think the first part of your question was reasonably clear. Mr. Esper, if you wanted to take a stab at the Guard situation in Florida and answer that, if you can, and take a shot at it.

Secretary ESPER. Thank you, Mr. Chairman. And Mr. Waltz, thank you. I think from what I caught—I will follow up with you offline. I think you were talking about the disposition or maybe the composition of Guard forces in Florida and how it has changed over time, or not, with demographics.

So maybe I will just follow up with you offline, and I think you asked that we have a conversation with General Lengyel. That is what I took from that.

Mr. WALTZ. Yes, Mr. Chairman. If you could hear me, just a slight tweak there. It is nationwide. It is how the Guard is shifting to reflect population flows.

Particularly we are looking at the per capita. You know, Florida's population has doubled since 1980, yet its Guard remains stagnant. So that would be one piece, and then—can you hear me?

The CHAIRMAN. Yes. No, you are breaking up. I apologize. We are going to have to move on. We have got a limited amount of time. We will get that back to him. But we cannot hear you properly. So we are going to move on to Mr. Keating. He is recognized for 5 minutes.

Mr. KEATING. Thank you, Mr. Chairman. Mr. Secretary, Mr. Chairman, thank you for your straightforward way you are addressing the Lafayette Square issue and civil law enforcement. I appreciate that.

I want to circle back before we are done, because I know how a video clip can work. Secretary Esper, you were asked I believe by Mr. Turner about bounties, and I want to be clear. The question was asked, was the word "bounties" used in reports that you might have reviewed regarding attacks on our troops.

So let me be clear. You can acknowledge that to your knowledge there was no bounties. Yet, indeed, there were reports that mentioned payments. Is that correct?

Secretary ESPER. Congressman, that is correct. I was responding to the specific question of do I recall use of the word bounties, and I think what I said is I do not recall the use of that word.

Mr. KEATING. No, I think you answered it correctly. But I didn't want a sound bite at the end of this hearing coming out that said that you said that you never saw a report on bounties. So that is clear.

Secretary ESPER. Congressman, I always—I always try to avoid politics, Congressman.

Mr. KEATING. I know. In any case, I didn't want you to be drawn into it unnecessarily. How is that?

In any case, Director Haspel—CIA Director Haspel—just in the last few days has said how important it is for force protection that the dissemination of information occurs and is shared to all national security community members, obviously to all of you, in an ongoing effort to secure our troops.

So she also—it was underscored clearly that the immediate versus delayed dissemination of that information of intelligence reports is critical. Are you satisfied that you are getting immediate transfer of this intelligence from our other agencies so if it is actionable you can act on that? Can you state that for the record, that there is—you don't perceive any delays, that this is really live-time dissemination to you?

Secretary ESPER. Congressman, I get a lot of reports every day, an inch thick of material I try and get through and read through. I know the Hill—this committee gets reports as well, and I think you saw the same reports that I saw on this topic.

It is hard for me to gauge the timeliness because I don't know when they start or when they get it. But you know, clearly, there is a process part of this, an analysis part, that once they get information converting it into intelligence, all that happens, I just don't have a sense of the timing, but—

Mr. KEATING. I don't mean to interrupt, but—

Secretary ESPER [continuing]. I will follow up with her. I can follow up with her on that offline.

Mr. KEATING. Please do, because it is essential that you get that information. I also want to know independently, you know, some of these unsourced reports do a lot for family members. I come from a family where we lost a family member in action, and particularly, you know, reports around 2019, the casualties that were there, the soldiers we lost.

Could you tell us: independently are you looking into those as well, given the intelligence you have, particularly the April 2019 suicide bombing outside of Bagram Air Base that killed three of our U.S. Marines, are you looking at this independently, based on the intelligence you have?

Secretary ESPER. Congressman, first of all, I share the concern and condolences still to the family of those Marines I believe who were lost. Let me say this much, and I will ask Chairman Milley to jump in here.

General McKenzie is looking back over time. I think he stated publicly as well as he doesn't see causality with that one, and I believe that I got a separate report from one of my intelligence agencies saying that they cannot find any corroborating evidence with

regard to that alleged program with regard to that attack on those three Marines. But Chairman?

General MILLEY. Congressman, as of today, right now, we don't have cause and effect linkages to a Russian bounty program causing U.S. military casualties. However, we are still looking. We are not done. We are going to run this thing to ground.

Mr. KEATING. Yes. Thank you. And just as clarification from an intelligence standpoint without being wonky, I mean cooperation usually isn't a term that is used by—it is usually remote, you know, improbable, even odds, probable, highly probable. Those are the kind of—or certain. Those are the kind of intelligence terms that are done, linking things together.

I will yield back. I am actually yielding back some time, Mr. Chairman.

The CHAIRMAN. Thank you. Mr. Vela, you are recognized for 5 minutes.

Mr. VELA. All right. Thank you, Mr. Chairman. Secretary Esper and Chairman Milley, I have got two questions and whatever time is left I would like to yield to Ms. Slotkin so that she can get ready for that.

But my first question refers to Vanessa Guillen that Mr. Carbajal brought up, and what I would like to do is—I am sure you are both as disturbed as we all are by the events leading to her death, and what I would like to do is give you an opportunity.

She has family members in my district, and we would like to give the opportunity to tell that family what we are going to do to make sure that those sorts of things don't happen again.

Secretary ESPER. Congressman, let me first go first and speak to you, but more importantly, the family and just express our sincere condolences with regard to what happened to Specialist Guillen.

It is tragic. It is horrible. I watched this over the preceding couple months in terms of how it unfolded. And I can't imagine the despair of the parents, not knowing what their—the fate of their daughter, and it is just a terrible incident.

I spoke yesterday or the day before with Secretary McCarthy. They are on top of that. As you know, they have a couple suspects I think have been arrested, and they are digging deeply into the investigation. I think we need to continue to pursue that and take a hard look at that.

And then, you know, we got to continue to work at the—at what is believed to be an underlying issue—the underlying issue—and that was she was sexually harassed, if not assaulted, by the soldier in question. That is something that continues to be a stain on the profession. We have made a lot of progress over 10 years, but nowhere near where we need to be.

We need to get to zero tolerance of sexual harassment and sexual assault, and we need to make sure that everybody in our ranks knows where they can go to—for help, where they can find help, and we've got to continue to emphasize that.

We've got to continue to empower the chain of command to make sure we do everything possible to make sure that we never have another incident like what happened to Specialist Guillen. And so that is my commitment and I know it is the Chairman's commitment as well. Chairman.

General MILLEY. Yes, I would echo everything the Secretary said. As a father of a daughter, that is just a nightmare. I mean it is a—my heart bleeds for that family, and I can't even begin to imagine what they are going through. But I want them to know that we are going to do everything in our power to make sure that that doesn't happen again.

I don't know all the details. A full investigation will come out by Secretary McCarthy. I suspect, although I don't know, that there were probably some missed signals, and one of the key lessons that we have learned in other situations is when we do get early warning it is to take action, and take action swiftly and appropriately.

So I think that will—my guess is that will probably come out in this space, and that will be one of the things we need to implement for the future to make sure it doesn't happen again.

Mr. VELA. Well thanks to both of you. My other question is for you, Secretary Esper. You recently extended the deployment of 4,000 troops to the southern border, and what I am wondering is—and just today in the Rio Grande Valley, the hospitals were forced to set up tents to serve as ICU [intensive care] units, and I am wondering if there is any consideration being given to using those troops to help support local efforts to confront the coronavirus pandemic.

Secretary ESPER. Congressman, I will answer your question two ways. First of all, you are right, we did extend—reduced it but extended the deployment.

We are there, as you know, in support of the Department of Homeland Security, and as they give us mission statements we try and be responsive and supportive of what they do. In this case, if they need additional medical support, that is clearly something that we could provide if needed.

I think beyond that, unless I misunderstood your question, we are now reacting to incoming requests from FEMA. I spoke to Director Gaynor the other night with regard to COVID spikes in Texas. Throughout Texas, as you may or may not know, we have already deployed a team of medical personnel to assist in Texas, and we are on the alert and looking for outbreaks in other States such as Arizona, Florida, California, to make sure that we are responsive to the American people in terms of dealing with any outbreaks that may happen around the country.

The CHAIRMAN. And the gentleman's time has expired. Mr. Kim is recognized.

Mr. KIM. Thank you so much for coming down here and talking to us today. As you have referred earlier, many of us members were briefed here in this room earlier today about the intelligence, and about what we know about possible Russian payments to the Taliban or militants to kill American soldiers and service members in Afghanistan.

I have to tell you, leaving aside the discussions about whether or not there is sufficient evidence regarding possible bounties or payments, whatever we want to call it, I have to say that the intelligence and what we know about Russian efforts in Afghanistan writ large targeting our personnel is deeply concerning to me.

And General Milley, you made reference to this, saying that this is something that we have known for quite some time and quite a number of years.

I just wanted to ask this question. I couldn't help but, while I'm in this room getting this briefing, think about a previous time that we have been in this exact room together at the beginning of this year talking about Iran, and at that time Secretary Esper and others were talking about how there was a threat to our personnel with regards to our personnel in Iraq and the region due to Iranians and Iranian-backed militias.

So I want to just hear from you. Both of these instances of what we know—what we do know about Russia's involvement in Afghanistan, both of them involve another nation arming and directing militants to kill American service members or target American service members abroad.

Yet I see two very different reactions to this coming from you, from the administration. So I wanted to ask for your explanation of what is the difference in the posture there between our conversations in January as what we are having today? Secretary Esper.

Secretary ESPER. So, Congressman, I think they are very two—two very different situations. So with regard to Iran, you had a case of the head of the IRGC [Islamic Revolutionary Guard Corps], which is designated by the United States as a foreign terrorist organization. He was the foreign terrorist leader of that foreign terrorist organization.

He had the blood of hundreds of Americans, going back many, many years, on his hands. He had orchestrated the rocket attacks that had preceded—that had occurred in that December, and we had clear credible information that he was planning additional attacks on American personnel in the region.

So a very different circumstance between what we saw, the evidence we had, our understanding of the threat in Iraq that was—on that battlefield that was being orchestrated by Soleimani, and it was the clear consensus of the President's national security team that he was a legitimate target. Again, very different from information we are picking up with regard to Russia, et cetera. But Chairman, I don't know if you want to add anything to that.

General MILLEY. Yes, I want to key in on something you said, Congressman. We have been aware for some time of Russian involvement or Iranian involvement, or Pakistani or Chinese involvement in other countries. But there is a big distinction between arming and directing. We know about arms. We know about weapons. We know about support and things like that. We don't have—in the case of the Russians, we do not have concrete corroborating evidence, intelligence, to show directing, and that is a big difference.

And if we did, there would be a different response, too. So but that is what I am saying. We are not done looking. We are going to dig into this. We are going to get to the bottom of it, this bounty thing. If in fact there is bounties, I am an outraged general, just like every one of us in uniform is. If in fact there is bounties directed by the government of Russia or any other institutions to kill American soldiers, that is a big deal. That is a real big deal.

Mr. KIM. Yes.

General MILLEY. We don't have that level of fidelity yet. We are still looking.

Mr. KIM. Well we will continue to go through the intelligence with you. Regardless of whether the payments were made, I felt that there was significant information there about directing. But again, we will continue that conversation going forward.

Secretary ESPER. Congressman, just curious, were you able to get the briefing today?

Mr. KIM. I did. That is right.

Secretary ESPER. Okay. Good. Good.

Mr. KIM. Just one last question. When we talk about the National Guard being utilized, you were talking, General Milley, about the training that they often get.

Yet when we looked at it, out of the 5,100 guardsmen and women who were here in DC last month, only 154 from the DC National Guard were military police, 26 security forces from other States. Only 83 were military police, and 4 were security forces. That is 5 percent out of the 5,100.

Secretary Esper, when you sent out your notice of emergency deployment, you focused on Active Duty military police units. Why was that not done the same for our guardsmen in terms of prioritizing military police personnel?

The CHAIRMAN. And this will have to conclude. I understand the Secretary has to go. We are over time. So up to you how long you wish to answer that question, and then we are—we will be done. Go ahead.

Secretary ESPER. Probably the Chairman may be better situated. But you know, every soldier undergoes a certain level of training, and of course we would not ask them to perform a mission if they weren't briefed on the rules of engagement and had a basic level of training.

But your point is a fair one. As we try and prioritize, as the Chairman noted earlier, the best for these situations would be military police units. But you also have to go with what you have available at the time to do that, and that is why I am so proud of our guardsmen who were, in many cases, performing missions that weren't core missions, but were a core mission as a soldier or an airman.

The CHAIRMAN. Thank you. I will say there were a lot of members who did not have an opportunity to question. I understand the Secretary does have to go. We would like to have the opportunity to submit those questions for the record and get answers as quickly as possible. And with that, we are adjourned.

[Whereupon, at 3:10 p.m., the committee was adjourned.]

A P P E N D I X

JULY 9, 2020

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

JULY 9, 2020

UNCLASSIFIED

Statement for the Record: HASC Hearing – 9 JUL 20

Chairman Smith, Ranking Member Thornberry, and distinguished members of the House Armed Services Committee: Thank you for the opportunity to testify today on the Department of Defense's role in the U.S. Government's response to the civil unrest in the District of Columbia.

Throughout our history, the U.S. military has demonstrated an unwavering commitment to supporting civil authorities in a myriad of circumstances, from responding to natural disasters, to protecting civil rights, to addressing public health crises. Over the past several months, our Active Duty, Reserve, and National Guard Service members have worked tirelessly across America on the front lines of the fight against the coronavirus disease 2019 (COVID-19) pandemic. Whether delivering food and medical supplies to communities in need, evacuating and repatriating U.S. citizens from foreign countries, or administering care in hospitals nationwide, more than 60,000 Service members have unfailingly answered our Nation's call, saving lives and stemming the spread of the virus. I am incredibly proud of their dedication and service to our fellow Americans.

In late May, our ongoing support to civil authorities mission expanded in the wake of the killing of George Floyd and an officer being charged with his murder; a tragedy we have seen repeated too often in our Nation. His death evoked public outrage and illustrated a painful truth that racial injustice continues to afflict our country to this day. Understandably, many Americans sought to exercise their First Amendment rights by voicing their anguish, frustration, and longing for change. Although many of these protests were peaceful and law-abiding, it is clear that some individuals exploited the situation to sow chaos and commit acts of violence, destruction, and theft. Clashes erupted with police in multiple cities, including Minneapolis, Atlanta, New York, Louisville, and the District of Columbia, during which buildings and vehicles were set on fire and vandalized; stores were looted; and law enforcement personnel and innocent bystanders were injured.

National Guard personnel were called upon by their respective governors to restore order and safeguard our communities, businesses, monuments, and places of worship. In doing so, the National Guard once again demonstrated its commitment to upholding the rule of law and protecting life and liberty, so that the violent actions of a few do not undermine the rights and freedoms of law-abiding citizens, or jeopardize the livelihood of hardworking Americans.

Our brave National Guard personnel, and every member of the Armed Forces, swear an oath to support and defend the Constitution, and we commit to doing so in our longstanding tradition of remaining apolitical. Many of us have taken this oath numerous times to reaffirm our commitment to defending the rights that this great document promises all Americans. Chief among them is the First Amendment, which guarantees the freedom of speech and right to peaceful assembly. And in cities across America, National Guard personnel were devoted to protecting these sacred rights, despite the risk to their own safety and personal wellbeing.

As a former Soldier and member of the National Guard, I am a firm believer that in these situations, the National Guard is best suited to provide domestic support to civil authorities, in support of local law enforcement. Using active duty forces in a direct civilian law enforcement role should remain a last resort, and exercised only in the most urgent and dire of situations. I

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want to make very clear that no active duty military units engaged protesters or otherwise took a direct part in civilian law enforcement or Federal protection missions in the District of Columbia or anywhere else in the country.

Growing Unrest and DoD's Support to Civil Authorities

At the height of the civil unrest, more than 43,000 Army and Air National Guard personnel in 33 States and the District of Columbia were called upon to assist Federal, State, and local law enforcement agencies in restoring and maintaining order, protecting their communities, and defending the rights of all Americans to protest safely and peacefully.

At the peak of response efforts in the District of Columbia, more than 5,100 National Guard personnel from the District of Columbia National Guard (DCNG) and 11 States – Florida, Idaho, Indiana, Maryland, Mississippi, Missouri, New Jersey, Ohio, South Carolina, Tennessee, and Utah – were authorized by their respective Governors to provide support. The DCNG supported the U.S. Park Police (USPP), the U.S. Marshals Service (USMS), and the District of Columbia Metropolitan Police Department (MPD). The authorized duties of the DCNG included: protection of Federal property; point security, crowd management, and access control; acting as a quick response force; medical support; and transportation of personnel and supplies. The out-of-State National Guard personnel protected Federal functions, persons, and property in collaboration with Federal law enforcement agencies.

The following is a detailed account of DoD's support to civil authorities, specifically in Minneapolis and the District of Columbia.

On Friday, May 29, 2020, there was unrest near the North Fence Line of the White House (Pennsylvania Avenue and Lafayette Park), two individuals who breached the outer security barriers on Pennsylvania Avenue, were taken into custody for unlawful entry by U.S. Secret Service (USSS) Uniformed Division (UD) Officers. As the night continued, three more individuals were arrested by USSS UD Officers for the same charge for a total of five arrests. Numerous USPP officers were injured in the altercation at the North Fence.

Throughout the evening, numerous protests occurred near the White House and key locations within the District of Columbia following press coverage of protests across the United States.

Out of an abundance of caution, I verbally approved placing the 16th Military Police Brigade Headquarters, 91st Military Police Battalion, and 116th Military Police Company on a 4-hour prepare-to-deploy order. These forces remained at their respective home station locations of Fort Bragg, North Carolina; Fort Drum, New York; and Fort Riley, Kansas.

Meanwhile, the Chairman of the Joint Chiefs of Staff (CJCS) and I spoke with the Governor of Minnesota to determine if the Governor anticipated requiring additional military support due to the escalation of violence in Minneapolis. On the previous day, the Governor called the growing unrest in Minneapolis an "extremely dangerous situation" and declared a state of emergency. At this time, nearly 200 Minnesota Army National Guard personnel were placed in state active duty to support local law enforcement.

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On Saturday, May 30, 2020, demonstrations continued in multiple cities in the United States, with some turning violent. Six DCNG personnel were hurt – one was hit in the head with a brick and suffered a concussion, while the other five suffered less serious injuries. The USPP requested assistance from up to 100 DCNG personnel in order to support the USPP's security plan for safety and protection of Lafayette Park resources and the White House Complex and Infrastructure through May 31. I verbally approved this request the same day.

The USPP required that all DCNG personnel be designated as "Special Police Officers" pursuant to D.C. Code § 5-205 and 54 U.S.C. § 102701. Pursuant to this designation, DCNG personnel have law enforcement authority to act on Federal park land. However, absent exigent circumstances, no DCNG personnel were authorized to conduct searches, seizures, or arrests. At the request of the President, I directed the Secretary of the Army to order the deployment of additional DCNG personnel to protect Federal functions, persons, and property. These DCNG personnel were issued shields and riot batons for personal protection. I did not authorize DCNG personnel or DCNG assets to collect, investigate, monitor, or store any information regarding any U.S. person.

The CJCS and I also spoke to the Governor of Minnesota Saturday morning. After our conversation, the Governor announced a full mobilization of the Minnesota National Guard, seeking to prevent further violence and protect the right of peaceful protest. The Governor directed these Service members to provide support to local authorities and aid in deterring situations such as rioting, arson, and looting in Minneapolis.

On Sunday, May 31, 2020, numerous civil disturbances, some violent, were occurring in multiple cities across the United States. In the District of Columbia, protesters clashed with law enforcement in Lafayette Park outside the White House, and pushed down multiple security barricades. According to the USSS, between the evening of May 29 and into the early hours of May 31, more than 60 USSS officers and special agents sustained minor to severe injuries from the violence (11 were brought to the hospital), and 6 USSS vehicles were vandalized.

Protesters reportedly broke through a barrier near a line of police and National Guard personnel at Lafayette Square Park near the White House. Multiple fires were reportedly set within blocks of the White House. St. John's Episcopal Church, across the street from the White House and Lafayette Square, was set on fire. A U.S. National Park Service building in Lafayette Park was also set on fire.

The USPP requested continued DCNG support – with an increase to 250 personnel – through June 7.

The District of Columbia's Homeland Security and Emergency Management Agency (HSEMA), on behalf of the D.C. MPD, requested 100 DCNG personnel and associated transport vehicles through June 6 to assist with traffic control and to block intersections identified by the MPD to allow the public to exercise their First Amendment rights safely. The Secretary of the Army verbally approved this request that same day.

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DCNG personnel were not authorized to conduct law enforcement activities in connection with this requested support. These personnel were not armed and were only equipped with night visibility vests and lighted wands.

On Monday, June 1, 2020, as civil disturbances across the country continued, the Mayor of Washington D.C. ordered a citywide curfew.

More than 50 USPP officers sustained injuries, some being hospitalized, throughout the operation period starting on May 29. Additionally, 7 Washington, D.C. MPD police officers were reported as injured that day.

I, along with the CJCS and the Attorney General, participated in an Oval Office meeting with the President to discuss how best to protect the District of Columbia, including by using National Guard personnel to protect Federal functions, personnel, and property.

I directed the Secretary of the Army to have 5,000 National Guard personnel in the District of Columbia by the evening, based on the President's direction to protect Federal functions, persons, and property.

In consultation with the Commanding General, DCNG, the Secretary of the Army advised me that the DCNG could only field 1,200 personnel and, as a result, 3,800 National Guard members from other States would be necessary.

At the direction of the President, and after consulting with the Attorney General, I requested, pursuant to Section 502(f) of Title 32, U.S. Code, that Governors provide approximately 3,800 National Guard personnel to protect Federal functions, persons, and property in the District of Columbia.

Due to his role supervising the DCNG, at my direction, the Secretary of the Army also served as the coordinating authority for all National Guard personnel deployed to the District of Columbia and supported the Attorney General's overall supervision of matters pertaining to the civil unrest.

National Guard personnel were not engaged in clearing protesters in Lafayette Square.

Meanwhile, the USMS requested DCNG assistance, pursuant to D.C. Code § 49-103, to assist the USMS's efforts to suppress violence and enforce the laws, including by protecting Federal buildings, national monuments, and other Federal property, and by ensuring conditions necessary for the orderly functioning of the Federal Government, through June 7. I verbally approved the request and authorized 850 DCNG personnel to provide assistance through June 14.

I then placed approximately 1,700 active-duty military personnel on alert in Maryland and Virginia in the event that out-of-State National Guard personnel could not arrive in time. Of those personnel, 400 were from the 3rd Infantry Regiment at Joint Base Myer-Henderson Hall, Virginia; 1,300 were from Fort Bragg, North Carolina; Fort Drum, New York; and Fort Riley, Kansas. The latter personnel were previously placed on a 4-hour prepare-to-deploy order on May 29 and I subsequently ordered them to be pre-positioned at Joint Base Andrews, Maryland; Fort

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Belvoir, Virginia; and Joint Base Myer-Henderson Hall, Virginia, where they remained on alert. These active duty personnel remained outside of the District of Columbia.

These deployed forces were composed of military police, engineers, and infantry personnel who received (or would have received, had they been employed) training on the standing rules for the use of force, which includes operational procedures, policies, and limitations when interacting with civilians and civilian law enforcement.

On Tuesday, June 2, 2020, the D.C. Mayor extended the citywide curfew as disturbances continued.

Active-duty military personnel of the 82nd Airborne Division arrived at Andrews Air Force Base, Maryland.

National Guard Service members from supporting States began to arrive in the District of Columbia. To ensure that out-of-State National Guard deployments into the District of Columbia were consistent with the President's authorization, units were limited in their deployment to Federal Government properties, including Federal buildings and monuments. When deployed to Federal Government properties, they were authorized to take reasonable measures to ensure the protection of property and the safety of Federal personnel, including crowd control, temporary detention, and cursory search. National Guard personnel from supporting States were not authorized to deploy away from Federal Government properties.

On Wednesday, June 3, 2020, additional National Guard Service members from supporting States arrived in the District of Columbia and were deployed to protect Federal functions, persons, and property.

On Thursday, June 4, 2020, with sufficient numbers of National Guard personnel now deployed in the District of Columbia, I initiated the redeployment of active-duty personnel back to their home stations.

On Friday, June 5, 2020, I verbally ordered the remainder of the deployed active-duty military forces to redeploy to their home bases and, in the case of the 3rd Infantry Regiment, to return to their normal duties.

The District of Columbia HSEMA, on behalf of the MPD, requested assistance from 150 DCNG personnel to assist with traffic control at Metrorail stations on June 6 and an additional 100 DCNG personnel from June 7-13. The Secretary of the Army verbally approved this request the same day.

By Saturday, June 6, 2020, protests were largely peaceful. In the District of Columbia, the USPP reported that there were no acts of vandalism or violence and no officer injuries. All active-duty military forces had returned to their home bases.

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On Sunday, June 7, 2020, protests remained largely peaceful with minor exceptions, and the President approved terminating any further mission requirements for out-of-State National Guard personnel. These National Guard personnel began returning to their home States.

The District of Columbia HSEMA requested an extension of the assistance from the 100 DCNG personnel through June 14. The Secretary of the Army verbally approved this request the same day.

By Friday, June 12, 2020, all the out-of-State National Guard personnel who deployed to the District of Columbia had returned to their home States.

On Tuesday, June 23, 2020, due to acts of vandalism to numerous historical statues and monuments, the USPP requested 450 DCNG personnel, from June 23 through July 8, to support the USPP incident action plan and provide an off-site response element to ensure the safety and protection of Lafayette Park resources, the White House Complex, the National Mall, and other National Park Service reservations in Washington, D.C. I approved this support on the same day, with the stipulation that the DCNG personnel would not be armed with firearms and would not exercise law enforcement authorities or responsibilities.

Throughout this sequence, and to date, no active-duty military units have engaged in civil disturbance operations.

Ongoing Investigations

Following the events described above, I have directed a full after-action review to be completed by the end of July by the Secretary of the Army, which will include an examination of issues that drew public concern, such as the use of helicopters and reconnaissance aircraft in support of civilian law enforcement or National Guard ground forces.

Regarding the use of helicopters, on June 1, a DCNG UH-72 helicopter with medical markings hovered at low altitude over a group of protestors. I directed an investigation into the matter within two hours of learning of the incident, to determine the exact facts and circumstances of the mission, authorization to hover, property damages, and any violations of policy. While the investigation has concluded, the findings are currently under review by the Secretary of the Army.

Additionally, upon learning that Air National Guard RC-26 aircraft were used to support civil authorities on June 2-3, 2020, I directed the Secretary of the Air Force to conduct an investigation, which Secretary Barbara Barrett launched on June 17, 2020. This ongoing investigation is being led by the Air Force Inspector General to determine the exact facts and circumstances of that mission.

Diversity and Inclusion in the Military

The tragic death of George Floyd and the ensuing civil unrest across the country underscore that the issues of race and equality weigh heavily on the American conscience. We know that racism is real across America, and we also know that the Department of Defense is not immune to the

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forces of bias and prejudice, whether seen or unseen, deliberate or unintentional. Racism, bias, and prejudice have no place in our military, not only because they are immoral and unjust, but also because they degrade the morale, cohesion, and readiness of our force.

Our history demonstrates that the U.S. military has often led on these issues, but the events of recent weeks are a stark reminder that much more work needs to be done. As a result, in the past month, I have personally engaged many of our military personnel – both officer and enlisted – from our youngest military personnel to our Service Chiefs, as well as the Secretaries of our Military Departments and other civilian leaders, on the topic of race in the military. They all agree that our military, one of America's most respected institutions, must lead on these issues and strive to end bias and prejudice in all its forms, and ensure equal opportunity, diversity, and inclusion for all in our ranks.

On June 17, I announced three new initiatives aimed at doing just that, promoting equal opportunity, diversity, and inclusion across the force:

First, I directed our civilian and uniformed leadership in the Pentagon to bring me concrete ideas that could be implemented immediately, such as removing photos from selection boards and establishing Diversity and Inclusion training and education reform across the Military Services.

Second, I established an internal Department of Defense Board on Diversity and Inclusion, which will report back to me by the end of the year with recommendations on how we can increase racial diversity and ensure equal opportunity across all ranks, especially in the officer corps.

Finally, I began the process of establishing a Defense Advisory Committee on Diversity and Inclusion in the Armed Services that will be a permanent structure, composed of an independent and diverse group of Americans committed to building upon the work of the Defense Board over the long term.

These are just the first steps toward shifting our culture and creating enduring change across our enterprise, so that the strongest, most capable military ever known better reflects the American people it is sworn to protect and defend.

Conclusion

In closing, I want to assure the American people that the members of the Department of Defense take seriously our oath to defend the Constitution of the United States and protect the sacred rights and freedoms this document guarantees for every American. As one of the country's most respected institutions, we work to maintain the trust of the American people through our time-honored commitment to our mission and core values, while remaining neutral and non-partisan in all matters. I am exceptionally proud of our Service members whose steadfast devotion to these principles ensures that our fellow Americans have the ability to peacefully exercise their First Amendment rights.

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For more than two centuries, our Armed Forces have earned the confidence of the public through their tremendous sacrifice in the cause of freedom, equality, and opportunity for all. And throughout our history, many have done so by paying the ultimate sacrifice in service to our country. It is a constant reminder that our brave personnel remain engaged around the globe to protect and defend our homeland, our people, and our way life.

We will continue to do so, as we work to build a better force – one that is diverse, inclusive, and representative of the American people that Service members, past and present, have so nobly and bravely defended at home and abroad.

Thank you.

Enclosures

1. Message to the Department – Support to Civil Authorities, June 2, 2020
2. Secretary of Defense Press Conference on Civil Unrest, June 3, 2020
3. DoD Response to Hon. Adam Smith on Use of Military Forces, June 10, 2020
4. USD(IS) Response to House Permanent Select Committee on Intelligence Regarding Domestic Response, June 11, 2020
5. Video Transcript – Message to the Force on Diversity and Inclusion, June 18, 2020
6. Memorandum – Actions for Improving Diversity and Inclusion in the Department of Defense, June 19, 2020

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Dr. Mark T. Esper
Secretary of Defense

Dr. Mark T. Esper was born on April 26, 1964, in Uniontown, Pennsylvania. He is a 1986 graduate of the United States Military Academy and received his commission in the Infantry. Upon completion of Ranger and Pathfinder training, he served in the 101st Airborne Division and participated in the 1990-91 Gulf War with the “Screaming Eagles.” He later commanded a Rifle Company in the 3-325 Airborne Battalion Combat Team in Vicenza, Italy. He retired from the U.S. Army in 2007 after spending 10 years on active duty and 11 years in the National Guard and Army Reserve.

After leaving active duty, he served as Chief of Staff at The Heritage Foundation think tank, followed by service as legislative director and senior policy advisor to former Senator Chuck Hagel. He was a senior professional staff member on the Senate Foreign Relations and Senate Government Affairs committees, policy director for the House Armed Services Committee, and national security advisor for former Senate Majority Leader Bill Frist. During the President George W. Bush administration, he served as the Deputy Assistant Secretary of Defense for Negotiations Policy at the Pentagon.

From 2006-2007, Dr. Esper was the Chief Operating Officer and Executive Vice President of Defense and International Affairs at Aerospace Industries Association. He was the national policy director to Senator Fred Thompson for his 2008 presidential campaign, and was a Senate-appointed commissioner on the U.S.-China Economic and Security Review Commission. Dr. Esper later served concurrently as the Executive Vice President for the U.S. Chamber of Commerce’s Global Intellectual Property Center and as Vice President for Europe and Eurasian Affairs from 2008-2010. Before being nominated as the Secretary of the Army in 2017, Dr. Esper was the Vice President for Government Relations at the Raytheon Company.

Dr. Esper is a recipient of the Department of Defense Medal for Distinguished Public Service. Among his many military awards and decorations are the Legion of Merit, Bronze Star Medal, the Kuwait Liberation Medal, Kuwait Liberation Medal-Saudi Arabia, and the Combat Infantryman Badge.

Dr. Esper holds a Master of Public Administration degree from the John F. Kennedy School of Government, and a doctorate in Public Policy from George Washington University. Dr. Esper and his wife, Leah, have been married for 30 years and have 3 adult children.

The Honorable Mark T. Esper was sworn in as the 27th Secretary of Defense July 23, 2019. He served as Acting Secretary of Defense from June 24, 2019, to July 15, 2019. Dr. Esper served as the Secretary of the Army from Nov. 20, 2017, to June 24, 2019, and from July 15, 2019, to July 23, 2019.



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JUN - 2 2020

MEMORANDUM FOR ALL DOD PERSONNEL

SUBJECT: Message to the Department – Support to Civil Authorities

The United States military has been the greatest force for good in our Nation's history. While we often see the impact of our efforts overseas, every President has at times deployed military forces for domestic missions as well. In the last few months, for example, America's men and women in uniform – Active Duty, Reserve, and National Guard – have worked day and night across our communities to confront the COVID-19 crisis. This historic mission was just the most recent example of our longstanding support to civilian authorities – from pandemics to hurricanes, and from wildfires to providing security after 9/11.

Throughout these response efforts, I have been incredibly proud of our Service members and their hard work to assist our fellow Americans. This past week, our support to civil authority mission – that had been focused on COVID-19 – changed. Our National Guard are now also being called upon across the country to help protect our communities, businesses, monuments, and places of worship.

Department of Defense personnel have taken an oath to defend the Constitution of the United States. I myself have taken it many times in my military and civilian careers, and believe strongly in it. As part of that oath, we commit to protecting the American people's right to freedom of speech and to peaceful assembly. I, like you, am steadfast in my belief that Americans who are frustrated, angry, and seeking to be heard must be ensured that opportunity. And like you, I am committed to upholding the rule of law and protecting life and liberty, so that the violent actions of a few do not undermine the rights and freedoms of law-abiding citizens.

I appreciate your professionalism and dedication to defending the Constitution for all Americans. Moreover, I am amazed by the countless remarkable accomplishments of the Department of Defense in today's trying times – from repatriating and sheltering Americans who were evacuated from a foreign land, to delivering food and medical supplies to communities in need, and to protecting our cities and communities. In every challenge, and across every mission, the U.S. military has remained ready, capable, and willing to serve.

As I reminded you in February, I ask that you remember at all times our commitment as a Department and as public servants to stay apolitical in these turbulent days. For well over two centuries, the U.S. military has earned the respect of the American people by being there to protect and serve all Americans. Through your steadfast dedication to the mission and our core values, and your enduring support to your fellow Americans, we will safeguard the hard-earned trust and confidence of the public, as our Nation's most respected institution.

Mark T. Esper



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Secretary of Defense Esper Addresses Reporters Regarding Civil Unrest

JUNE 3, 2020

Secretary Of Defense Dr. Mark T. Esper

SECRETARY OF DEFENSE MARK T. ESPER: Well, good morning, everyone.

Over the past couple days there's been a fair share of reporting, some good, some bad, about what is transpiring -- transpiring in our great nation and the role of the Department of Defense and its leaders. I want to take a few minutes to address these issues in person to make clear the facts and offer my views.

First, let me say up front, the killing of George Floyd by a Minneapolis policeman is a horrible crime. The officers on the scene that day should be held accountable for his murder. It is a tragedy that we have seen repeat itself too many times.

With great sympathy, I want to extend the deepest of condolences to the family and friends of George Floyd from me and the department.

Racism is real in America, and we must all do our very best to recognize it, to confront it, and to eradicate it. I've always been proud to be a member of an institution -- the United States military -- that embraces diversity and inclusion and prohibits hate and discrimination in all forms.

More often than not, we have led on these issues. And while we still have much to do on this front, leaders across DOD and the services take this responsibility seriously, and we are determined to make a difference.

Every member of this department has sworn an oath to uphold and defend the Constitution of the United States of America. I've taken this oath many times, beginning at the age of 18, when I entered West Point. The rights that are embedded in this great document begin with the First Amendment, which guarantees the five freedoms of speech, religion, press, assembly and the right to petition the government.

The United States military is sworn to defend these and all other rights, and we encourage Americans at all times to exercise them peacefully. It is these rights and freedoms that make our country so special, and it is these rights and freedoms that American service members are willing to fight and die for.

At times, however, the United States military is asked, in support of governors and law enforcement, to help maintain law and order so that other Americans can exercise their rights, free from violence against themselves or their property. That is what thousands of Guardsmen are doing today in cities across America. It is not something we seek to do, but it is our duty and we do it with the utmost skill and professionalism.

I was reminded of that Monday as I visited our National Guardsmen who were on duty, Monday night, protecting our most hallowed grounds and monuments. I am very proud of the men and women of the National Guard who are out on the streets today performing this important task, and, in many ways, at the risk of their own welfare.

I've always believed and continue to believe that the National Guard is best suited for performing domestic support to civil authorities in these situations, in support of local law enforcement. I say this not only as secretary of defense, but also as a former soldier and a former member of the National Guard.

The option to use active duty forces in a law enforcement role should only be used as a matter of last resort, and only in the most urgent and dire of situations. We are not in one of those situations now. I do not support invoking the Insurrection Act.

Last night, a story came out based on a background interview I did earlier in the day. It focused on the events last Monday evening in Lafayette Park, and I found it to be inaccurate in parts. So I want to state very clearly, for all to hear, my account of what happened that Monday afternoon.

I did know that, following the president's remarks on Monday evening, that many of us were going to join President Trump and review the damage in Lafayette Park, and at St. John's Episcopal Church. What I was not aware of was exactly where we were going, when we arrived at the church, and what the plans were once we got there.

It was also my aim -- and General Milley's -- to meet with and thank the members of the National Guard who were on duty that evening in the park. It is something the president likes to do as well. The path we took to and from the church didn't afford us that opportunity, but I was able to spend a considerable amount of time with our Guardsmen later that evening, as I moved around the city to many of the locations at which they were posted.

I also want to address a few other matters that have been raised about that evening.

First, National Guard forces did not fire rubber bullets or tear gas into the crowd, as reported.

Second, Guardsmen were instructed to wear helmets and personal protective equipment for their own protection, not to serve as some form of intimidation.

Third, military leaders, including the chairman of the Joint Chiefs of Staff, were wearing field uniforms because that is the appropriate uniform when working in a command center and meeting with troops in the streets.

Fourth, it wasn't until yesterday afternoon that we determined it was a National Guard helicopter that hovered low over a city block in D.C. Within an hour or so of learning of this, I directed the secretary of the Army to conduct an inquiry to determine what happened and why, and to report back to me.

Now, you all have been very generous with your time, so let me wrap up by stating again how very proud I am of our men and women in uniform. The National Guard, over the short span of several months, has gone from tackling natural disasters such as floods, to combating the coronavirus across the country, to now dealing with civil unrest in support of law enforcement on the streets of America, all while many of their fellow Guardsmen are deployed abroad, defending against America's real adversaries.

Most importantly, I want to assure all of you and all Americans that the Department of Defense, the Armed Services, our uniformed leaders, our civilian leaders and I take seriously our oath to support and defend the Constitution of the United States and to safeguard those very rights contained in that -- that document we cherish so dearly.

This is a tough time for our great country these days, but we will get through it. My hope is that instead of the violence in the streets, we will see peaceful demonstrations that honor George Floyd, that press for accountability for his murder, that move us to reflect about racism in America and that serve as a call to action for us to come together and to address this problem once and for all.

This is the America your military represents. This is the America we aspire to be, and this is the America that we are committed to defending with our lives. Thank you.

STAFF: We'll go to the phones. Bob Burns?

Q: Yeah, thank you, Mr. Secretary.

Taking you back to your comments about Monday evening, when you left the White House with the president and others, I think if I heard you correctly, you said you did know that you were going to be going to the St. John's church, but you didn't know what would happen when you got there. And you've since been criticized by many for essentially participating at a presidential photo-op. So my question is, do you regret having participated?

SEC. ESPER: Well, I -- I did know that we were going to the church. I was not aware of a photo-op was happening. Of course, the president drags a large press pool along with him. And look, I did everything I can to try to stay apolitical and to try -- trying to stay out of situations that may appear political, and sometimes I'm successful with doing that, and -- and sometimes I'm not as successful. But my aim is to keep the department out of politics, to stay apolitical, and that's what I continue to try and do, as well as my leaders here in the department.

STAFF: All right. We'll go to Phil Stewart.

Q: Yeah, hi.

Mr. Secretary, could you address, there's been a lot of criticism of your use of the word "battlespace" when you describe areas inside the United States where people are protesting. Could you -- would you like to take that phrase back? And when you talk about keeping the military apolitical, how do you see, you know, the department navigating this when the response to protests has become a partisan issue?

Thanks.

SEC. ESPER: Well, I'll take your second question first, Phil.

That is the challenge, right? It's -- it's a -- there -- there's a political tone to this. We are in a political season. An election approaches, and this is always a challenge for every Department of Defense in every election year. And so this is something we're going to continue to deal with as we creep closer and closer to election season.

I've been speaking about the importance of staying out of politics by remaining apolitical to my leadership since -- since I took office. I reinforced it when I came in, when we started the -- the new year, and I've talked about it several times since then. But this will be the ongoing challenge.

With regard to your first question, as -- as you rightly said, earlier this week I was quoted as saying the -- the best way -- way to get street violence under control was by dominating the battlespace, and probably all of you who cover the Pentagon hear us use this phrase often. It's something we use day in and day out. There are other phrases that we use day in, day out that you'll understand, that most people don't understand. It is part of our military lexicon that I grew up with, and it's what we -- we routinely use to describe a bounded area of operations. It's not a phrase focused on people, and certainly not on our fellow Americans, as some have suggested.

It is a phrase I used over the weekend when speaking with Minnesota Governor Walz. He and I spoke a couple times on Friday and Saturday as I spoke to him about DOD's support to what was happening there. Keep in mind, it was only a -- a -- a few short days ago, where Minneapolis was the epicenter and all eyes were focused on -- on Minnesota.

But Governor Walz is also a former member of the National Guard, and I was complimenting him on the call with the governors about what he had done. It was his successful use of the Guard in sufficient numbers that really wrested control of the streets from the looters and others breaking the law, and that's -- so I was giving him credit for that. And he was doing so so the peaceful demonstrations could be held, so that peaceful demonstrators could share their frustration and their anger.

That's what I was encouraging other governors to consider. In retrospect, I would use different wording so as not to distract from the more important matters at hand or allow some to suggest that we are militarizing the issue.

STAFF: All right, Luis Martinez.

Q: Hi, sir. Thank you much for a very -- for doing this briefing.

Some of the people that criticized you for the term of battlespace were some of America's most respected former generals, and they said that that was just inappropriate language.

And if I could move on to what you knew about the situation at Lafayette Square, were you aware that the park police were going to use such strong measures in pushing back the -- the protesters there? And did you express any concern that that may not be exactly what needed to happen to make that photo-op possible?

SEC. ESPER: Thanks for the question, Luis.

I -- I was not aware of law enforcement's plans for the park. I was not briefed on them, nor should I expect to be. But they -- they had taken what actions I -- I assume they felt was necessary, given what they faced. But I was not briefed on the plans and was -- was not aware of what they were doing.

STAFF: All right, Dan Lamothe.

Q: Hi, yes, Mr. Secretary, thanks for your time.

I realize you're trying to keep the department out of politics, but it took you a week to -- to say anything along the lines of what you did at the top of this call and -- and your strong -- strong comments this morning about George Floyd. In -- in light of the more than 200,000 black service members in uniform and the pain across the country, why did it take so long?

Thanks.

SEC. ESPER: Thanks -- thanks, Dan.

It's a fair question. I think you may have written about this, and as you rightly said, I've worked very hard to keep the department out of politics, which is very hard these days as we move closer and closer to an election.

You know, remaining apolitical means that there are times to speak up and times not to. And as I said in my earlier remarks, what happened to George Floyd happens way too often in this country. And most times, we don't speak about these matters as a department.

But as events have unfolded over the past few days, it became very clear that this is becoming a very combustible national issue. And what I wanted to do -- I had made the determination, as events escalated in the last 72 hours, that the moment had reached a point where it warranted a clear message to the department about our approach.

And so, given the dynamics, I wanted to lead by crafting my own statement for the department first -- which I did yesterday, and you all should have seen it and got it, it went out, this piece of paper -- my message to the force, which set, I thought was the proper tone for service members and DOD civilians and all, and giving my leaders the space to also craft similar messages, expressing our outrage at what happened, expressing our commitment to the Constitution, expressing our commitment as an institution to -- to end racism and hatred in all its forms, and just a general expression with regard to what the department is about.

So that -- that's the timeline, Dan, if you will, and that's why it did, and I do that with great counsel from the -- my advisors.

STAFF: We'll go -- one more from the phones.

Q: The chiefs, several of the chiefs were interested in speaking up sooner. Sometimes when you say nothing, that says something unto itself. In retrospect, would you have done so more quickly?

SEC. ESPER: Well, we did -- we -- you know, General Milley, we talked to the chiefs. There was -- most of the chiefs wanted to take the lead from me, and -- and so what I told them is I was -- through the chairman, I was going to take -- I was going to send the initial message out, again to set the tone, to express my views and then I'd give them the space to share their views as well, to do so.

And, again, this is -- we are a week into this, or so. And when you look at what's escalated, it's been a matter of 72 hours, maybe 96 or so. So -- and we've been consumed with a lot of things between now and then. But I do think it's important to speak up and to speak out and to share what we view, again, as an institution, the racism that exists in America and how we view it as an institution.

Again, I think we've led on these issues over the history of the United States military, and we'll continue to do so, certainly while I'm at the helm.

STAFF: All right, one more from the phone. Tom Bowman?

If not Tom, then Nick Schiffrin?

Q: Mr. Secretary, thanks very much for doing this. If I could take you back to the other night. I know you're saying that you didn't know exactly what the plans were. But with all due respect, those plans were designed by the commander in chief and also by Bill Barr -- of course the fellow cabinet secretary, and someone who is in the command center with you. So how could you not know about those plans and what does it say about those plans, to both clear the park and go to the church and do what the president did?

And number two, I know you're conducting an inquiry on the use of the helicopter. You may not want to say this, but do you believe it was inappropriate to use a medevac helicopter to intimidate protesters? Thank you.

SEC. ESPER: On the first thing, Nick, again, I think there's some speculation with regard to what you -- what you stated. I'd encourage you to speak to the Department of Justice as, again, it was a law enforcement action.

I had not yet arrived at the command post, I was en route to the command post when I was asked to return to the White House to update the president. I got back to the White House, and within a short period of time, we were -- the president went out to give his remarks.

So there was no space in between there, there was no opportunity to get a briefing and again, nor would I expect to get a briefing on what the law enforcement community was planning to do with regard to the clearing a park. Again, that was not a military decision, it was not a military action. The National Guard was there in support of the -- in support of law enforcement.

With regard to your second question, I would just say this much. I'm not going to comment because I've asked that an inquiry be made. I want to make sure I understand why -- what happened, who was involved, what orders were they given or not given, was there a safety issue involved, right? With an aircraft hovering that low.

So there's a lot of questions that need to be answered. I spoke to Secretary McCarthy last night about it, he is digging into it and we will get the facts, and we'll go back from there.

STAFF: All right. In the room, Tara?

Q: Thank you, Mr. Secretary. So you served in the D.C. National Guard --

SEC. ESPER: I did, that's right.

Q: -- to follow on Nick's question, were you surprised that a medical helicopter from the D.C. National Guard was used to intimidate people who were peacefully assembling?

And then secondly, as this goes on, you've asked the secretary of the Army to look into this, who tasked the helicopter --

SEC. ESPER: Right.

Q: Was the helicopter under the authority of the Department of Justice? Is that why there's this kind of murkiness about how the helicopter was tasked, how a medical helicopter was used in an aggressive form?

SEC. ESPER: Yeah, so those are some of the details we have to tease out in terms of, you know, who directed it, what was request, was it at the request of law enforcement. You made a statement that it was to intimidate protesters. I got a report back that they were asked by law enforcement to look at a checkpoint, a National Guard checkpoint to see if there were protesters around.

So there's conflicting reports. I don't want to add to that. I think we need to let the Army conduct its inquiry, and then get back and see what the facts actually are.

Q: But when you looked at the video, if you didn't see it live --

SEC. ESPER: I -- look, I think when you're landing that low in a city, it's -- it looks unsafe to me, right? But I need to find out -- I need to learn more about what's going on. It would not be unsafe if they were a medevac bird picking up somebody who was seriously injured or something like that, right? It would be a different circumstance.

So we have to find out all the facts, take it all in, and let the Army do its work and then come back with -- with what they discovered.

Let's --

Q: But to your understanding, it was not a medevac mission?

SEC. ESPER: I -- that's -- right, my understanding, it wasn't.

I need to -- I'm sorry, but I need to actually head to the White House. So I just want to wrap up by saying something to the -- directly to the men and women of the Department of Defense. And let me say this.

As I said in my message to the department yesterday, I appreciate your professionalism and dedication to defending the Constitution for all Americans. Moreover, I am amazed by the countless remarkable accomplishments of the Department of Defense in today's trying times.

From repatriating and sheltering Americans who were evacuated from a foreign land, to delivering food and medical supplies to communities in need, and to protecting our cities and communities, in every challenge and across every mission, the U.S. military has remained ready, capable, and willing to serve.

As I reminded you in February, I ask that you remember at all times our commitment as a department and as public servants, to stay apolitical in these turbulent days. For well over two centuries, the United States military has earned the respect of the American people by being there to protect and serve all Americans.

Through your steadfast dedication to the mission and our core values, and your enduring support to your fellow Americans, we will safeguard the hard-earned trust and confidence of the public as our nation's most respected institution.

Thank you.

JUN 10 2020

The Honorable Adam Smith
 Chairman
 Committee on Armed Services
 U.S. House of Representatives
 Washington, DC 20515

Dear Mr. Chairman:

This letter is in response to your June 3, 2020 letter in which you expressed concern over the use of military forces in response to civil unrest. This response supplements the Department's briefing to Members of the Committee of June 8, 2020:

1) What are the Department's plans for the use of active duty forces for domestic law enforcement?

U.S. military forces are always prepared to perform the Department's missions. In the context of the protests in the District of Columbia, active duty forces are not currently present and were not ever in the District for purposes of civilian law enforcement. The Department of Defense has not received a request for assistance from another Federal law enforcement agency that the Secretary has filled with active duty personnel.

If a state government objects, will the military be used over their objections?

Congress has given the President the authority to use active duty military forces for domestic law enforcement under certain conditions specified in the Insurrection Act, codified in Title 10, U.S. Code, Sections 251 – 255. In the event that a President makes such a decision, he may do so without approval from the State government in which the forces are to be used. The President also has the authority to use active-duty military forces to protect Federal functions, persons, and properties.

2) How many troops have moved, and are moving, into the Washington, D.C. area?

Title 10 – Approximately 1,700 title 10 troops were moved to military installations outside of the District in Maryland and Virginia, but began returning to home station on June 5, 2020. All active duty troops have returned to their home base as of June 9, 2020.

Title 32 – There were approximately 3,800 National Guard members from New Jersey, Utah, Ohio, South Carolina, Florida, Indiana, Mississippi, Tennessee, Idaho, Missouri, Pennsylvania, and Maryland protecting Federal functions, persons, and properties within the District of Columbia, in coordination with the D.C. National Guard. All non-D.C. National Guard members have returned to their home states.

Where are they coming from, what will their mission be, and what criteria must be met for them to deploy into the city?

Title 10 – Forces were drawn from Fort Bragg, North Carolina, Fort Drum, New York, Fort Riley, Kansas, and Fort Myer, Virginia. These soldiers were already under a heightened readiness, and were prepared to deploy to a multitude of contingencies worldwide. The President did not direct these forces to perform any missions in the District of Columbia.

Title 32 – There were approximately 3,800 National Guard members from New Jersey, Utah, Ohio, South Carolina, Florida, Indiana, Mississippi, Tennessee, Idaho, Missouri, Pennsylvania, and Maryland who were supporting National Guard operations within Washington D.C.

Who has command of these forces?

Title 10 – The chain of military command for these title 10 forces was the President of the United States, the Secretary of Defense, the Commander U.S. Northern Command, and the Commanding General of the Joint Task Force-National Capitol Region, Major General Omar Jones.

Title 32 – The chain of military command for D.C. National Guard personnel is the President of the United States, the Secretary of Defense, the Secretary of the Army and the Commanding General, District of Columbia National Guard, Major General William J. Walker. The out-of-state National Guard personnel remained under the command and control of their respective State Governors and were under tactical control of Major General Walker.

At no point were any civilian law enforcement personnel under the command and control of any military personnel.

Is there a dual-status commander to synchronize active duty and National Guard personnel?

There was no dual-status commander designated for the National Capital Region.

3) For troops moved to the Washington, D.C. area, what vehicles will they utilize and what weapons and equipment will they be issued?

Non-D.C. National Guard troops used organic vehicles, including General Service Administration box trucks, buses, and military vehicles.

Title 10 troops were not introduced into the District of Columbia.

What training have they received on the limitations of their authorities, interaction with law enforcement agencies and National Guard troops, and operating procedures for encounters with civilian protestors?

National Guard personnel received training on the Standing Rules for the Use of Force, and the D.C. National Guard Rules for the Use of Force.

The active-duty military personnel who were stationed outside of the District of Columbia, included military police, engineers, and infantry personnel who received (or would have received, had they been employed) training on the standing rules for the use of force, which includes operational procedures, policies, and limitations when interacting with civilians and civilian law enforcement.

4) Who has been charged with command of the District of Columbia National Guard?

Major General William J. Walker is the commander of the D.C. National Guard.

What role does the Secretary of Defense have in giving mission assignments to the D.C. National Guard?

The Secretary of Defense gives mission assignments to the D.C. National Guard through the Secretary of the Army.

Does the Chairman of the Joint Chiefs have a role?

The role of the Chairman of the Joint Chiefs of Staff is to provide best military advice to the President of the United States, Secretary of Defense, the Homeland Security Council, and the National Security Council, pursuant to title 10, U.S. Code, section 151.

If so, what is that role and please describe in detail?

Not applicable, see above.

What authorities and orders have the National Guard been given?

Consistent with the President's direction, the Secretary of Defense assigned to out-of-State National Guard personnel the mission of protecting Federal functions, persons, and property within the District of Columbia. These National Guard personnel were undertaking this activity in a duty status pursuant to section 502(f) of title 32, U.S. Code. The D.C. National Guard has been operating pursuant to a request from a number of responsible officials, including a request from the U.S. Park Police, the U.S. Marshals Service, and the Metropolitan Police Department.

5) Did the D.C. National Guard have any role in the dispersal of the peaceful protest in Lafayette Square?

The D.C. National Guard soldiers did not actively participate in the clearing of Lafayette Park. They were there strictly in a support-to-civilian law enforcement role.

If so, what was the role and who gave the orders for those actions?

As the D.C. National Guard did not actively participate in the clearing of Lafayette Park, no related orders were given. However, Major General Walker did direct "support-to-civilian law enforcement" actions of the D.C. National Guard.

6) There are multiple videos of what appear to be a Lakota and possibly a Black Hawk helicopter hovering low over peacefully protesting crowds using their rotor wash to disperse a crowd on June 1, 2020. Were these military helicopters and did they belong to the D.C. Guard or another unit? What was their mission, who authorized them to hover over the crowd, and why? Did any property damage occur because of the rotor wash? Were any military or civilian aviation policies violated by the aircraft crew(s), and how many (by type) airframes were involved? Did one of the helicopters have the internationally recognized symbol of a medical evacuation helicopter? If so, why was that air frame flying in D.C. that evening? Secretary Esper, you have said there will be an investigation. Will investigators go to the site of the incident and interview citizens who live in proximity to the event?

There were D.C. National Guard helicopters, and at least one was marked with the internationally recognized medevac symbols. The helicopters were authorized for use in the D.C. airspace by the Secretary of the Army. There is an open investigation to determine the exact facts and circumstances of the mission, authorization to hover, property damages, and violation(s) of policy.

7) What was the rationale behind your participation in the President's walk across Lafayette Square to stand in front of the doors of St. Johns' Episcopal Church on the evening of June 1, 2020?

We participated in the walk with the aim of observing damage in Lafayette Square and at St. Johns Church, and meeting with and thanking the National Guard members who were on duty.

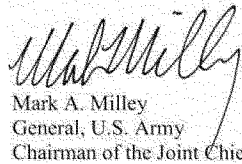
8) On the afternoon and evening of the June 1, 2020 were there any orders given to the 3rd Infantry Regiment, also known as "The Old Guard," to prepare to enter D.C. in support of civilian law enforcement? Was the Old Guard issued live ammunition and/or bayonets along with other equipment in preparation for this mission? If so, what was their mission, what were their Standing Rules for the Use of Force, and who was in charge, the commander of the Military District of Washington or the Commanding General of the D.C. National Guard?

The Secretary of Defense ordered the Old Guard to assume a "prepare to deploy status" on June 1, 2020, but did not order The Old Guard into the District of Columbia. At no point were any weapons loaded or made ready, but in preparation for potential operations in an increased readiness posture, the Old Guard Commander directed the issue of bayonets in scabbards and limited amounts of ammunition to be maintained in pouches. The Old Guard has subsequently returned to its normal readiness posture and remains assigned to the U.S. Army Military District of Washington Commander. As an

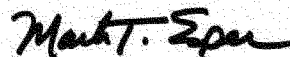
active duty component; the Old Guard is subject to the *Standing Rules for Use of Force for U.S. Forces*, CJCSI 3121.0B.

Thank you for your continued support of the men and women of the U.S. military.

Sincerely,



Mark A. Milley
General, U.S. Army
Chairman of the Joint Chiefs of Staff



Mark T. Esper
Secretary of Defense



UNDER SECRETARY OF DEFENSE
5000 DEFENSE PENTAGON
WASHINGTON, DC 20301-5000

JUN 11 2020

The Honorable Adam B. Schiff
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman,

This letter responds to your June 8, 2020, letter inquiring about any activities the Defense Intelligence (DI) Components may have undertaken or plan to undertake, or for which support has been requested, in connection with the Federal Government's response to nationwide civil disturbances following the deaths of George Floyd, Breonna Taylor, and other African Americans in encounters with police officers.

I, like the defense intelligence professionals who I am privileged to lead, take seriously our oath to the Constitution. The Constitution enshrines the right of every American to assemble peaceably in making their voice heard by the Government. It is essential that the American people have trust and confidence in the legitimacy of their military and Intelligence Community (IC) and our obligation to protect the rights of all Americans.

I confirm to you that I have not been asked by anyone in the Administration or the Department of Defense (DoD) to undertake any unlawful or inappropriate intelligence activities that could violate civil liberties in association with the domestic civil disturbances. Furthermore, I have not requested, nor conveyed any Administration or DoD request to the Combat Support Agencies (CSAs) to undertake any such unlawful or inappropriate intelligence activities. The Directors of the Defense Intelligence Agency (DIA), National Security Agency, and National Geospatial-Intelligence Agency have all personally assured me they have not received or made any such requests.

In the interest of further transparency, what I and the Directors of the relevant CSAs have done is to disseminate, as appropriate, situational reports generated by the Department of Homeland Security, the Federal Bureau of Investigation, and other Federal and State law enforcement organizations to provide to the DoD Components information that was deemed reasonably necessary to protect DoD personnel from harm. I have been informed that the DI Components did not produce or contribute to the production of this information.

No requests for DoD Support to Civil Authorities were made to the DI Components in relation to the domestic civil disturbances. If a request is made in the future for DI Component support to civil authorities in response to domestic civil disturbances, DoD will properly evaluate that request in accordance with applicable law and policy. Furthermore, I assure you that I will promptly notify Congress in the event any DI Component support is requested or provided in

association with the Federal Government response to domestic civil disturbances. I commit to providing such notification in an unclassified format to assist Congress in maintaining transparency with the American public.

The Legislative and Executive Branches agree on the need to defend against foreign interference in the American domestic political process. The DI Components have the mission to support activities that protect against such interference. That mission requires the DI Components to collect and analyze foreign intelligence regarding foreign actors who seek to generate and exploit division among Americans lawfully exercising their constitutional rights.

Given the complex and classified nature of foreign intelligence collection, it is not always readily apparent to the American people how lawful foreign intelligence collection and analysis differs from unlawful intelligence activities rightfully prohibited by U.S. law and DoD policy. For example, a recent effort by DIA to establish an Internal Coordination Group focused on potential foreign interference associated with the protests was mischaracterized in media reporting as, instead, potentially focused on the domestic political activities of U.S. persons. As part of your commitment to counter foreign interference in the American political process, I ask that you and your congressional colleagues continue to help the IC communicate to the public the distinction between lawful intelligence collection and analysis to prevent foreign interference in American affairs, and unlawful and inappropriate intelligence activities that we all strongly oppose.

My office is already in contact with your staff to arrange a briefing from a senior member of my staff and the relevant CSAs to satisfy our obligations concerning congressional oversight. I look forward to a robust and continuing dialogue to address your concerns, and for your help in reassuring the American public that the intelligence professionals of the DI Components are upholding the finest ideals of this nation.

Sincerely,



Joseph D. Kernan

cc:
The Honorable Devin Nunes
Ranking Member

Secretary Mark T. Esper Message to the Force on DOD Diversity and Inclusiveness

JUNE 18, 2020

Secretary of Defense Dr. Mark T. Esper

Hello. I am Secretary of Defense Mark Esper. Today, I want to speak to all members of the Department about a subject that is timely, important, and absolutely essential to the morale, cohesion, and readiness of the military: ensuring that our ranks reflect and are inclusive of the American people we have sworn an oath to protect and defend.

For over 200 years, the United States military has fought to defend the nation and our interests abroad, and we have been very successful in doing just that.

Over the last several decades, we have defined ourselves as the greatest military force in history. We have reached this apex not just because of our doctrine and technology, or our tactics and warfighting skills. We have reached it because we are an all-volunteer force of patriots who believe in America and what she stands for; we believe in the Constitution and the rights it guarantees all Americans; and we believe in values such as courage, honor, commitment, duty, and teamwork – all of which are hallmarks of our men and women in uniform.

The United States military is sworn to support and defend these rights and freedoms that make our country special, and we internalize these values and behaviors that make each of you so special as well. That's why we are willing to lay down our lives and risk everything for the Constitution, the American people, and each other.

Our military has also reached this level of excellence because we attract the best America has to offer: young men and women across the land and beyond our shores who not only love our country and share these values, but who also represent a wide range of creeds, religions, races, ethnicities, sexual orientations, and other attributes that not only distinguish us as individuals, but also make us stronger when combined together.

I, myself, am keenly aware of how diversity is inherent in the foundations of this country. I am a second generation American whose paternal grandparents emigrated from Lebanon around the turn of the last century, and whose Irish ancestors from my mother's side came to this country decades before them. Both halves of my family brought together different cultures, different languages, and different strands of the same faith from their homelands, but each saw America as a land of hope and equal opportunity. I also saw a duty to serve, which is why I went to West Point, and then spent over two decades in uniform.

I recently shared with you my pride in being a member of an institution – the United States military – that embraces diversity and inclusion, and rejects hate, bigotry, and unlawful discrimination in all forms.

More often than not, we have led on these issues.

However, we are not immune to the forces of bias and prejudice – whether visible or invisible, conscious or unconscious. We know this bias burdens many of our Service members, and has direct and indirect impact on the experiences of our minority members, the cultural and ethnic diversity of the force, and representation in our officer ranks. These things have no place in our military; they have no place in our country.

Leaders across the Department and the services are determined to make a difference on this front, and we take this responsibility seriously. It is now time for us to lead once again, as we have done many times in the past. It is time to lead not just because it's consistent with our values and our legacy, and it's the right thing to do, but also because this is how we will become even greater than we are today.

Removing bias and prejudice in all its forms, and ensuring equal opportunity and respect for all will make us stronger, more capable, and more ready as a joint force.

A diverse and inclusive DoD draws out and builds upon the best in each of us; it builds esprit de corps, forges teamwork, and brings out the best between us. In short, it brings out the best in America.

Over the past week, I have had the opportunity to speak with the senior civilian and military leadership – both officer and enlisted – on the topic of racial diversity. We all agree that it is time to lead once again on this issue as America's most respected institution, and a globally-recognized leader when it comes to building diverse, winning teams, and creating opportunity for all.

As such, I want to announce three initiatives that will launch a new era, marked by a reinvigorated effort to build a better U.S. military that pursues equal opportunity and aspires to true meritocracy with greater vigor and purpose:

First, I am standing up a new, internal "Defense Board on Diversity and Inclusion in the Military," which will conduct a 6-month sprint to develop concrete, actionable recommendations to increase racial diversity and ensure equal opportunity across all ranks, and especially in the officer corps. The members of this Board will have the carte blanche and resources to chart their own course. They will report to me, and will be tasked to bring me their findings and recommendations in December.

Second, I will begin the process of standing up a "Defense Advisory Committee on Diversity and Inclusion in the Armed Services" that will mirror the well-regarded and successful Defense Advisory Committee on Women in the Services. This Committee will be a permanent structure, comprised of a diverse group of Americans committed to the task at hand. They will report to me, and will have the independence and resources necessary to get us where we need to be. My goal is to have this Advisory Committee formed and operating before the end of the year, and to build upon the work of the Defense Board I'm establishing today.

The approved initiatives that come out of the Board, and later the Advisory Committee that replaces it, will provide updates on action items, along with associated metrics, covered in the quarterly readiness briefings that are presented to me by the chain of command. In short, this issue will have my personal time and attention every step of the way.

Finally, I have directed the civilian and uniformed leadership of the Pentagon to bring me ideas in the next two weeks – by the end of June – that we can begin implementing NOW, such as removing photos from promotion, school, and command selection boards – this is something I pushed as Secretary of the Army, as we worked to overhaul our personnel system.

I am convinced that there are a number of great ideas already out there right now, large and small, that can help us make important strides in ensuring the Armed Forces look more like the broader society we serve.

Over the coming days and months, I will be out in the field to meet with our service members and hear their views and concerns about race in the military. I will have the chance to listen and learn from their personal experiences, and gain a better sense of where to focus our efforts.

And, in that spirit, I invite all of you to share with me your good ideas. I want to hear from you. I don't want anyone to think you do not have a role, or cannot play a part, in this conversation – one that is so critical to our esprit, our camaraderie, and our readiness. These are not problems that can be identified and solved from the Pentagon alone. We need your help.

My goal is to effect an enterprise-wide, organizational and cultural shift. The actions I have identified today are just the first steps, but there is more to be done. Over the next few months, I will be working across the Department to identify additional ways to foster lasting change, from recruiting, career track selection, and retention; to assignments, schools, and promotions; to military justice and everything in between and beyond.

While we pursue these initiatives, I ask each and every one of you to reflect upon the issues of race, bias, and inequality in our ranks, and have the tough, candid discussions with your superiors, your peers, and your troops that this issue demands. This is an added responsibility for our Officers and NCOs, who must also double down on your mentorship of up-and-coming minority leaders, and make diversity and inclusion a priority. This is what I expect of leaders.

In the meantime, take care of one another and talk to each other. Have pride in being an integral part of the greatest military force in the world, and have confidence that we will continue to lead on issues that impact all of us. And at all times, keep in your heart and your mind the oath you swore to the Constitution of the United States, and the rights and freedoms it promises for us and our fellow Americans.

Thank you.



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JUN 19 2020

MEMORANDUM FOR CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF
DEFENSE

SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
CHIEF OF THE NATIONAL GUARD BUREAU
COMMANDERS OF THE COMBATANT COMMANDS
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF COST ASSESSMENT AND PROGRAM
EVALUATION
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR OF OPERATIONAL TEST AND EVALUATION
CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF
DEFENSE
ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE
AFFAIRS
ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC
AFFAIRS
DIRECTOR OF NET ASSESSMENT
DIRECTORS OF DEFENSE AGENCIES
DIRECTORS OF DOD FIELD ACTIVITIES

SUBJECT: Actions for Improving Diversity and Inclusion in the Department of Defense

For more than 200 years the U.S. military has fought to defend our great Nation and our interests abroad, earning the reputation as the greatest military force in history. We have reached this apex because we are an all-volunteer force of patriots who believe in the Constitution and the rights it guarantees all Americans. We have also reached this level of mission excellence because we attract the best America has to offer: young men and women from across the land and beyond our shores. They not only love our country and share these values, but also represent a wide range of creeds, religions, races, ethnicities, sexual orientations, and other attributes that distinguish us as individuals, and make us stronger together.

To ensure the morale, cohesion, and readiness of the military it is essential that our ranks reflect and are inclusive of the American people we have sworn to protect and defend.

While the military has often led on these issues throughout history, we are not immune to the forces of bias and prejudice. We know this bias burdens many of our uniformed personnel and has direct and indirect impacts on the experiences of our minority members and their representation in our ranks, especially in our officer corps. That is why bias and prejudice have no place in our military; they also have no place in our country. We can and must do better.



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We must lead on these issues as America's most respected institution and as a global leader when it comes to building diverse, winning teams and creating opportunity for all. Therefore, I am directing the following actions:

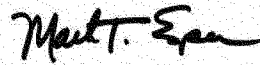
- By June 29, 2020 the Secretaries of the Military Departments and the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), in consultation with the Chiefs of the respective Military Services and informed by Combatant Commanders through the Chairman of the Joint Chiefs of Staff, will conduct a review of all DoD, Military Department, and Military Service policies, programs, and processes that may negatively affect equal opportunity, diversity, and inclusion for all our people. The Secretaries of the Military Departments and USD(P&R) will recommend changes for swift implementation to address any identified issues. Examples of policies, processes, and programs to be reviewed include areas such as accessions, promotion boards, and associated processes; assignment and command opportunity and selection; and professional military education selection.
- By July 2, 2020 USD(P&R) will establish the framework and terms of reference for an internal DoD Board on Diversity and Inclusion to undertake a more comprehensive evaluation and assessment of military policies, processes, and practices to improve racial diversity in our ranks. This Board will be led by the Secretary of the Air Force, the Honorable Barbara Barrett. USD(P&R) will provide me and Secretary Barrett a coordinated proposal for the Board's framework and terms of reference, including its structure, membership, goals, and objectives, with the aim of the Board being operational by July 15, 2020 if not sooner. A final report by the Board, with findings, actionable recommendations (including proposed changes to policy, statute, and resources), and proposed metrics to evaluate the effectiveness of these recommendations, will be provided to me not later than December 15, 2020. The Military Departments are directed to provide logistical and administrative support to the Board, as required.
- Finally, by July 20, 2020 the USD(P&R), with the assistance of the Office of the Chief Management Officer, will provide a proposal to me for establishing an enduring Defense Advisory Committee on Diversity and Inclusion in the Armed Services to examine any and all issues that will improve equal opportunity, diversity, and inclusion in the military. This advisory committee will be an independent body that mirrors the Defense Advisory Committee on Women in the Services, and will be composed of subject matter experts and distinguished authorities from outside DoD. This advisory committee will build upon the work of the new aforementioned Defense Board, as appropriate, and will be ready to begin its work by December 1, 2020. The advisory committee will be charged with conducting studies, generating findings, and providing its recommendations to the Secretary of Defense.

A starting point for each of the above actions must include an examination of the reports of the numerous efforts and studies concerning issues of diversity and inclusion in the past, as well as a review of the implementation status of any resulting recommendations. Such reports include U.S. Government Accountability Office studies and the reports of the Military

Leadership Diversity Council. In addition, the work of existing forums that address aspects of these critical issues, such as the Defense Diversity Working Group and the Defense Equal Opportunity Reform Group, should also inform these actions.

Updates on all of these actions will be provided to me by USD(P&R) and the chain of command on a monthly basis.

I am proud to be part of an institution that embraces diversity and inclusion, and rejects hate and prejudice in all its forms. I am committed to effecting an enterprise-wide, organizational and cultural shift. In doing so, we will continue to be the greatest fighting force in history and the most respected institution in the country; one that not only reflects its values, but one that also fully represents the American people it has sworn to protect and defend.



CJCS HASC Civil Unrest Hearing Written Statement

Chairman Smith, Ranking Member Thornberry, distinguished members of the committee, thank you for the opportunity to appear before you today with Secretary Esper to discuss the recent civil unrest.

The past month and a half has been an especially trying time for America and for our military.

I am outraged by the senseless and brutal killing of George Floyd.

His death amplified the pain, the frustration, and the fear that so many of our fellow Americans live with day in and day out. The protests that have ensued not only speak to his killing, but also to the centuries of injustice toward Black Americans. We as a nation and as a military are still struggling with racism, and we have much work to do. Racism and discrimination, structural preferences, patterns of mistreatment, and other manifestations of bias have no place in America and they have no place in our Armed Forces.

We know our system in the United States is imperfect, full of passionate debate, and continually evolving, but we should be proud that the vast majority of protests have been peaceful. Peaceful protest means that American freedom is working.

We in the military have taken an oath to protect the rights and freedoms of all Americans. As service members, we pledge to support and defend the Constitution and its essential principles: that all men and women are born free and equal and have freedoms of speech, press, and religion, and rights to peaceful assembly and to vote. This oath underpins my duties as the Chairman of the Joint Chiefs of Staff, and I am deeply committed to fulfilling the letter and spirit of my oath regardless of consequences. We, the U.S. military, will always support and defend the U.S. Constitution and hold dear the principle of an apolitical military that is so deeply rooted in the very essence of our Republic.

My role as the Chairman of the Joint Chiefs of Staff is to be the principal military advisor to the President, Secretary of Defense, National Security Council, and Homeland Security Council. Throughout recent events, I exercised this role exclusively; at no time was I in command of any forces. All of my actions have been consistent with my statutory authority as an advisor, who is explicitly not in the chain of command.

Since the protests began, I have informed my advice by seeking information to help me understand the situation across the Nation and assess the ability of federal, state, and local

CJCS HASC Civil Unrest Hearing Written Statement

authorities to handle situations under their responsibility. I have met and spoke with National Guard leadership and troops, Army and Department of Defense leadership, Department of Justice officials, state Governors, and District of Columbia officials to better understand the circumstances around the civil unrest across America and in our Nation's capital. From these engagements, my assessment and advice was, and continues to be, that under the prevailing conditions active duty troops were, and are, not necessary to deploy on the streets of America. The Insurrection Act was, in fact, never invoked. Local, state, and federal law enforcement or the National Guard under governor control was able to handle all cases of civil unrest. Per order by the Secretary of Defense, active duty troops were alerted and prepared, but never utilized.

The week following the death of George Floyd on 25 May saw initially peaceful protests turn violent in many cities throughout the country. In Minneapolis, significant violence began on the evening of 26 May. The violence took the form of looting, commercial property damage, and arson. Minneapolis firefighters and police officers quickly became overwhelmed. On the 28 May, Governor Tim Walz declared a state of emergency, activated Minnesota National Guard troops under his authority, and deployed them to Minneapolis to support state and local law enforcement. The Secretary of Defense and I spoke via telephone with Governor Walz to better understand the situation in Minneapolis and see what, if any, additional assistance he required. This conversation helped inform my military advice.

Overnight, from 29-30 May, the number of violent protests grew nationally to 13 major cities, then to 22 cities the following evening, and 34 cities on 31 May. By the morning of 1 June, 29 states and the District of Columbia had activated their National Guard, totaling more than 17,000 troops.

In Washington D.C., our Nation's capital faced three nights of escalating violence – from 29 May through 31 May. Law enforcement and protestors clashed; the White House increased its security posture; the federal government vacated certain buildings and ordered a number of workers to stay at home; some of our Nation's monuments and government buildings were defaced; businesses in D.C. were looted, and some were set ablaze. It was reported to me that it was the worst three days of violence in Washington D.C. in almost 30 years.

The chain of command for the National Guard's response to civil unrest in D.C. is unique, guided by laws that have roots in our Constitution and Congressional statutes on how the District

CJCS HASC Civil Unrest Hearing Written Statement

is governed. Congress created a Federal district and placed the command and control of the D.C. militia – what we call the National Guard today – under the President, since there is no governor of the District. In 1969, the President delegated supervision and control of the D.C. National Guard to the Secretary of Defense. As a result, D.C. National Guard command and control flows from the President to the Secretary of Defense, to the Secretary of the Army, and then to the Commanding General of the D.C. National Guard, Major General Walker. At all times, my role remained to execute my statutory duty as the principal military advisor to the President and the Secretary of Defense and I was never in charge of any forces. The lawful chain of command was at all times in effect.

To generate feasible, lawful, and effective advice for how the military could help respond to violent protests in Washington, D.C. should the need arise, I met with the Secretary of Defense, Secretary of the Army, Chief of Staff of the Army, Chief of the National Guard Bureau, D.C. National Guard leadership, U.S. Attorney General, FBI Director, D.C. Metro Police Chief, and federal law enforcement from the Department of Justice, the lead federal organization coordinating the multi-agency response to civil unrest in D.C. Additionally, I went to the FBI Washington Field Office, the location of the D.C. command and control center, in order to better assess the command and control arrangements and the situation across the country and in the District. I was in field fatigues at the FBI office because I intended to visit with various National Guard troops to further assess the situation.

While at the FBI office, several of us were called to the White House to brief the situation. Afterwards, the President and a large group of advisors, of which I was one, walked across the street toward Lafayette Square to talk with the National Guard troops and police and survey damage. I broke contact with the group before they gathered by St. John's Episcopal Church.

My substantive engagement with various organizations and individuals responsible for responding to civil unrest was essential to informing my assessment of the situation and my advice on the potential use of federal troops. I consistently assessed that state and local authorities had the capabilities to handle the situations and in some instances may require National Guard under Governor control or federal law enforcement, but in no case did I assess that active duty troops were required based on the security situation. The Secretary of Defense did issue, "be prepared to" orders to just over 1,700 active component troops that were staged at military bases outside the District of Columbia beginning on 2 June. They were never used and

CJCS HASC Civil Unrest Hearing Written Statement

all returned to their home stations by 6 June. I continually advised that there were effective options well-short of employing active duty troops in America's communities. Additionally, I consistently advised that de-escalation measures be taken, such as removing weapons and helmets consistent with force protection measures.

I am incredibly proud of the dedication, professionalism, and discipline displayed by the citizen-soldiers that make up our National Guard. As they have since their creation in 1636, they answered the call to support local and state needs. They supported law enforcement in quickly quelling violence and restoring the ability of Americans to conduct peaceful protest – a basic tenet of our Republic. Thirty-three states and the District of Columbia ultimately activated their National Guard during this historic time of civil unrest, totaling more than 43,000 Guardsmen. We never had to use active duty troops in American communities because of the combined efforts and expertise of state and local authorities supported by the National Guard. Their efforts were not without cost. Many law enforcement officers, National Guard troops, first responders, and civilians were injured, and several were killed.

Our National Guardsmen – and every member of our Joint Force, including myself – have sworn an oath to support and defend the Constitution. This includes the rights it bestows upon our citizens for free speech and peaceful assembly, and the essential principle that all Americans are created equal. We who wear the uniform of our Nation come from the people of our Nation, and we remain dedicated to the Constitution that has allowed us to live in freedom and continue to build the Nation we love.

Thank you very much, and I look forward to your questions.

GEN Mark A. Milley
Chairman of the Joint Chiefs of Staff

General Mark A. Milley is the 20th Chairman of the Joint Chiefs of Staff, the nation's highest-ranking military officer, and the principal military advisor to the President, Secretary of Defense, and National Security Council.

Prior to becoming Chairman on October 1, 2019, General Milley served as the 39th Chief of Staff of the U.S. Army.

A native of Massachusetts, General Milley graduated from Princeton University in 1980, where he received his commission from Army ROTC.

General Milley has had multiple command and staff positions in eight divisions and Special Forces throughout the last 39 years to include command of the 1st Battalion, 506th Infantry, 2nd Infantry Division; the 2nd Brigade, 10th Mountain Division; Deputy Commanding General, 101st Airborne Division (Air Assault); Commanding General, 10th Mountain Division; Commanding General, III Corps; and Commanding General, U.S. Army Forces Command.

While serving as the Commanding General, III Corps, General Milley deployed as the Commanding General, International Security Assistance Force Joint Command and Deputy Commanding General, U.S. Forces Afghanistan. General Milley's joint assignments also include the Joint Staff operations directorate and as a Military Assistant to the Secretary of Defense.

General Milley's operational deployments include the Multi-National Force and Observers, Sinai, Egypt; Operation Just Cause, Panama; Operation Uphold Democracy, Haiti; Operation Joint Endeavor, Bosnia-Herzegovina; Operation Iraqi Freedom, Iraq; and three tours during Operation Enduring Freedom, Afghanistan. He also deployed to Somalia and Colombia.

In addition to his bachelor's degree in political science from Princeton University, General Milley has a master's degree in international relations from Columbia University and one from the U.S. Naval War College in national security and strategic studies. He is also a graduate of the MIT Seminar XXI National Security Studies Program.

General Milley and his wife, Hollyanne, have been married for more than 34 years and have two children.

DOCUMENTS SUBMITTED FOR THE RECORD

JULY 9, 2020



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JUN 11 2020

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: After Action Review of National Guard Actions in Support of Civil Disturbance Operations

I have the greatest respect for, and am deeply proud of our National Guard personnel who ensured that peaceful protestors could exercise their First Amendment rights and that others would not suffer from violence against themselves and their property during these last few weeks.

It is common practice in the military to conduct an After Action Review (AAR) to reflect upon what was done well and what needs improvement. This is particularly important when it comes to National Guard deployments that involve interaction with our fellow citizens. To improve our professionalism, skill, and relationship with the American public, I hereby authorize and direct you to organize and lead a DoD AAR of the National Guard's actions in support of Federal, State, and local authorities during protests and civil disturbance operations in late May 2020 and during the month of June 2020. You will lead, coordinate, and receive direct support from the Secretary of the Air Force, the Chairman of the Joint Chiefs of Staff, the Chief of the National Guard Bureau, the Under Secretary of Defense for Policy, the DoD General Counsel, and other DoD officials as appropriate.

The purpose of this AAR is to identify: 1) what went well — to disseminate best practices to reinforce continued training and emphasis; and 2) what needs to be improved and how improvements can be achieved, including through changes in laws, policies, doctrine, training, tactics, techniques, and procedures.

The scope of your report will address the full range of issues within DoD control, including the organizing, manning, training, funding, and equipping of all National Guard forces used in connection with civil unrest and the deployment and employment of National Guard forces in the District of Columbia. You will not examine decisions reserved to State officials, such as decisions to use National Guard forces, but focus on matters within DoD's responsibility, including proper preparation for these missions, proper use of DoD equipment and funds, and any requests for support from DoD intelligence personnel and assets. You will also look at issues that drew public concern, such as the use of helicopters and reconnaissance aircraft in support of civilian law enforcement or National Guard ground forces.

Your written report, which will include observations, findings, and recommendations, with recommended offices of primary responsibility, is due by July 30, 2020. In addition, following submission of your report, you should be prepared to conduct or participate in similar, follow-on reviews, if directed, with select Federal, State, and/or local civilian authorities that the National Guard supported.

Mark T. Esper



OSD005654-20/CMO006877-20

cc:

Chief Management Officer of the Department of Defense
Secretary of the Air Force
Chairman of the Joint Chiefs of Staff
Under Secretaries of Defense
Chief of the National Guard Bureau
General Counsel of the Department of Defense
Inspector General of the Department of Defense
Assistant Secretary of Defense for Legislative Affairs
Assistant Secretary of Defense for Homeland Defense and Global Security
Assistant Secretary of Defense for Manpower and Reserve Affairs
Assistant to the Secretary of Defense for Public Affairs



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Iran pays the Taliban to kill US soldiers

A treasurer for the Afghan insurgents tells how front companies are paying a \$1,000 bounty for each death

Share



Save



Iranian companies in Kabul are using their offices covertly to finance the Taliban (Reuters)

Nobody would have noticed the Taliban treasurer's arrival at an office in Kabul with his assistant in tow: he had dressed in western clothes and clipped his beard to avoid attracting attention.

Directed to a small room furnished with a single table and chair, he was told to wait. Ten minutes later he was joined by a smartly suited Iranian

businessman carrying a briefcase full of cash.

The treasurer lifted one bundle of notes after another from the case, counting \$18,000 (£11,646) in all. Then he wrapped the money carefully in old clothes and stuffed it into a large sack of flour.

He left the office of the Iranian construction company as unobtrusively as he had come and jumped into a taxi. After 20 minutes, his assistant emerged into the early August sunshine with the sack, hailing a cab of his own.

The two men met on the outskirts of the capital for their journey home to the neighbouring province of Wardak. There, they doled out the cash to Taliban commanders. It was the commanders' eagerly awaited reward for killing several Afghan soldiers when they blew up two local army pick-up trucks and an American armoured vehicle on July 12.

According to the treasurer, who comes from the

Sayedabad district of Wardak, he has picked up almost £51,000 in bonuses from the Iranian company in the past six months.

Even larger sums have been collected to pay the wages and expenses of the 200 Taliban fighters in his area: they earn about £145 a month, more than any Afghan police officer or soldier.

A Sunday Times investigation has established that at least five Iranian companies in Kabul are using their offices covertly to finance Taliban militants in provinces near the capital.

Afghan intelligence and Taliban sources have told this newspaper that the firms, set up in the past six months, provide cash for a network of district Taliban treasurers to pay battlefield expenses and bonuses for killing the enemy and destroying their vehicles.

The Iranian companies win contracts to supply materials and logistics to Afghans involved in reconstruction. The money often comes in the form of aid from foreign donors.

Profits are transferred through poorly regulated Afghan banks — including Kabul Bank, which is partly owned by President Hamid Karzai's brother Mahmood — to Tehran and Dubai.

From these countries, the money returns to Afghanistan through the informal Islamic banking system known as hawala to be dispersed to the Taliban. "This means the companies involved in funding the insurgency can cover their tracks easily. It makes it harder for us to trace the cashflow," a senior Afghan intelligence official said.

He said the Iranian companies had been formed with the intention of winning contracts funded by foreign aid so that donors' cash could be channelled into the insurgency. Western officials believe the network may have been set up by the Al-Quds force, an elite branch of Iran's Revolutionary Guard.

The Iranian embassy in Kabul refused to respond to the allegations. But according to the Taliban

treasurer, who has been interviewed by The Sunday Times, Iran is paying bonuses of \$1,000 (£647) for killing an American soldier and \$6,000 (£3,882) for destroying a US military vehicle.

I arranged to meet the treasurer through an intermediary with links to the militants. When we were introduced at a house on the edge of Kabul he was nervous, refusing to shake my hand or look me in the eye.

The treasurer, previously an illiterate farmer who joined the Taliban four years ago as a foot soldier after “seeing the destruction America was bringing to my country”, said he had been taught to read and write last winter at a camp near the Iranian city of Isfahan, where he had also been trained in basic accountancy.

“It’s important for documenting the money,” he said. “I have to sign off on all the receipts and I have to add up how much each fighter deserves after each operation. I also have to communicate in the Iranian language.”

The £145 paid to each fighter every month supports the men’s families and covers living costs and expenses such as motorcycle fuel and phone cards.

The treasurer moves between his district and Kabul on the orders of the Taliban's shadow provincial governor in Wardak. The shadow governor telephones the Iranian company in Kabul and uses code to arrange a time for the money to be picked up.

"I come to Kabul wearing smart clothes. I don't have a beard, I don't wear a turban. I keep a low profile. I have never faced any problems collecting the money," he said.

He parks on the outskirts of the city, takes a taxi to the company offices, where he gives a false name at the gates, and is escorted to the first floor. "There are lots of computers in the office. It is some kind of construction company. There are about 50 people working at their desks there. Some are Afghans and some are Iranians," he said.

American and British military intelligence have received numerous reports that Iran is secretly backing the Taliban. Its support includes the supply of components for improvised explosive devices (IEDs) responsible for most of the deaths of Nato soldiers in Afghanistan.

A compendium of military intelligence

documents sent to WikiLeaks, the whistleblowers' website, and released in July contains a good deal of raw intelligence about Iranian support for the insurgents.

The documents contain claims that Taliban delegations have visited Iran to procure weapons; that wounded Taliban fighters are treated at hospitals in Tehran; and that fighters are trained at bases in the eastern Iranian city of Birjand.

In May, The Sunday Times revealed how Taliban militants received military training at camps inside Iran. General Stanley McChrystal, then commander of Nato forces in Afghanistan, later confirmed the findings and blamed Al-Quds.

"Iran's support for the Taliban is incredibly discreet and clandestine," one western official said last week. "Their purpose is to bleed America on Afghan soil; to act as a thorn in their side. They are playing a very clever double game."

Iran also supports the Karzai government, funding Islamic schools, television stations and candidates in parliamentary elections due next week.

“Iran is basically hedging its bets to ensure political leverage in Afghanistan once American forces leave,” the official said. “It is supporting both sides while trying to do as much damage to America as possible before [Nato leaves].”

The relationship is particularly striking because the Sunni-dominated Taliban view Iran’s Shi’ite population as heretics. The Taliban’s assassination of nine Iranian diplomats in 1998 brought the two countries close to war.

“We don’t care who we get money from,” said the Taliban treasurer, who agreed that the link with Iran was a “marriage of convenience” for both sides.

“Iran will never stop funding us because Americans are dangerous for them as well. I think the hatred is the same from both us and Iran. The money we get is not dirty. It is for jihad.”

Peace move

The Afghan government has taken a step towards talks with the Taliban by setting up a “high peace council” to lead negotiations, writes

Miles Amooore.

President Hamid Karzai's office said yesterday the council would include former Taliban, former jihadi leaders and women. The Taliban have rebuffed previous calls for dialogue, vowing to wage war until Nato troops leave the country.

MIDDLE EAST Published September 7, 2010 Last Update December 2, 2015

Report: Iran Paying Taliban to Kill U.S. Troops

By | Sunday Times



Taliban fighters ride on motorbikes in an undisclosed location in Afghanistan, July 14, 2009. (Reuters)

KABUL -- At least five Iranian companies in Afghanistan's capital are using their offices covertly to finance Taliban militants in provinces near Kabul, according to an investigation by London's Sunday Times.

Afghan intelligence and Taliban sources have told the newspaper that the firms, set up in the

past six months, provide cash for a network of district Taliban treasurers to pay battlefield expenses and bonuses for killing the enemy and destroying their vehicles.

The Iranian companies win contracts to supply materials and logistics to Afghans involved in reconstruction. The money often comes in the form of aid from foreign donors.

Profits are transferred through poorly regulated Afghan banks — including Kabul Bank, which is partly owned by President Hamid Karzai's brother Mahmood — to Tehran and Dubai.

From these countries, the money returns to Afghanistan through the informal Islamic banking system known as hawala to be dispersed to the Taliban.

"This means the companies involved in funding the insurgency can cover their tracks easily. It makes it harder for us to trace the cashflow," a senior Afghan intelligence official said.

Iranian companies have been established with the intention of winning contracts funded by foreign aid so that donors' cash could be channeled into the insurgency, the official said. Western officials believe the network may have been set up by the Al-Quds force, an elite branch of Iran's Revolutionary Guard.

The Iranian embassy in Kabul refused to respond to the allegations. But according to the Taliban treasurer, who has been interviewed by The Sunday Times, Iran is paying bonuses of \$1,000 for killing an American soldier and \$6,000 for destroying a U.S. military vehicle.

**WITNESS RESPONSES TO QUESTIONS ASKED DURING
THE HEARING**

JULY 9, 2020

RESPONSE TO QUESTION SUBMITTED BY MR. MOULTON

General MILLEY. The Department of Defense takes all threats to our forces very seriously. Our commanders on the ground in Afghanistan vigorously exercised and continue to exercise their duty to protect our men and women in uniform by continuously updating force protection measures based on all reliable intelligence. As I stated in my testimony before the committee on July 9, the specific intelligence that Russian financial incentives to the Taliban led to the deaths of U.S. personnel have not been fully corroborated. I have examined the available intelligence in depth and continue to do so. I have discussed this issue at length with the Secretary of Defense, intelligence community and senior U.S. political leadership. Additionally, I have discussed this with my Russian counterpart on several occasions. If any additional information comes to light that links Russian financial incentives to the attacks on U.S. forces, we will evaluate that information, and I will provide my best military advice to the Secretary of Defense and the President. [See page 32.]

RESPONSE TO QUESTION SUBMITTED BY MRS. HARTZLER

Secretary ESPER. Since 2007, U.S. Northern Command and the National Guard Bureau (NGB) have operated the Joint Training Continuum, a portfolio of Defense Support of Civil Authorities joint training courses and exercise programs established with approval from officials within the Office of the Secretary of Defense. The curricula and exercise constructs are centrally planned and designed, and they include instruction on relevant tasks, conditions, and standards. State and territorial Joint Forces Headquarters Staffs, Joint Task Force Commanders, Dual Status Commanders, National Guard Reaction Forces, and other National Guard personnel are trained through the Joint Training Continuum on matters of domestic defense support of civil authorities. Approximately 10,000 personnel are trained per year through the Joint Training Continuum. [See page 37.]

RESPONSE TO QUESTION SUBMITTED BY MR. WALTZ

Secretary ESPER. In general, the Air and the Army National Guard participate in the stationing processes of their parent Services. For the Air National Guard, stationing of units is based upon the scoring criteria as defined by the Major Command, or MAJCOM, that is responsible for that unit. The scoring criteria changes for each stationing action, but generally does consider the capacity of the location to host the unit. For the Army National Guard, state demographics is one of several factors that is considered when balancing capabilities across the states and territories. Florida did receive additional force structure in fiscal year 2018 for the Florida Army National Guard with the arrival of the second and third battalions of the 54th Security Force Assistance Brigade, and is also scheduled to receive an additional 167 force structure authorizations for a Light-Medium Truck Company. [See page 40.]

QUESTIONS SUBMITTED BY MEMBERS POST HEARING

JULY 9, 2020

QUESTIONS SUBMITTED BY MR. CISNEROS

Mr. CISNEROS. SPC Guillen had told her family that she had been sexually harassed, that the person harassing her had been accused by others, yet nothing was done. Fort Hood's sexual harassment policies is under investigation but sexual harassment throughout the military is on the rise. Do you believe that existing DOD policy regarding sexual harassment needs to be revisited and reformed?

Secretary ESPER. The Department of Defense (DOD) consistently reviews its policies to assess their effectiveness and looks for ways to improve our approaches to prevent and respond to harassment. Harassment of any kind is unacceptable, degrades our readiness, and undermines our ability to meet our nation's defense requirements. Although more work remains, there has been progress in recent years.

In 2018, the Department released its first-ever comprehensive military harassment policy, DOD Instruction 1020.03, "Harassment Prevention and Response in the Armed Forces." This policy brought together—and enhanced—the Department's more disparate harassment policies, including those addressing sexual harassment, across DOD Components and expanded the definition of harassment beyond traditional Equal Opportunity discriminatory harassment. The policy also identified the proper process for addressing sexual harassment allegations, and identified training and education requirements. In accordance with the policy, Secretaries of the Military Departments establish military harassment prevention and response programs to ensure assistance and support for harassment complainants. Subsequently, the Department established the Defense Equal Opportunity Reform Group (DEORG) to develop an overarching harassment policy applicable to DOD civilian employees. The DEORG helps facilitate senior leader engagement on these issues, specifically to identify and address any policy gaps, ensure leadership accountability at all levels, and review education and training requirements for equal opportunity professionals.

In 2020, DOD published a new policy, DOD Instruction 1020.04, "Harassment Prevention and Response for DOD Civilian Employees." The new DOD civilian employee anti-harassment policy provides procedures for training, education, and response to all forms of harassment, including sexual harassment. While the 2018 policy covered Service members, the Department recognized the importance of publishing a corresponding, comprehensive policy for our civilian workforce, too.

Publication of these policies is a positive step forward, but our efforts are ongoing. The Department continues to track data to evaluate the effectiveness of current policies and processes, and to make recommendations for the future. DOD is working to incorporate insights from prevention subject matter experts with experience in developing evidence-based prevention methods.

DOD is fully committed to empowering and supporting Service members and civilian employees who experience harassment and to encourage reporting of this unacceptable behavior. Military commanders are ultimately responsible for establishing climates consistent with core values—climates that discourage misconduct and self-destructive acts, unnecessary risk activities, and other readiness impacting behaviors.

Mr. CISNEROS. SPC Guillen had told her family that she had been sexually harassed, that the person harassing her had been accused by others, yet nothing was done. Fort Hood's sexual harassment policies is under investigation but sexual harassment throughout the military is on the rise. Do you believe that existing DOD policy regarding sexual harassment needs to be revisited and reformed?

General MILLEY. I have gone on record stating that sexual assault is an unconscionable act, it is a crime, and it is an act of fratricide within the Joint Force. It is a cancer within an organization and we have got to crush it. I do believe we need to take a harder look at the overall DOD policy regarding sexual assault and harassment and make recommendations to Congress on potential updates and reforms. It is obvious that we as a Joint Force still have a long way to go. I, along with my fellow Joint Chiefs and Combatant Commanders are committed to working with Congress on getting this right.

QUESTIONS SUBMITTED BY MRS. TRAHAN

Mrs. TRAHAN. Secretary Esper, culture plays a central role in the flow of information to the Oval Office and how confident Administration officials feel in offering honest, real-time feedback and counsel.

I'm worried that President Trump has fostered a culture of "acquiescence"—where subordinates are fearful, reluctant or anxious about challenging the President on issues that might upset him or go against his view of the world. There are a number of examples from this Administration where the President thinks he has unlimited authority; and there doesn't seem to be advisors around him who challenge his judgment and decision making in real time. A culture that doesn't permit questions, pushback, or alternative opinions in the moment is *beyond* worrisome.

I hope that you have the courage to challenge the President even when it's contrary to what he wants to hear, but is necessary for the protection of our service members. We don't ever want to be in a situation where it is too late to walk something back.

Do you believe you have the ability and willingness to challenge the President? Is there an example you can point to?

Let me say how concerned I was to hear your rhetoric on how we needed to "dominate the battlespace." Your rhetoric sets the tone for all who serve in our military. We cannot, and should not, be creating an environment that would lead our troops to believe they should view protestors as an "enemy or adversary" who should be "dominated."

But as you've mentioned, the President did not invoke the Insurrection Act, can you please describe the conversations that led to that decision to stage out-of-state Active Duty troops outside of DC?

Do you believe there should be more checks with Congress when any President invokes this last resort approach? Should there be at least a formal notification process to Congress?

Secretary ESPER. I have always tried to provide the President with my best advice and I remain committed to doing so. However, it would be inappropriate for me to discuss the specific advice I have provided to the President. As I said in my statement for the record, the Chairman of the Joint Chiefs of Staff, the Attorney General and I participated in an Oval Office meeting with the President to discuss how best to protect the District of Columbia. The discussion included using National Guard personnel to protect Federal functions, personnel, and property. Consistent with principles of military preparedness, and to provide the President with options to respond quickly in case the crisis escalated, we did issue "be prepared to deploy" orders to just over 1,700 active-duty military personnel, and staged them at military bases outside of the District of Columbia beginning on June 2, 2020. However, these forces never entered the District, and they began redeployment back to their home stations two days later. They all returned to their home stations by June 6, 2020. It was my assessment that District of Columbia authorities had sufficient capabilities from local and Federal law enforcement, supported by National Guard personnel, and did not require the assistance of active-duty military personnel.

QUESTIONS SUBMITTED BY MR. BRINDISI

Mr. BRINDISI. Secretary Esper, in your written testimony you explain that the National Guard members deployed to Federal Government properties were authorized to take "reasonable measures" to ensure the protection of property and the safety of Federal personnel. Can you explain, specifically, what these reasonable methods are?

Were the Guard members trained to carry out these specific "reasonable methods"? If yes, can you specify regarding the exact training they received in order to be prepared for these situations?

In your view, were all actions taken by the Guard "reasonable"?

Secretary ESPER. By reasonable measures, I mean exercising restraint in using force to ensure any such use is reasonable in intensity, duration, and magnitude, and exercised with due regard for the safety of innocent bystanders. Yes, the National Guard members were properly trained. The Adjutant General of each State, Territory, and the Commanding General of the District of Columbia are responsible for manning, training, equipping and employing their National Guard Reaction Forces. The States are required to conduct training annually, at least. Training for the reaction forces include: providing facility security; point/site and area security; emergency responder training; protection, public safety support, and crowd control support; standing rules for the use of force; de-escalation; training on non-lethal force; maintaining coordination with civil authorities; providing quick reaction sup-

port and rapid reaction forces. National Guard personnel were outfitted with standard riot gear, including a face mask, shield, baton, shin guards, and pro mask. The District of Columbia National Guard routinely trains on, and performs, this mission set. National Guard personnel deployed into the District of Columbia were trained and briefed on civil disturbance, civil disturbance incident awareness and assessment, the District of Columbia National Guard's civil disturbance rules for the use of force, operational procedures, policies, and limitations on interactions with civilians and civilian law enforcement officials. In general, actions taken by the National Guard in the District of Columbia were reasonable. I have directed an investigation of all complaints.

Mr. BRINDISI. Secretary Esper, given the nature of the protests as you understand them, do you think the use of the National Guard against protesters was appropriate? Would you make the same decision again under the same circumstances to call in the National Guard in response to civil protests?

Secretary ESPER. The National Guard was not used against protesters or other people exercising their right to assemble peaceably. At the height of the civil unrest, more than 43,000 Army and Air National Guard personnel in 33 States and the District of Columbia were called upon to assist Federal, State, and local law enforcement agencies in restoring and maintaining order, protecting their communities, and defending the rights of all Americans to protest safely and peacefully. In the District of Columbia, District of Columbia National Guard personnel supported the U.S. Park Police, the U.S. Marshals Service, and the District of Columbia Metropolitan Police Department. The DC National Guard personnel provided point security and access control; assisted civilian law enforcement authorities with crowd management; and provided medical and transportation support. National Guard personnel also deployed from 11 States to protect Federal functions, property, and personnel.

Mr. BRINDISI. Secretary Esper, I think it is safe to say that this situation could have been handled much better, and that responsibility falls on you as senior leaders at the Pentagon. Could you walk me through exactly what you would do differently if a situation like this arose again in the future under your leadership?

Secretary ESPER. As I did in June, I will do my best to provide the President with options that I consider appropriate to the specific circumstances. At all times, recommended courses of action will comply with applicable law.

Mr. BRINDISI. Secretary Esper, what training do National Guard personnel receive that prepares them to support civil disturbances? What exactly was their assigned mission, and in your view, did the National Guard members who responded to the protests they have the proper training and equipment for that mission? If no, why would we ever put our guard members in a position they have not been trained for? Are there other situations where they would be summoned to conduct law enforcement operations?

Secretary ESPER. National Guard training on non-lethal weapons and crowd control is carried out as part of each State's civil disturbance contingency planning and training. Adjutants General direct the formation and training of their State's National Guard Reaction Force for civil disturbance contingencies. These forces conduct annual training, including on the use of non-lethal weapons, crowd control, and rules for the use of force, focused on de-escalating the situation in support of law enforcement. National Guard personnel, at many locations across the United States, supported law enforcement agencies to ensure the protection of property and the safety of personnel. National Guard Bureau policy requires National Guard personnel to complete civil disturbance training prior to directly participating in any civil disturbance operations.

Mr. BRINDISI. General Milley, given the nature of the protests as you understand them, do you think the use of the National Guard against protesters was appropriate? Would you make the same decision again under the same circumstances to call in the National Guard in response to civil protests?

General MILLEY. The President, Secretary of Defense, and the Governors of several states determined that the employment of the National Guard was lawful and appropriate to preserve public safety in late May and early June. Overall the use of the National Guard was appropriate. The civil unrest related to George Floyd's death did require support from the National Guard to protect facilities, officials, and support law enforcement. The National Guard remains ready and legally available to assist civil authorities with maintaining public safety.

Mr. BRINDISI. General Milley, I think it is safe to say that this situation could have been handled much better, and that responsibility falls on you as senior leaders at the Pentagon. Could you walk me through exactly what you would do differently if a situation like this arose again in the future under your leadership?

General MILLEY. My statutory responsibilities are to serve as the principal military advisor to the President, Secretary of Defense, National Security Council, and Homeland Security Council. By law, I am not, and never was during this crisis, in control of any forces. I provided military advice on the use of U.S. Military Forces.

With respect to how the military could have operated differently during this crisis, the Joint Staff is collecting lessons learned as part of a formal after-action review (AAR) on the Department of Defense's response to civil unrest. I expect multiple lessons to arise related to the intricacies and complexity of the command and control structure in Washington, D.C., and how federal and local law enforcement and National Guard forces worked together to respond to civil unrest in the District. The lessons we learn from this process will allow us to examine how we plan, train, equip, and operate for military response to civil unrest in support of civil authorities. Once I have completed my review of the AAR, I would be happy to discuss further details with the committee and share those lessons.

QUESTIONS SUBMITTED JOINTLY BY MS. SLOTKIN AND MS. SHERRILL

Ms. SLOTKIN and Ms. SHERRILL. Part I: Over the past 3 years, we have seen time and again the politicization of the U.S. military. The list is long: sending active duty troops to the southern border, taking nearly \$10B from the Department of Defense budget for the border wall, withdrawing troops from northern Syria in advance of a Turkish incursion and redeploying them to guard Syrian oil fields, downplaying the threats of COVID-19 for service members, threatening to deploy Active Duty troops to American cities against Governors' wishes, deploying the National Guard to Lafayette Square and moving unarmed protestors for the President's photo op at the St. John's Church on June 1.

These events, particularly those in the past few months, seem to reinforce the idea that the President sees the military not as a constitutionally established instrument of government, but as an armed force that exists to serve him personally, for his own personal and political gains.

This pains us, one of us a proud Army wife, stepmom to a new Army officer, and former Acting Assistant Secretary of Defense, and the other a U.S. Naval Academy graduate, former Navy helicopter pilot, and former Federal prosecutor. We believe, and hope that you agree, that the American people need and want our military to adhere strictly to its tradition of remaining apolitical. This is especially important given the significant authority of the Department of Defense. Given these events, we feel compelled to look ahead to decisions that you, as the most senior defense officials, may be called upon to make in the next 6 months. These decisions will fall squarely into the constitutional roles that you both swore to uphold and we know you both respect. We are relying on you both to preserve the system that our founding fathers designed.

Secretary ESPER. Throughout our nation's history, the U.S. military has been a force for good. The Department of Defense's enduring mission is to provide combat-credible military forces needed to deter war, defend our nation, and protect the security of our nation. The Department of Defense remains committed to carrying out this mission, consistent with the Constitution and the law.

Ms. SLOTKIN and Ms. SHERRILL. Part II: First, on conducting military operations outside the United States ahead of an election: Do you agree that the U.S. military powers should be used only to advance the national security of the United States, and not for any one President's political gain? If the President proposes military action in the next few months that was meant to distract the American public instead of protect American security, would you refuse such an order?

Second, on the use of military forces in our national elections: As you are aware, there is almost no precedent for deploying uniformed military members to the polls on election day. Are there any circumstances in the 2020 elections when you would deem it necessary to send the U.S. military to be present at polling places? Do you believe that the military should be involved in administering or tallying results of an election? If you were ordered to send Active Duty military to be present at the polls during election day, would you refuse such an order?

Third, on the military's role in supporting a peaceful transition of Presidential power: Are you aware that the U.S. Congress certifies the results of the electoral college? Do you commit to facilitating a peaceful transition of power that reflects the certification of Congress? Are you both committed to the principle that there can only be one President at a time? Do you both recognize that your oaths to the Constitution and the chain of command itself require you to act on the orders of the legitimate President, and only the legitimate President, once he or she is sworn in on January 20, 2021?

Secretary ESPER. The U.S. military has acted, and will continue to act, in accordance with the Constitution and the law.

Ms. SLOTKIN and Ms. SHERRILL. Part III: Finally, you both affirmed to the Armed Services Committee on July 9, 2020, that you are aware that, under the Constitution, the duly elected President is the sole Commander in Chief of the United States. You both further affirmed that you are aware that the chain of command runs from the duly elected President as Commander in Chief to the Secretary of Defense, and from the Secretary of Defense to the commanders of the combatant commands. Secretary Esper, you confirmed that you are aware that Secretaries of Defense serve at the pleasure of the President, subject to the advice and consent of the Senate, and can be removed by the President at his or her legal discretion. General Milley, you confirmed that you are aware that the Uniformed Code of Military Justice criminalizes mutiny and sedition and attempted mutiny and sedition and applies to every uniformed member of the Armed Services, including yourself.

You both affirmed your oaths to the Constitution, and affirmed that your oath requires you to support and defend the Constitution of the United States against all enemies foreign and domestic and bear true faith and allegiance to the same.

Finally, you both confirmed your understanding of the Insurrection Act, which provides, “Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.”

Secretary ESPER. The U.S. military has acted, and will continue to act, in accordance with the Constitution and the law.

Ms. SLOTKIN and Ms. SHERRILL. Part IV: A legitimate President, therefore, might well have a factual basis to deem an illegitimate President claiming power to be acting in “rebellion against the authority of the United States,” and in turn to consider utilizing Insurrection Act authorities should it otherwise be “impracticable to enforce the laws of the United States.” Anyone in the chain of command would, in turn, be legally compelled to obey the legitimate President’s orders—and not any orders of the illegitimate President. Is that correct? If somebody other than the legitimate President as certified by Congress ordered you to use the military to prevent the peaceful transition of power from one President to another, would you refuse such an order?

Secretary ESPER. [No answer was available at the time of printing.]

Ms. SLOTKIN and Ms. SHERRILL. Part I: Over the past 3 years, we have seen time and again the politicization of the U.S. military. The list is long: sending active duty troops to the southern border, taking nearly \$10B from the Department of Defense budget for the border wall, withdrawing troops from northern Syria in advance of a Turkish incursion and redeploying them to guard Syrian oil fields, downplaying the threats of COVID-19 for service members, threatening to deploy Active Duty troops to American cities against Governors’ wishes, deploying the National Guard to Lafayette Square and moving unarmed protestors for the President’s photo op at the St. John’s Church on June 1.

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General MILLEY. The Constitution and laws of the U.S. and the States establish procedures for carrying out elections, and for resolving disputes over the outcomes of elections. State and Federal governments have qualified officials who oversee these processes according to those laws. We are a nation of laws. We follow the rule of law and have done so with regard to past elections, and will continue to do so in the future. I do not see the U.S. Military as part of this process; this is the re-

sponsibility of Congress, the Supreme Court, and components of the Executive Branch.

Ms. SLOTKIN and Ms. SHERRILL. Part II: First, on conducting military operations outside the United States ahead of an election: Do you agree that the U.S. military powers should be used only to advance the national security of the United States, and not for any one President's political gain? If the President proposes military action in the next few months that was meant to distract the American public instead of protect American security, would you refuse such an order?

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General MILLEY. I am aware of Congress' role in certifying the results of the Electoral College, codified in Title 3 of the U.S. Code. In the event of a dispute over some aspect of the elections, by law U.S. courts and the U.S. Congress are required to resolve any disputes, not the U.S. Military. I foresee no role for the U.S. Armed Forces in this process. I and every member of the Armed Forces take an oath to support and defend the Constitution of the United States, and to follow the lawful orders of the chain of command. We will not turn our backs on the Constitution of the United States.

Ms. SLOTKIN and Ms. SHERRILL. Part III: Finally, you both affirmed to the Armed Services Committee on July 9, 2020, that you are aware that, under the Constitution, the duly elected President is the sole Commander in Chief of the United States. You both further affirmed that you are aware that the chain of command runs from the duly elected President as Commander in Chief to the Secretary of Defense, and from the Secretary of Defense to the commanders of the combatant commands. Secretary Esper, you confirmed that you are aware that Secretaries of Defense serve at the pleasure of the President, subject to the advice and consent of the Senate, and can be removed by the President at his or her legal discretion. General Milley, you confirmed that you are aware that the Uniformed Code of Military Justice criminalizes mutiny and sedition and attempted mutiny and sedition and applies to every uniformed member of the Armed Services, including yourself.

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General MILLEY. I recognize that there is only one legitimate President of the United States at a time in accordance with U.S. law. I along with the entire U.S. military will follow the lawful orders of the legitimate President of the United States as determined by law.