

1

2

3

4

5

6 SELECT COMMITTEE TO INVESTIGATE THE
7 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
8 U.S. HOUSE OF REPRESENTATIVES,
9 WASHINGTON, D.C.

10

11

12

13 INTERVIEW OF: GENERAL CHARLES ANTHONY FLYNN

14

15

16

17

Thursday, October 28, 2021

18

19

Washington, D.C.

20

21

22

The interview in the above matter was held via Webex, commencing at 3:32 p.m.

23

Present: Representatives Lofgren, Aguilar, and Cheney.

1 Appearances:

2

3

4 For the SELECT COMMITTEE TO INVESTIGATE

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

6

7 [REDACTED] CHIEF INVESTIGATIVE COUNSEL

8 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

9 [REDACTED] RESEARCHER

10 [REDACTED] INVESTIGATIVE COUNSEL

11 [REDACTED] CHIEF CLERK

12

13

14 For the U.S. DEPARTMENT OF DEFENSE:

15

16 MAJOR CAITLIN CHIARAMONTE, LEGISLATIVE LIAISON, U.S. ARMY

17 EDWARD RICHARDS, OFFICE OF GENERAL COUNSEL

18 RUSSELL NORMAN, OFFICE OF THE CHIEF LEGISLATIVE LIAISON, U.S. ARMY

19

20

21 For GENERAL CHARLES ANTHONY FLYNN:

22

23 COLONEL [REDACTED] OFFICE OF THE JUDGE ADVOCATE GENERAL

24

1

2

[REDACTED] Good afternoon, everyone.

3

Good morning to General Flynn.

4

5

This is a voluntary transcribed interview of General Charles Flynn, conducted by the House Select Committee to Investigate the January 6th Attack on the U.S. Capitol pursuant to House Resolution 503.

6

7

8

9

10

My name is [REDACTED] and joining me here today from the select committee is [REDACTED] chief investigative counsel. Also in the room is [REDACTED] [REDACTED] investigative counsel with the committee, and [REDACTED] a research assistant, as well as [REDACTED] who is a senior advisor to the committee.

11

We're all in the same room, and sorry I'm not moving the camera around.

12

13

General Flynn, can you state your name for the record and let us know who's all with you.

14

General Flynn. Yes. For the record, my name is General Charles Anthony Flynn.

15

And in the room with me is -- go ahead, state your name.

16

17

Colonel [REDACTED] My name is Colonel [REDACTED] I am personal counsel for General Flynn.

18

Major Chiaramonte. Major Caitlin Chiaramonte, legislative liaison.

19

20

Mr. Richards. Edwards Richards, DOD Office of General Counsel, serving as agency counsel.

21

22

Mr. Norman. Russell Norman, Army Office of the Chief Legislative Liaison, serving as a legislative affairs associate.

23

[REDACTED] Great. Is that everyone from DOD?

24

General Flynn. Yes.

25

[REDACTED] Great.

1 And I'd also like to mention that Ms. Cheney is also present for the interview,
2 occurring via Webex.

3 Ms. Cheney. Great. Thank you.

4 Hi, General Flynn. Thank you very much for doing this.

5 General Flynn. Hi, ma'am. Good morning -- or good morning my time. I
6 guess it's afternoon your time.

7 [REDACTED] General Flynn, before we begin, I just want to go through a
8 couple housekeeping matters.

9 We had sent over certain exhibits to you. I wanted to make sure that you had
10 them and had the opportunity to review them before we begin.

11 General Flynn. I have them. And I believe there was a document sent either
12 this morning or last night too, and that was in addition, so we have that as well.

13 [REDACTED] Great. And we --

14 General Flynn. Thirty-six, I think, 1 to 36.

15 [REDACTED] So we had pre-marked them for you just to make this as
16 efficient as possible as we go through them. Just so you know, I don't plan on going
17 through each of these exhibits. It was more so so you knew what we were relying on in
18 preparation.

19 General Flynn. Ma'am.

20 [REDACTED] Also, as I mentioned, there's a court reporter who will create a
21 verbatim record of what we discuss. Please answer questions verbally so they can take
22 that down.

23 And although this interview is not under oath, you are required to answer
24 questions before Congress truthfully. And that's pursuant to specifically 18 USC, section
25 1001, which makes it a crime to make any material false, fictitious, or fraudulent

1 statement. We expect your answers to be complete and truthful whenever possible.

2 And if you have any questions about the question itself as I have phrased them,
3 please don't hesitate to ask me to rephrase. Or if you need to consult with counsel,
4 please feel free to do so.

5 General Flynn. Yes, ma'am.

6 [REDACTED] Do you have any questions before we begin?

7 General Flynn. I do not. Thank you for that.

8 EXAMINATION

9

BY [REDACTED]

10 Q And I, again, want to be incredibly cognizant of time. I know you have
11 decades of experience with the military, and I wanted to kind of quickly go through your
12 background to set the stage here before we begin more substantive questions.

13 If you want to just provide us the top line of your military background, that would
14 be helpful.

15 General Flynn. I'm a career infantry officer. I'm a ROTC graduate. I've served
16 now for three and a half decades. I've been an operations officer five times. I've been
17 a company commander, a battalion commander, a brigade commander, a division
18 commander, now a theater Army commander.

19 I have five combat rotations between Iraq and Afghanistan in my early years as a
20 captain but also through a lieutenant colonel, colonel, and general officer. As a general
21 officer, I've served in both the institutional Army and the operational Army and, as I said,
22 been a deputy commanding general and commanding general.

23 And then, as a commanding general out here in the 25th Infantry Division in the
24 Pacific, I departed that job, became the deputy commanding general of this
25 headquarters. And then I went to be the Army Deputy G-3 and then the chief of

1 operations for G-3/5/7 for the Army and then came out here in June and assumed
2 command of United States Army Pacific, the theater Army in the Indo-Pacific.

3 So I'm honored to be able to do this.

4 Q Thank you. And thank you for giving that overview.

5 Can you just explain, just again for the civilians that are on this side of the Webex,
6 what's the difference between the institutional Army and the operational Army?

7 A So the institutional Army is our Training and Doctrine Command. It would
8 be a part of the Army that does -- it does the training standards, everything from
9 individual to collective. And then it publishes doctrine. It organizes units. It
10 generates, really, capabilities and material.

11 It really -- the sum of it is, it integrates doctrine, organizations, material training,
12 leader development, personnel, and facilities in each of the warfighting functions at the
13 echelons from tactical to strategic.

14 The operational Army is an Army that is organized around corps, divisions,
15 brigades, battalions, and theater Army enabling commands.

16 So, said more simply, the operational Army is -- it fights wars, and it prepares for
17 combat operations, and it responds to crisis, and then it does day-to-day competitive
18 activities in a campaign manner; where the institutional Army generates individuals,
19 units, doctrine, material and training solutions, and leader development for the
20 operational Army to then consume.

21 I hope that makes sense.

22 Q No, that's very helpful. In your 35 years, you've been on both sides of that?

23 A I have. Most of it has been in the operational Army. As a general officer,
24 my first general officer assignment was into the institutional Army at the Mission
25 Command Center of Excellence at Fort Leavenworth, Kansas, of which I spent 18 months

1 doing that job.

2 Q And you say you started this new position in June. What position is that?

3 A I'm the commanding general of United States Army Pacific, which is the
4 theater Army for the Indo-Pacific.

5 Q Great. And is this the most recent role you've had after January 6th?

6 A Yes. I remained in the job until mid-May, took some leave, and moved my
7 family here to Hawaii.

8 Q I want to start out by talking a little bit about the summer of 2020 and
9 leading up to January 6th.

10 What was your role during that period of time, so from May 2020 on?

11 A May 2020, I was the G-3/5/7 for the Army. And, ma'am, if you don't mind,
12 since you asked about operational/institutional, would it be okay if I described to you
13 what that role is? Because --

14 Q Yes, please do. That would've been my next question.

15 A So the G-3/5/7, I would say, if there was a conversion term for civilian
16 language, it would be that I was the chief operating officer for, effectively, the largest
17 Army in the world -- 1.2 million Active Guard and Reserve. And then, of course, it's
18 about 2.6 million when you add the families and the civilian employees part of it.

19 It has global responsibilities. It has training, strategy, and policy. It has
20 operations. It has mobilization and readiness. It has five field operating agencies
21 under it.

22 Rough order of magnitude, just so you understand the scale of the staff that I was
23 in charge of, it's about 1,200 to 1,300 military, civilian, and contractors. It's the largest
24 directorate in the U.S. Army, in the headquarters, Department of the Army, which is the
25 largest department in the Department of Defense, and the Department of Defense is the

1 largest department in the U.S. Government. So it's a very big organization that I was the
2 director of operations, plans, strategy, policy, and training for. So it covered quite a
3 wide swath.

4 I had nearly -- well, at times I had up to 10 general officers that were direct
5 reports to me, with probably 5 to 7 SESes.

6 Q Uh-huh.

7 A And then I would also state that the Department of the Army headquarters
8 is an administrative headquarters. It is not an operational headquarters, as I outlined
9 before. It's not fighting wars. It's really sourcing and then trying to match priorities
10 against resources.

11 And we do that on behalf of the Secretary of the Army and her Title 10 authorities
12 to man, train, equip, and organize.

13 [REDACTED] Before I go on to my next question, I just want to recognize that
14 Representative Aguilar and Representative Lofgren have joined by Webex as well.

15 General Flynn. Good morning.

16 BY [REDACTED]

17 Q And thank you for that explanation.

18 As it relates to the summer of 2020, can you just walk us through some of your
19 responsibilities as the chief operating officer for that time period?

20 A I will. If you don't mind, I'll go back to, like, the April-May timeframe,
21 because April became rather busy.

22 Q Sure.

23 A So, in a matter of about 2 weeks in April, we essentially shut the Army down
24 because of COVID-19. And just to paint a picture for you, we were deploying to
25 hospitals all over the country, we were moving PPE.

1 But, globally, four parts of the globe I'll explain to you. We had about 7,000
2 people that were rotating in and out of Korea. We had about 8,000 rotating in and out
3 of Southeast Asia. We had 8,000 that were on the ground in Europe for the largest
4 exercise in Europe since Reforger. And we had about 12,000 that were on the way to
5 deploy to Europe. And then we had what amounted to be -- over the span of, say, April
6 through July, we were due to rotate about 22,500 soldiers and equipment in and out of
7 the Middle East.

8 In addition to that, between the month of, say, April and August, we had
9 about -- about 10,000 soldiers were due to make a permanent change of station across
10 the globe somewhere, move, them and their families.

11 We had a situation in the Middle East that was -- because we had just conducted
12 the Soleimani strike the first week of January of '20, and we had flowed and deployed a
13 lot of Army support into the Middle East during that period of time.

14 So all that to say that there was a number of things that were going on April and
15 May. And then the period of time, ma'am, that you're addressing started really in late
16 May and then early June.

17 I hope that gives you sort of the global responsibility and the global spread of
18 activities that were going on across the Army.

19 Q That does. That provides a context of what was going on when the Army
20 became involved.

21 Can you just walk us through what --

22 A Can I make one other comment? I'm sorry.

23 The other thing that I didn't mention was, we had also shut down all of the
24 training centers, all of the schools. We basically shut our posts down to stop people
25 from moving, from COVID. So COVID was a central part of what we were involved in

1 there in April and May. Because it took a number of months for us to just slow, you
2 know, a 1.2-million-man Army down to zero, really, from --

3 Q Understood.

4 A Sorry. I just wanted to --

5 Q No, please.

6 So, directing your attention, then, to the end of May, May 24th was the murder of
7 George Floyd, and then there was a number of protests across the country. Do you
8 know when the Army specifically, when you became involved in responding to the civil
9 unrest?

10 A I don't recall the exact dates of when we began to be involved in it. I don't
11 recall the exact dates.

12 Q That's okay.

13 A Late May.

14 Q Late May? And what was the involvement?

15 A Well, in the District -- so there were some requests, but we were just aware
16 of them through the National Guard Bureau, because most of them were being handled
17 within the State.

18 Q In your capacity, did you oversee the National Guard Bureau?

19 A No, I did not. They have a director for the National Guard, and then they
20 have a general, a four-star general, that runs the National Guard.

21 Q And so, in your position as the chief operating officer, what were your
22 responsibilities towards the end of May and June in terms of the civil unrest?

23 A Our responsibilities were to mobilize and provide forces in the event that a
24 lead Federal agency requested a capability from the Army.

25 Q And did there come a time when a lead Federal agency did request the

1 Army's assistance?

2 A There did come a time.

3 Q Who was the lead Federal agency that requested the Army?

4 A My recollection was -- my recollection was, it was from the Department of
5 Justice.

6 If I may, ma'am --

7 Q Please.

8 A -- to be clear -- so the Secretary and the President are the sole authorities to
9 approve the use of National Guard support to a Federal agency. So, ultimately, this is a
10 decision made by the President and then the Secretary of Defense.

11 I think it's helpful to explain "lead Federal agency." So there is a request for
12 National Guard support, and then a lead Federal agency is designated, and that request
13 goes to the lead Federal agency.

14 If the lead Federal agency then approves it, then that request moves from that
15 Federal agency, say, Department of Justice, to the Department of Defense. And then
16 the Department of Defense either approves or disapproves or modifies -- they do
17 whatever they do at the Department of Defense.

18 And then it goes to the Joint Staff. And then the Joint Staff takes that, what we
19 would refer to as a mission assignment, and they send that mission assignment to one of
20 the services -- Army, Navy, Air Force, Marine Corps -- or the National Guard. Because
21 there are Air National Guard assets, and then there are Army National Guard assets.

22 And so that's the path of the process that it follows by the time it comes to the
23 Army G-3/5/7. And it would normally go to my Readiness and Mobilization Directorate.

24 Q Okay. Thank you for describing that process.

25 Were you aware of who designated DOJ as the lead Federal agency for the

1 summer protests?

2 A Ma'am, I was not.

3 Q And in terms of your role with assigning it to the unit that you manage,
4 about how many people do you think were activated to respond during that time,
5 generally?

6 A Over the summer?

7 Q Uh-huh.

8 A Are you talking --

9 Q Yes.

10 A -- across the country? I don't recall.

11 Q Okay.

12 I want to direct your attention to, I think it's exhibit 36 in front of you. It would
13 be a review that the Army conducted on January 6th. And that was issued on
14 March 18th.

15 A You're referring to, yeah, the --

16 Q Exhibit 36?

17 A Yes. Yes.

18 Q Are you familiar with that report?

19 A I am.

20 Q Okay. How was this -- who made this report or drafted it within the Army?
21 Are you aware of that?

22 A I was aware it was being drafted. I don't recall who put this together.

23 Q Did you have the opportunity to review it or were you interviewed for it
24 before it was issued?

25 A I recall them confirming the timeline aspects of this with me.

1 Q Got it.

2 In that report, there's a section that's titled "Lessons Learned from Civil
3 Disturbances in D.C. in June 2020."

4 A Yes, ma'am.

5 Q Do you see that?

6 A I do.

7 Q And it states, "The Army's preparations for the events of January 6 were
8 informed by the considerable scrutiny received after the Federal response to protests in
9 summer 2020."

10 Can you just kind of walk us through what that considerable scrutiny was that the
11 Army is referring to here?

12 A If you don't mind, what page are you referring to with that particular
13 comment?

14 Q Page 2, letter d.

15 A Letter d. Okay. Right. Right. I'm there.

16 What was your question, ma'am? Sorry.

17 Q Just, General, if you could describe, what were some of those lessons
18 learned from the response of the summer that -- how it impacted January 6th?

19 A Well, I won't speak to how it impacted January 6th, but, in this document, it
20 talked about that Secretary Esper and Secretary McCarthy and the Chairman learned and
21 took away that we should only be using troops in the National Guard or Federal forces as
22 a last resort -- I think that paragraph there points to it -- and that they should be in direct
23 support of civilian law enforcement.

24 I think the distinct uniform colors for the military versus law enforcement needed
25 to be carefully outlined by way of criteria, because some of the materiel can make us look

1 the same --

2 Q Did that happen during -- sorry, sir. Did that happen during the summer,
3 where there was an inability to distinguish between the military and law enforcement?

4 A In the summer -- well, from their lessons learned, I would say the
5 Secretaries -- Secretary Esper and Secretary McCarthy -- and the Chairman highlighted
6 that.

7 Again, I'm not on the tactical ground when these operations are unfolding, so
8 these are their insights.

9 Q Understood.

10 Do you know if there was a White House person of contact who was managing the
11 summer protest response from that side?

12 A I do not, no.

13 Q So, I'm sorry, getting back to your last answer then, from what you observed
14 during the summer, did you have -- did that impact the preparations for January 6th in
15 any manner?

16 A So what happened in the summer, my recollection was the Secretary -- there
17 were two things, and I think it's highlighted in here that there were National Guardsmen
18 that were injured from debris that was thrown during some of the summer riots. And
19 that not only happened in the District but it happened elsewhere across the country. So
20 just protecting National Guard soldiers from violence in a riot.

21 And then I also know that the -- or I don't know -- I suspect the -- I know the
22 Secretary was concerned about the helicopter in the District of Columbia in the June
23 timeframe because of the altitude that it was operating at and the airspace that it was in.
24 And so, yes, I'm sure that affected his thinking.

25 Q So those were things that were top of mind as January 6th approached? Is

1 that fair to say? To not do that again?

2 A Well, I think that would -- I don't want to speak for the Secretary -- Secretary
3 McCarthy or Secretary Esper.

4 Q Understood.

5 There were some media reports that indicated that former President Trump
6 wanted there to be even more of a physical confrontation with the protesters during the
7 summer of 2020 civil unrest. Were you aware of any of those conversations between
8 White House officials and DOD officials?

9 A No, ma'am.

10 Q Did you later learn about any of those conversations?

11 A No, ma'am. Not conversations.

12 Q Did you learn about it in any manner, that there was a desire from former
13 President Trump to have prepared an Insurrection Act proclamation to allow Active Duty
14 troops to quell the protests?

15 A No, not from conversations, but any manner? In open-source outlets,
16 there was information there.

17 Q So, just to distinguish, you learned it -- you learned from it not from within
18 the Department of Defense or from any White House contact?

19 A No. I did not learn it from anybody in the Department of Defense --

20 Q When you learned --

21 A -- or --

22 Q Sorry. Go ahead.

23 A Or White House. Neither the White House nor the Department of Defense.

24 Q When you learned about it from open sources, from reading the -- whatever
25 newspapers, were you surprised by any desire for drafting of an Insurrection Act?

1 A I'm -- I wasn't -- I was just -- it was out in open-source, so --

2 Q Well, did you have a reaction to it when you read about it in open sources?

3 A I don't recall that, what my reaction was.

4 Q Was anyone concerned within DOD about how the Department was being
5 used for those summer protests, in terms of the military response to what it appears was
6 a domestic law enforcement situation?

7 A Other than lessons learned outlined here by Secretary McCarthy and
8 Secretary Esper and Chairman Milley, I don't recall any conversations that were had with
9 me about it.

10 [REDACTED] So, before I move on to the next topic, is there
11 any -- Ms. Cheney, Mr. Aguilar, Ms. Lofgren, do you have any followups?

12 Okay.

13 BY [REDACTED]

14 Q General Flynn, I just want to move on to, now, November after the election.

15 On November 9th, former President Trump appointed Christopher Miller and Kash
16 Patel as his chief of staff. I believe it was November 9th, in that time period. Can you
17 describe how that -- were you aware that Secretary Esper would be leaving the
18 Department?

19 A No, I was not aware.

20 Q How did his departure affect the Department of Defense?

21 A I don't recall how it affected the Department of Defense. I had the job as
22 the G-3/5/7 for the Department --

23 Q Did it impact you in any manner?

24 A No.

25 Q Was it unusual for the Secretary of Defense to be dismissed at a time after

1 an election had occurred?

2 A It's not my place to say so. There were four Secretaries of Defense in my
3 time in the G-3/5/7, so I saw four.

4 Q Were any of them placed soon after an election had been declared for an
5 outgoing President?

6 A No. That just -- that was -- the instance you're referring to is the one time
7 it happened, but there wasn't an election when I got there. Secretary Mattis, and then
8 Secretary Shanahan, and then Secretary Esper, and then Acting Secretary Miller.

9 Q Were you familiar with Mr. Patel prior to his appointment as chief of staff?

10 A No.

11 Q What contact, if any, did you have with Mr. Patel in your role?

12 A I've never met the man.

13 Q On January 6th, did you meet him in any of the meetings, which we'll go
14 through?

15 A No. I've never met him, ever.

16 Q Okay. Can you just explain how that would work? Did you meet the prior
17 chief of staff to the Secretary of Defense, Ms. Jen Stewart?

18 A No, not -- I've never met her one-on-one. In meetings? Was she in a
19 meeting that I was in? Once or twice, yes.

20 But I normally don't go to meetings at the Department of Defense. In fact, very
21 infrequently would I go to them. I would go to what's called the "ops steps" prior to the
22 chief of staff of the Army going. So that's all I -- that's about the only meeting I
23 attended, and that was with the Joint Staff.

24 Q How about Ezra Cohen-Watnick? Did you have any contact or work with
25 him at any time?

1 A I did. When he was the -- I don't know exactly the title, but he was in
2 special operations, low-intensity conflict. So he was like a deputy under secretary.

3 And he worked for a gentleman by the name of Tata, a retired brigadier general.
4 General Tony Tata I think is his first name, or Anthony Tata, but he went by Tony.

5 And, in my job in the G-3/5/7, I had all of the SAP/STO/compartimented
6 intelligence programs that had operational impacts. That was one of my portfolios.
7 And so there were some briefings that we gave to -- I guess he was Acting Secretary Tata,
8 or Under Secretary Tata. And Mr. Cohen was the intel special operations deputy to him.
9 So there were a couple of briefings that I was in that my team was giving to General Tata,
10 and he was also in that meeting.

11 Q Was Mr. Tata also one of the appointees of Mr. Trump soon after the
12 election? So this would be the same period after November 9th.

13 A I believe so. I mean, I guess I'll refer to the -- I just saw this this morning, so
14 I know -- so, "senior official performing the duties."

15 Q Correct. So I think you might be looking at the document that outlines that
16 Mr. Tata, Mr. Patel, and Mr. Cohen-Watnick were all appointed at the same time after
17 Secretary Esper's dismissal, correct?

18 A Correct.

19 Q Were these changes viewed to be positive by senior leadership at DOD?

20 A I can't speak for the senior leadership at DOD.

21 Q By yourself? Was it --

22 A I mean, this had really no -- these changes had no impact where I was in the
23 chain. I'm far below that.

24 Q Were you aware of their -- that they were to be considered loyalists to
25 President Trump at the time of their appointments?

1 A At the time of their appointment? No, I -- no. I wasn't aware of that.

2 Q Did you become aware of it at any point?

3 A Well, again, there's things in open-source.

4 Q That you read? Is that right?

5 A There's things in open-source that allude to them as that, or characterize --

6 Q In your interactions with Mr. Watnick or Mr. Tata, did you become aware of
7 their loyalty or allegiance to President Trump?

8 A No. It was all on intelligence-based information. So it --

9 Q I'm sorry?

10 A -- professional briefings.

11 Q Got it.

12 And, again, just going back to the timing of these appointments, did you find
13 it -- in your three and a half decades of experience with the military, did you find it
14 unusual for these appointments to occur after an election had been declared for the
15 outgoing President, essentially?

16 A I'd served in the Pentagon twice between the changeover of an
17 administration. And then, as I stated earlier, in my 3 years there, there were four
18 changes of the Secretary of Defense. So, candidly, I didn't think about it.

19 Q A similar question to before. As you stated, you hadn't seen a new
20 Secretary be put in place when there was going to be a change of administration. Had
21 you seen such personnel changes made when there was going to be a new
22 administration?

23 A I had not seen that, and I didn't really think about it.

24 Q Understood.

25 A I was just doing my job.

1 [REDACTED] Before I move on to this topic, are there any questions from the
2 members?

3

BY [REDACTED]

4 Q General Flynn, I wanted to -- around the same time period, around the
5 second week of November, there was -- there's been recent media reporting about a
6 November 11th memo, that former President Trump attempted to issue an order to
7 withdraw from Somalia and Afghanistan by January 15th. Are you familiar with this
8 reporting?

9 A I am not familiar with that reporting.

10 Q So you can't comment on if there's any accuracy in this reporting? Did you
11 hear of any such thing?

12 A Just so I understand your question, is that reporting going on now?

13 Q The reporting was from the book "Peril."

14 A I'm unaware of any reporting at any time other than what you just
15 described.

16 Q Were you aware of the mission of incoming Secretary Miller, as one of the
17 top missions for the Department, was to withdraw from Afghanistan and Somalia? Had
18 that ever been relayed to you?

19 A That was never relayed to me. I knew there was considerations of
20 withdrawals, but there were considerations of withdrawals from Europe, withdrawals
21 from Somalia, and withdrawals from Afghanistan. But, again, it was merely what I was
22 hearing in open-source that was being reported.

23 Q Sorry, just to clarify, when you said there were considerations of withdrawal,
24 did you learn about that from open sources, or were those discussions that you were
25 involved in at DOD?

1 A I was in no discussions at DOD on that, on any of those matters.

2 Q Did you learn about any discussions of withdrawal while -- from DOD, within
3 DOD?

4 A I did not.

5 Q So anything that you learned is from open sources. Is that right?

6 A I'm in the Department of the Army, so when you say "DOD," I don't go to
7 meetings at the -- I don't go to meetings in the Office of the Secretary of Defense or with
8 DOD officials. I was going to meetings with -- if I went to any meetings, it was with the
9 Joint Staff. So I did not hear in any meetings that I was in any of those -- anything about
10 plans for that.

11 Q Understood.

12 I'm going to now focus on January 6th and the preparations for January 6th.

13 [REDACTED] Is there any questions before I start this section?

14 General Flynn. No, ma'am. No from me.

15 [REDACTED] Oh, no, I was just checking with the members before we switch
16 to January 6th.

17 General Flynn. Sorry.

18 BY [REDACTED]

19 Q I've reviewed your testimony that you provided to the House, as well as the
20 questions for the record in responses to members' questions. And, in that, you stated
21 that the DOD relies on civilian law enforcement agencies for criminal intelligence and
22 reporting when providing domestic support.

23 Those are your words, correct, General?

24 A Yes, from testimony.

25 Q Can you explain just in terms for January 6th, are you aware of what law

1 enforcement agency DOD relied on for its preparations?

2 And I do -- if you want to look, there's an email. Exhibit No. 1 is an email kind of
3 giving an update, which are on -- about the upcoming planned protests.

4 A Right. And which part of the email are you referring to?

5 Q In the first paragraph, it says, "As the New Year approaches and events
6 unfold in D.C. leading up to the inauguration" -- "quick update on the planned protest."

7 So it looks like there's information about what protests are expected. My
8 question is: What agency, what civilian law enforcement agency is DOD relying on in its
9 preparation for January 6th?

10 A Relying on for what, ma'am, exactly?

11 Q For domestic threat information, in terms of --

12 A So --

13 Q Go ahead.

14 A -- by law, we're not -- we don't seek nor collect nor review domestic
15 intelligence.

16 Q So let me just ask you, then, exhibit 1, as well as if we move forward a little
17 bit to exhibits 22, 24, 25, there's a number of updates there were provided by the NOC --

18 A Right.

19 Q -- to DOD officials including yourself and Army officials.

20 A Right. Right. So the NOC, just to be clear, is owned by DHS.

21 Q Right.

22 A And the National Ops Center is, to my knowledge -- I don't work there -- is up
23 24/7.

24 Q Correct. To your knowledge, was there any other agency other than DHS
25 providing updates for January 6th?

1 A Not to my knowledge.

2 Q And can you explain why DHS is providing -- if you can -- why it's a reliance
3 on DHS and not FBI? Or is there both?

4 A I cannot explain that.

5 Q Okay.

6 So we'll start with the timeline of when the request for Mayor Bowser came in.
7 So, again, we don't have to go through them, but I'm sure you're familiar with -- exhibits 2
8 and 3 are the -- is the request from Mayor Bowser dated December 31st.

9 I see you nodding your head. These are --

10 A I have --

11 Q Sorry. Go ahead.

12 A I was saying I have them in front of me, 2 and 3.

13 Q Right. And, essentially, this is what sets the ball in motion for you all to
14 conduct your mission analysis -- is that correct? -- as to whether to --

15 A That's correct.

16 Q -- provide the request.

17 A That's correct.

18 Q So the initial request was for unarmed law enforcement for traffic control
19 points and crowd management near Metro stations.

20 So, before we kind of march through the days preceding January 6th, can you just
21 describe what your role is, as the chief operating officer, once this request comes in?

22 A So, once -- these requests? Well, so I was on leave. It was New Year's
23 Eve, and I was on leave. And I believe I found out about all of this on the 1st of January.
24 I may have found out about it on New Year's Eve, but I was on leave. Now, I was on
25 local leave in my house.

1 And then I think your question was, what's my role once these -- did I get that --

2 Q Yes.

3 A Did I get that accurate?

4 Q Yes.

5 A So my role? My director of operations, Brigadier General Chris LaNeve, and
6 another brigadier general, Matt Smith, who are on a number of those emails --

7 Q Uh-huh.

8 A -- they are my current Operations/Readiness and Mobilization Directorates,
9 those general officers. One is an Active Duty general; the other is a National Guard
10 general on Active Duty. And they would review any requests that came from the Joint
11 Staff, from the Department of Defense, and from the lead Federal agency by the time it
12 got to us for those requests.

13 In this case, this was a request from Mayor Bowser to the commanding general of
14 the D.C. National Guard.

15 Q General Walker. Is that right?

16 A At the time, that was General Walker, Major General Walker.

17 Q You spoke a little bit about the National Guard -- the neighboring National
18 Guards and the National Guard Bureau, but can you just describe briefly what the process
19 is for the D.C. National Guard, the uniqueness of authorizing them to respond?

20 A Ma'am, I'm actually -- I'm not an expert in the D.C. National Guard --

21 Q Okay.

22 A -- process.

23 But, in this particular case, Mayor Bowser requested capabilities from General
24 Walker, the District of Columbia National Guard commanding general.

25 Q Got it.

1 So exhibit 6 --

2 A Okay.

3 Q -- is an email. And attached to the email is the letter, January 1st letter,
4 from General Walker to Secretary McCarthy, requesting assistance.

5 In the last two pages of that January 1st letter, part of it is the mission analysis for
6 the District of Columbia National Guard support. Do you have that?

7 A I have exhibit 6, and I'm going to the thread. Are you talking about the
8 one -- so the one from Major General Nordhaus, the director of operations for NGB, the
9 very beginning of the email trail, or the very end of it?

10 Q Yes. And at the very end of that document, there should be the letter from
11 General Walker to Secretary McCarthy, as well as a January 1st, 2021, memo outlining the
12 mission analysis. So it should be past the email. Do you have --

13 A Oh, is that exhibit 7? Or -- oh, I see. Signed by General Walker?

14 Q Right.

15 A Is that the letter? Okay. Okay. Yes. I have that here.

16 Q So I'm wondering if you can explain to us, from January 1st until January 4th,
17 when this request is ultimately approved, what steps were taken, what mission analysis
18 was conducted by your staff, or what other units are conducting, in order to decide
19 whether to honor the request of Mayor Bowser or not.

20 A Yeah. So maybe I can clarify. So the tactical headquarters, General
21 Walker, they would, I would say, do mission analysis and planning.

22 At the Department of the Army headquarters, in the Operations Directorate,
23 we're simply acting on the requests into the Department of the Army. And so we're just
24 trying to help the Secretary of the Army with sourcing decisions as a force provider.

25 Q And what are those decisions? What do you look at in making those

1 decisions?

2 And I'll just -- I'm asking because it looks like the initial request from General
3 Walker was a request for 350 people. And there's a number of emails. And my
4 question is, who was conducting the analysis as to whether 350 people or 250 people
5 or -- ultimately, I believe, 340 people were assigned for that day.

6 A Yeah, you'd have to ask the National Guard Bureau and General Walker.

7 Q It appeared from the emails that General Walker had conducted his own
8 mission analysis with the D.C. National Guard, and then it was -- and please explain if I
9 have that wrong -- it was sent up for approval.

10 A Yeah, so he -- it looks from this email that -- because General Mingus is the
11 Joint Staff J3 and General Nordhaus is the direct -- he's sort of the operations officer for
12 the National Guard Bureau. So, if he sent that anywhere, it looks like on the email it
13 went there. That's my understanding of what is here.

14 Q Okay.

15 I want to direct your attention, then, to exhibit 13 --

16 A Okay.

17 Q -- which is referring to the support plan and relates back to exhibit 12 -- sorry
18 about that -- where General Flynn states, "Recommended to the SA," the Secretary of the
19 Army, "conditions not met yet for commitment of the D.C. National Guard."

20 A That's the email from General Piatt --

21 Q Uh-huh.

22 A -- to General LaNeve, who is my director of operations and mobilization and
23 readiness. And then I'm also on there.

24 Q Right. I think exhibit 13 would be you --

25 A Thirteen.

1 Q -- agreeing with the director of the Army staff, which was General Piatt.

2 A Right. On Sunday at 9:44 in the morning, right --

3 Q Correct.

4 A -- because the director of the Army staff, he basically looked at the slides and
5 said he reviewed the slides and "I think we should send them to the Secretary of the Army
6 for his review as soon as possible." And then I said I agree, basically.

7 And then when I wrote, "In your voice over you may also want to discuss an
8 abbreviated timeline of key events," what I mean by "voice over" is, in addition to the
9 slides being reviewed, when you talk, just talk about the timeline of events. And those
10 events are not the events of January 6th. It was the events of a briefing to the
11 Secretary.

12 Q Right.

13 A And then on exhibit 12, when General Piatt talks about conditions not met,
14 he's really talking about the use of the local D.C. law enforcement capabilities and that
15 the D.C. National Guard -- I believe he's talking about them being a last resort.

16 Q So when it says, "Would like from the interagency: 1. Request lead Federal
17 agency" and "2. Request status of level of commitment of other Federal agencies" --

18 A Right. So, again, you'd have to ask General Piatt what he meant by that.

19 Q But --

20 A I mean, we were all seeking a lead Federal agency in the discussions on
21 Sunday. Because it was Sunday over the holiday weekend, and it wasn't clear whether
22 that was the case at that particular point, at least in my mind. I was just coming off of
23 leave, again.

24 Q Understood.

25 So, then, exhibit 14 --

1 A Yes, ma'am.

2 Q -- are the final slides sent to Secretary McCarthy. And it looks like the
3 conditions of the lead Federal agency have still not been met.

4 At some point did you learn that a lead Federal agency had been designated?

5 A At some point it was my understanding that the Department of Justice was
6 the lead Federal agency for this, but it was not on Sunday. It was either the next day or
7 on Tuesday.

8 Q How did you come to that understanding?

9 A I do not recall that.

10 Q Do you know if you learned it through a call or through -- well, let me ask
11 this. If a lead Federal agency had not been assigned, would this have been approved, in
12 terms of the D.C. National Guard's assistance that Mayor Bowser asked for?

13 A You're asking -- so that's a hypothetical that I don't have an answer for.

14 Q It was one of the conditions, though, that was required.

15 A Well, so, in any defense-support-to-civil-authority mission, we seek a lead
16 Federal agency. The Army does; the Department of Defense does. Because we are
17 not -- we don't have the authorities to provide support to another Federal agency unless
18 the President or the Secretary of Defense authorize it. Again, they're the sole
19 authorities to approve that.

20 Q Understood.

21 So, ultimately, on -- we see exhibit 16 and 17 -- Secretary McCarthy requests
22 Secretary Miller for the D.C. National Guard to honor, essentially, Mayor Bowser's
23 request. That's exhibit 16.

24 And then there's a memo, a January 4th memo, exhibit 16 -- sorry, I'm getting my
25 numbers wrong. That was exhibit 16 -- a memo from Christopher Miller with some

1 guidelines as far as when the D.C. National Guard is to be authorized.

2 Do you have that?

3 A Yes, ma'am, I have both of them.

4 Q Were you involved in the analysis or the drafting of this in any way?

5 A Secretary Miller's, no.

6 Secretary McCarthy's, I wasn't specifically involved in the drafting of it. I think
7 that went through his legal counsel, but you'd have to ask him. I don't recall whether I
8 saw it before it was finally signed, but I know I saw it when it was signed. But I just don't
9 recall if I saw it before it was signed.

10 Q Can you explain what the rationale was in approving the request, ultimately,
11 that led to Secretary McCarthy's memo -- letter, rather, to Secretary Miller?

12 A I cannot explain Secretary McCarthy's rationale.

13 Q I'm sorry, but were you involved in any of the discussions in approving the
14 request for the D.C. National Guard?

15 A I don't recall any of the discussions, being involved in that, other than what
16 we had in the request from the National Guard had gone to my Readiness and
17 Mobilization Directorate.

18 Q Did you talk to your readiness director about the request?

19 A I don't recall talking to him about that request.

20 Q Okay --

21 A The --

22 Q Go ahead.

23 A No, I was just going to say, the span of things going on across the globe right
24 after the holiday were -- there were a number of things that were happening.

25 Q So --

1 A OD directorate handles a lot of stuff.

2 Q Understood.

3 So, going back to, kind of, you setting the stage of what's happening leading up to
4 this, would a request from Mayor Bowser for unarmed troops at Metro stations and
5 traffic points rise to your level of attention?

6 A I don't -- I think my director of operations was handling all of these actions
7 with the D.C. National Guard, because he was really my point man for all of this work, he
8 and Brigadier General Matt Smith, who was a National Guard officer in my current Ops
9 Directorate.

10 Q Got it.

11 Exhibit 18, there seems to be -- there's an email to yourself about a change
12 concerning the use of weapons, ammunitions, bayonets. Were you familiar with what
13 gear the D.C. National Guard had or was authorized to have in preparation for January
14 6th?

15 A Well, in this email, it actually -- I'm added at some point. It starts
16 with -- [REDACTED] is the legal advisor to, really, General LaNeve and General Smith. And
17 that email discusses, you know, equipment, et cetera. It goes to General LaNeve.
18 General LaNeve sent to it Colonel [REDACTED], who's the executive officer to Secretary
19 McCarthy. I'm not on the trail at that point.

20 And then it moves, Monday at 9:12 p.m., again, back to [REDACTED], to General
21 LaNeve, Colonel [REDACTED], the XO to the chief of staff, and Matt Smith. You also see
22 General Pede, who's the OTJAG for the Army, and General Risch, the deputy OTJAG, a
23 number of lawyers, and then Colonel [REDACTED], who is General Walker's lawyer.

24 And then at 3:43 in the morning on Tuesday the 5th of January, [REDACTED]
25 added General Piatt and myself to the base of that email, I see.

1 Q Understood.

2 A Yeah. And then it went to General Piatt at 4:52, and he asked for
3 everybody to review it.

4 Five minutes later, I respond to the Army staff, and I'm saying my recollection of
5 what the Secretary of the Army had stated at some point on Monday. I put in quotes "in
6 vehicles and close proximity." Because I do recall the Secretary saying, well, if we're
7 going to give them -- if we're going to make a change to equipment, with helmets and
8 body armor, make sure it's in close proximity or in the vehicles that are nearby each of
9 the Guardsmen's positions across the District.

10 And then [REDACTED] replies back to me and essentially points out how they can
11 make that change. And then I wrote -- I replied to [REDACTED], "Looks good from my read."

12 And, again, my recollection of this was the Secretary -- because General Walker
13 had asked the Secretary, could we have helmets and body armor nearby because of the
14 inherent right of self-defense? And so Secretary McCarthy said, yes, that's a good point,
15 let's make sure they have helmets and body armor nearby.

16 And so they -- I don't know if it was ever stated -- well, in the email on exhibit 19,
17 [REDACTED] puts in there -- [REDACTED] -- "Soldiers will store their helmets and body armor
18 within vehicles or buildings in close proximity."

1

2 [4:30 p.m.]

3

BY [REDACTED]

4

Q Okay. So just to --

5

A That was my recollection of the Secretary saying something on Monday about the ask by the D.C. National Guard.

7

Q So the D.C. National Guard who were present on January 6th, they had access to the body armor, the helmets in nearby government vehicles, as you stated in your response email, and there was other equipment available that was at the armory. Is that correct?

11

A I believe. You'd have ask to General Walker what the other equipment was at the armory. I don't know exactly what was at the armory. I never went to the armory.

14

Q Okay. And is it your -- but is it your recollection that there was different types of equipment that was available, that they were not all in the same place, if you remember to that detail?

17

A I don't. My recollection was they asked to have body armor and helmets to protect themselves in the event that a crowd became unruly, and the decision by the Secretary was to keep it in vehicles in close proximity.

20

If I can make a comment about the vehicles. On Monday or Tuesday -- I don't recall exactly when -- General Walker asked for vehicles, and we got 30 vehicles out of the Pentagon motor pool so that they could have transportation out to these locations across the District. So -- and the Secretary approved that. That is how those vehicles were out there, and that was how they were able to store their helmet and body armor in the vehicles.

1 Q Go ahead.

2 General Walker testified at a hearing on the Senate side stating that, in his
3 opinion, the guardsmen were ready and able to respond immediately to the Capitol, and
4 they had all the gear that they needed.

5 Do you have a response to that? Do you think that is accurate?

6 A So the mission the D.C. National Guard was given that day was crowd
7 management, which is support to civil authority, and the civil authority in this case being
8 the law enforcement within the District of Columbia.

9 They were not given a mission to conduct civil disturbance operations or riot
10 control, which is a component of civil disturbance. That was not their mission.

11 Q So you would not agree that they were ready to go?

12 A I'm saying that they were ready to perform the mission they were given,
13 which was crowd management and crowd control. That's what they were ready to do.

14 Q Once the Capitol breach became a riot, is it fair to say, in your opinion, they
15 were not ready to go?

16 A Their mission was to control crowds. It was not to go to a riot. They were
17 there for support to civil authority. The civil authority was the law enforcement
18 agencies. They were not missioned, tasked, organized, equipped to do civil disturbance
19 operations. A form of a civil disturbance is a riot.

20 [REDACTED] Before we start with the morning of January 6th, I realize we
21 are at 4:35. Do you need to take a few minutes before we kind of start the latter half of
22 this?

23 Mr. Richards. I am fine if you guys are okay.

24 Ms. Cheney. I'm fine.

25 General Flynn. All good here. Thank you.

1 [REDACTED] Okay. Great.

2 Does anyone have any questions before we start on the morning of?

3 BY [REDACTED]

4 Q All right. General Flynn, before we start with the morning of, I just wanted
5 to go back to January 3rd, there was a letter published in The Washington Post declaring
6 from the ten living prior Secretaries of Defense requesting to refrain from any political
7 actions that could undermine the election results or harm the transition to a new
8 administration. I think it is commonly known as the Ten SecDef letter.

9 Were you familiar with the letter at that time it was published?

10 A I was not.

11 Q You didn't read the Ten SecDef letter?

12 A No.

13 Q Did you learn of it later?

14 A I don't recall. Probably in the open source. But I still have not read it.

15 Q Other officials at DOD, maybe not the Army -- actually the Secretary of the
16 Army stated that everyone within the Pentagon and the Army were discussing the Ten
17 Sec letter and its impact on the organization, and I'm summarizing that testimony. But
18 would you -- and that was public testimony that was in the Senate report.

19 You would not -- would you not agree with that statement?

20 A I don't recall the Ten Sec letter. I don't recall reading it, and I don't recall
21 finding out about it.

22 Q Okay. The morning of January 6th, can you just walk us through your day
23 in terms of what time you arrived at the location? And we will walk through from the
24 morning until the afternoon, if you don't mind.

25 A I mean, I don't recall exactly what time I got to the Pentagon on the 6th of

1 January. I normally -- normally -- arrive somewhere between 07 and 7:15 or 7:30.

2 Q And where is that where you actually report to?

3 A I would report to my office on the E-ring in between corridors 6 and 7, I
4 think.

5 Q When did you first learn about the attack on the Capitol?

6 A When they came into my office.

7 Q Who's "they"?

8 A My executive officer, Colonel [REDACTED]

9 Q I'm sorry? [REDACTED]

10 A [REDACTED]

11 Q Do you remember what time that was?

12 A It was 1421, 22, right -- I was in a meeting. I had a meeting at 1330 with all
13 of my directors and their deputies.

14 Q So -- sorry. 1330, 1:30, you had a meeting? Is that right?

15 A Right. I had a planned meeting, sorry, at 1:30. And then around 2:21,
16 2:22, he came in the office.

17 Q Just to back up. At the 1:30 meeting, was there any discussion about what
18 was occurring at the Ellipse? By that time President Trump was in his 70-minute speech.

19 A No. It was a separate meeting. It was not related to what was going on at
20 the speech.

21 Q So when you learned about the attack, what steps did you take immediately
22 thereafter?

23 A So when I was informed by my executive officer, Colonel [REDACTED] I had, rough
24 estimate, about 15 people in my office. We were spread out because of COVID, general
25 officers and deputy directors.

1 I asked them to stay there and that I would get word back to them on what was
2 going on. Because I don't recall if Jeremy Bolling, Colonel Bolling, said there has been an
3 attack on the Capitol. I just recall him saying the Secretary's office is calling for you and
4 they want you upstairs now.

5 So I paused the meeting, told them all to stay where they're at, probably grabbed
6 a notebook and something to write with, and then I departed my office and I walked to
7 the Secretary of the Army's outer office.

8 Q Who was at the Secretary of Army's office at that time? Do you
9 remember?

10 A I'll be a little more specific. I walked into his outer office. Nobody was
11 there. I continued past his outer office into where his executive -- there's a couple other
12 offices that you take a left.

13 And I stopped in the doorway because there was -- I mean, my recollection is
14 probably 10 to 15 people in his office.

15 I paused in the hallway -- or in the doorway. His executive assistant, a young
16 lady, sits right here (indicating) and it was rather chaotic in there.

17 There's a door about 25 feet away that enters into the hallway, and the Secretary
18 was walking out. And at the time, I don't know where he was going, but he was walking
19 out. I later found out that he was walking down to see Secretary Miller.

20 So if I can just describe, you know, any time you get called out of one meeting, you
21 go into -- you're not exactly sure why you're going there, but I gathered that there was a
22 problem in the District.

23 I stopped in the doorway, witnessed Secretary McCarthy departing. There's two
24 bulkheads in the Secretary's office, and so there were people scurrying around. I moved
25 out of the doorway to the right, and about 20 feet straight ahead is a standup desk, and

1 there's a ledge on the side of it. And I saw General Piatt and a woman, the back of a
2 woman, who had her back to me.

3 So I slowly walked towards General Piatt and towards this woman, and I came into
4 the corner of them. And there was a conference call that was underway. There was a
5 lot of voices on the other end that were talking and using a tone of voice that was
6 chaotic.

7 And then General Piatt was listening and then made some remarks into the
8 phone, into the conference call.

9 You want me to keep going? I can --

10 Q Let me just pause you, pause right there.

11 At that time, can you just -- or how are you getting your updates as to what's
12 happening at the Capitol? Is the TV on? Are you receiving information from your
13 staff? I'm just curious, at that moment --

14 A Yeah. The meeting that I was -- I rarely have -- I almost never have the TV
15 on in my office. I have no -- phones are outside locked up. There's no -- my office is a
16 SCIF, so there's no -- I can't have devices in there.

17 So when I walked into the office, I mean, I put two and two together. I figured
18 there was something going on in the District. Now, I knew there was something going
19 on in the District when I came by the phone and heard voices screaming on the other end
20 and General Piatt and the woman who was standing next to him catty-cornered there.

21 Q But when you say you knew something was going on in the District, what
22 exactly did you know at that time?

23 A I knew that -- I didn't know what was going on at that time.

24 Q Understood. So before we get into kind of the substance of that call that
25 you're about to describe, it appears that morning there were some emails, you know, in

1 anticipation of the January 6th event.

2 At one point -- this will be Exhibit 19 -- you asked for -- you stated there should be
3 a sitrep every 2 hours.

4 Do you have that?

5 A 19?

6 Q 19 is an email, January 6th, 10:07 a.m., from yourself --

7 A It started with General Fenton, who is the military assistant to, at the time,
8 Acting SecDef Miller. And I am at the bottom of it. And I noticed on the email that my
9 director of operations, General LaNeve, and his deputy director, General Smith, were not
10 on it.

11 So I shot that to them and said let's look for -- you know, "Every 2 hours we should
12 send a sitrep."

13 Q Right. And at the beginning of that is a 9:39 email that states, "Just now
14 Acting Secretary of Defense Miller requested periodic updates today referencing
15 Washington, D.C., protests and activity." And then you're added to the distribution list.

16 "Of note the Secretary is particularly interested in indications/warnings of
17 protestors gathering in numbers greater than 20,000." In parenthesis it says, "He views
18 this as a critical information requirement and one that he and the Chairman might have
19 to converse with the White House about."

20 A Right. Which is why I put "CCIR" on mine, so --

21 Q Which is what? I'm sorry, what does CCIR mean?

22 A That's the critical information requirement.

23 Q Understood. Okay.

24 So from the 10:07 outgoing email that you sent until 2:30, when you're at this call
25 with General Piatt, had you not -- you had not turned on your TV and you had not

1 received any of the NOC updates, the National Center updates that we spoke about
2 earlier? Is that --

3 A I did not -- yes, ma'am, I don't recall getting any updates.

4 Q Okay. So 2:30 you see General Piatt on this call in the corner on the phone,
5 if we can just go through. Who did you learn was on that call? You said you heard
6 tense voices.

7 A Well, I learned later, through all these documents, who was on the -- at the
8 time I didn't know who was on that call because it was just voices and it was chaotic.

9 Q Did you learn through these documents or did you learn later that day who
10 was on the call?

11 A I learned through these documents. I didn't even learn later that day.
12 The rest of the day got very busy.

13 Q So you're saying the documents that were provided to you yesterday was
14 the first time you learned who was on the call?

15 A Oh, no. No, I knew about them before. I just -- your question was, did I
16 know who was on the other end of the phone? At the time I did not know who was on
17 the other end of the phone.

18 Q What did you hear General Piatt say in response to those who were on the
19 phone?

20 A Yeah. So I recall twice, because General -- if I could just back up a little bit
21 and describe what was happening on the other end of the speaker phone.

22 It was rather chaotic, and it was very scrambled, I guess I'd have to say. You
23 couldn't tell who was talking sometimes.

24 General Piatt was -- who I have known for three decades -- handled it very
25 patiently, deliberately, professionally, and was -- I'm going to describe him as, you know,

1 the calming voice in an otherwise chaotic situation.

2 And -- but my recollection is that there was a statement made -- and, again, I don't
3 recall who said it -- that said, "Are you denying our request for assistance?" or something
4 to that effect, to which General Piatt replied something to the effect of, "I'm not denying
5 your request. Secretary McCarthy is with Acting Secretary Miller, and he is seeking
6 approval, and we should develop a plan."

7 And then there was banter on the other end, a lot of back and forth. Again, I
8 don't know who was saying what on the other end.

9 And then a second time started, and the difference was this time it said, "So, to be
10 clear," and then they basically phrased the question the same way, to which General Piatt
11 replied in a very similar fashion, "No, I'm not denying your request. They are together
12 now in the Secretary of Defense's office, and we are waiting for approval, and that we
13 should develop a plan."

14 And on that point, ma'am, it became clear to me that I was in the wrong place.
15 And so I made the decision to leave because General Piatt had a handle on the situation.
16 He was on the conference call before I showed up. He was participating in the
17 conference call and sort of, you know, discussing with the other people that were on the
18 other end.

19 And so I proceeded to walk through a door that separates the Secretary of the
20 Army's office from the Chief of Staff of the Army's office, and I basically cut through the
21 Secretary -- correction, the Chief of Staff of the Army's office. I went to his outer office.

22 And then I don't recall whether I called my executive office and my front office or
23 whether they did. But we communicated to my front office, and I said to them, "Pull up
24 my secure video teleconference bridge," which I always had a standing primary video
25 teleconference bridge and an alternate bridge, and I said, "Please stand that up. Begin

1 to call the front offices of the Department of the Army staff and other commands. I'm
2 on the way down, and we are going to get a VTC up and running to begin to coordinate
3 some efforts."

4 And so I probably stayed there and spoke to his outer office just to give them an
5 understanding of what was going on, and then I departed to get to my office.

6 Q So let me just go back to that, to the call.

7 So you weren't on the beginning of the call? Is that correct?

8 A No, I was not there when it started.

9 Q And did you hear anyone from your side of the call speak other than General
10 Piatt?

11 A No. I did not hear anyone from our side speak other than General Piatt.

12 Q Did you ever -- did you speak on that call?

13 A I did not speak on that call.

14 Q Did you identify yourself as being on the call?

15 A I did not.

16 Now, if I said anything, if I -- my recollection, if I said anything, I may have tugged
17 on General Piatt's sleeve and asked and said, "What's going on here?" like, "What's the
18 situation?" you know.

19 And the phone is open, so somebody on the other end could have said, "Well, you
20 know, Flynn said something." But my recollection is I asked General Piatt -- or I could
21 have asked General Piatt like, "What's the situation here?"

22 Q Did you know what -- who was requesting the assistance of the D.C. National
23 Guard?

24 A Other than somebody at the Capitol was requesting? Again, I don't -- at
25 the time I did not know who was on the other end of the line. I didn't know how many

1 people were there. I wasn't aware of their identities. I don't know who was on the
2 other end of the line. It was -- I was literally there -- the total time that I'm talking about
3 was about 4 to 5 minutes. I was really around that phone call, rough order of
4 magnitude, for maybe a minute of that --

5 Q Do you know how long the call lasted for in total?

6 A I do not, because I left before -- it was still -- I got there -- it was already
7 going and then I departed before it ended.

8 Q Okay. From the time period that you were there, was it clear to you that it
9 was not a denial of a request for assistance? In other words, you --

10 A What's clear to me is that the Secretary of Defense and the President of the
11 United States have the sole authorities to approve National Guard support to a Federal
12 agency, and so that was clear to me.

13 Q That was clear -- it was clear to you, sir, but was it clear to the folks on the
14 other end of that call, from what you observed?

15 A I don't know. You'd have to ask the people on the other end of the call.

16 Q Did you become aware of the confusion that resulted after that call,
17 including a reporter -- a tweet saying that the Department had denied the request for
18 assistance for the National Guard to arrive to the Capitol?

19 A At the time I was not aware of any of that.

20 Q Did you later learn about what occurred as a result of the call, meaning Chief
21 Contee was on the call, the Chief of the Metro Police Department, Chief Sund, the Chief
22 of the Capitol Police, was on the call, and in their perception the Department had denied
23 the assistance of the D.C. National Guard? When did you become aware of their
24 perception of that call?

25 A I don't recall exactly when I became aware. I do recall that General Piatt,

1 as I think he testified, that they essentially asked -- so I witnessed two statements, "Are
2 you denying our request?" Apparently there was a third one, and in the third one, they
3 threatened to go to the media. And I learned that later. I don't recall when I learned
4 that, but it was later.

5 Q It was not during that call?

6 A No, no. I was not there for that. I remember two asks, and then I
7 remember saying to myself, "I need to leave because General Piatt has it handled here.
8 I've got other things that I have to do."

9 Q And then you set up the SVTC for the Army personnel? Is that right?

10 A Well -- Army personnel. So I set it up --

11 Q That's my term, not yours.

12 A Yeah. No. So I got -- I'm the G-3/5/7. That video teleconference we
13 used routinely because of COVID-19 and other crises. And so we -- my front office
14 probably called the G-1, the G-2, the G-4, you know, the various directorates from across
15 headquarters, Department of the Army. I know we pulled in some of the major
16 subordinate commands, like Army Materiel Command, Forces Command, the National
17 Guard Bureau, et cetera.

18 If I can, ma'am, there's -- I think I can populate that video telebridge with about a
19 hundred stations, and so people could dial in so we could coordinate any requests that
20 were going to happen.

21 So my role at that point was that I felt the need to get that video teleconference
22 bridge up so we could begin to coordinate and help the Secretary.

23 Q Okay. As you're aware, the Army initially denied that you participated in
24 that 2:30 call or any of the calls on January 6th.

25 Did you ever deny to anyone that you were involved in that call or participated in

1 that call?

2 A No, ma'am, I never denied.

3 Q Do you know the reasons why the Army initially denied your participation in
4 this phone call?

5 A I do not.

6 Q You issued a statement to The Washington Post clarifying that you were on
7 the call. Was that to The Washington Post only or was it to other reporters?

8 A No, I remember there we did a gaggle. I don't remember how many -- I
9 don't remember what outlets were there.

10 Q But you called the reporters directly or the reporters were -- it was set up?
11 It wasn't an official Army? Is that right?

12 A This was something that General Piatt and I did through the public affairs
13 team in the Army.

14 Q Did you ever learn or understand why the Army initially denied your
15 participation in the call?

16 A No.

17 Q After that 2:30 call, there was a -- Secretary Miller authorized the
18 mobilization of the D.C. National Guard. I want to -- if you could explain, from your
19 perspective, the timeline from that full mobilization by Secretary McCarthy -- sorry. Did
20 I say Secretary Miller? I believe it was Secretary Miller who fully mobilized it. And
21 then the 4:30 verbal authorization for the D.C. National Guard to deploy.

22 As you're aware, there has been a lot of media reports about this timeframe, from
23 the time of the initial request for assistance for the D.C. National Guard and the response
24 of the D.C. National Guard, which was about 5:20.

25 Can you explain to us what was going on during that time from what you were

1 directly involved in, what you observed?

2 A So that's a pretty broad question. I'm going to tell you what I was doing,
3 because I think that's what you're asking, what were my actions.

4 Q Yes.

5 A Okay. So on or about, I'm going to say, 1445, as I recall, because it was
6 after I got down, maybe -- it might have been 1440, that bridge was up in my office, and
7 we were populating the bridge with a bunch of people on the Army staff and a bunch of
8 commands.

9 And all I was trying to do at that point was get everybody on a video
10 teleconference so we could communicate if there were additional requests that were
11 coming in.

12 So that's essentially what I did.

13 Now, let me be clear on requests. Well, I'll pause there because that's
14 essentially what I was doing for the next -- until later into the evening.

15 Q But was your role -- were you involved in any way with authorizing the
16 troops to arrive to the Capitol?

17 A No.

18 Q So in terms of who you were on the bridge, the calls with, who were you on
19 that call with in terms of responding to the Capitol? And how does it relate?

20 A I was not on the call to respond to the Capitol. Which call are you referring
21 to, ma'am?

22 Q No, no. I'm sorry. You said you set up the SVTC, and that's what you
23 dealt with from 2:45 on. So what was your responsibility for that afternoon in terms of
24 the response to the Capitol?

25 A Okay. So I was trying to anticipate the things that were going to come to

1 the District of Columbia and that were going to be needed to respond to this crisis that
2 happened in minutes. In my view, it happened literally in minutes.

3 So I instinctively knew that there was going to be support needed and that we
4 were probably going to be doing this for a number of days, if not weeks, and it turned
5 into months.

6 So I felt my job at that point was to coordinate additional support that was going
7 to eventually be coming to the D.C. National Guard. And, in fact, it later did come.

8 So just two examples.

9 Compact States -- or States have compact agreements with the D.C. National
10 Guard, so there were additional National Guard forces that were being offered to come.

11 We knew that barrier material, like lights and other barrier material, was going to
12 be needed at some point to protect Federal property and the Capitol.

13 And then the mobilization decision of the D.C. National Guard itself required the
14 rest of the D.C. National Guard to come out of their jobs and their houses and get to the
15 armory.

16 So there were 154 people that were deployed at 37 locations across the District,
17 and then there was, I believe, 100, 250, and another 350 in the D.C. National Guard that
18 were on like a 3-hour, 6-hour, and a 12-hour recall. And so that mobilization was to
19 have them all arrive as quickly as they could to the armory to assemble.

20 But that was part of what General Walker and the tactical commanders needed to
21 worry about. In my role as the 3/5/7, what I was trying to do was coordinate and
22 effectively protect all of these forces and materials from descending on the D.C. Armory
23 in an uncoordinated fashion.

24 So I guess in one sense I was trying to calibrate the delivery of all of these things
25 from Maryland, to Virginia, to Pennsylvania, to these other compact agreements that

1 were -- they were immediately calling to offer their assistance and support.

1

2 Q Well, I'm going to give a layperson -- I want to make sure I got it right what
3 you said. It sounds like, General, you're looking at it forward looking as to how we are
4 going to move the neighboring National Guard to assist?

5 A Yes, that's correct.

6 Q Were you involved in any of the immediate mobilization efforts of those 154
7 guardsmen that were located near the Capitol?

8 A No. Well, can I clarify?

9 Q Yes.

10 A So you said near the Capitol. The 154 people, so National Guardsmen, they
11 were actually distributed in 37 locations. So they weren't necessarily near the Capitol.
12 They were distributed in groups of what amounts to be either two or four.

13 And then, if you recall earlier, I said there were 30 sedans that we had given them
14 to be able to store their equipment. So they weren't all near the Capitol, just to be
15 clear.

16 Q And I misspoke. I should say those were the folks that were in the District
17 as a result of the initial request from Mayor Bowser on December 31st. Is that right?

18 A That's right. 154 were distributed over 37 locations, right, Metro stops,
19 traffic control points.

20 Q So can you speak on any of the movement of those individuals, their
21 repositioning, their equipment, their mobilization? If you know how that occurred
22 before they arrived to the Capitol complex at 5:20, that would be helpful, and if that was
23 not your purview, I understand.

24 A It was not my purview. I can give -- I have been moving troops for three
25 and a half decades, though, if you want me to describe what that might look like for

1 context.

2 Q Sure. Please.

3 A Okay. So I describe it as they had to redeploy. They had to then move
4 across the city. They had to then reequip. They had to reorganize. They had to be
5 given a new mission and new instructions. And then they had to load on buses, and
6 then they had to move to the Capitol, and then they had to get federalized before they
7 could be committed into what amounted to be a violent riot.

8 So just to go back to the beginning. So 37 locations, two to four people. When
9 the local law enforcement left their position, they then had to move back to a vehicle,
10 account for their equipment, account for their people, get in the vehicle.

11 Then they had to drive from 37 different locations across the District around
12 blocked streets and roads and traffic, and, obviously, a protest that was, you know,
13 becoming a mob and worse, get to the National Guard Armory.

14 And then at the National Guard Armory, they then had to get reorganized from
15 two- and four-man teams into squads, platoons, and a company. Then they had to be
16 issued new equipment -- batons, face shields, shin guards, and other equipment.

17 Then they had to be remissioned because now you're going in -- you're going from
18 crowd management into a civil disturbance, riot control.

19 And then they had to be given orders, loaded on buses, and then driven from the
20 armory to the Capitol, link up with somebody from the Capitol Police or law enforcement,
21 and then get off the buses, raise their right hand and get federalized, before they could
22 then go into and be employed against a violent mob.

23 Q So, General Flynn, in light of everything you have just said, what's your
24 response to the criticism of the so-called, quote, delay of the arrival of the D.C. National
25 Guard? Do you think that's an accurate criticism?

1 A I think that the soldiers of the D.C. National Guard performed their duties in
2 a very, very admirable way, because they were on one mission for support to civil
3 authority to manage crowds, and then, in very, very rapid order, they had to change their
4 mission in the middle of it, and then they had to be given new equipment, new
5 instructions, a new mission, reorganized, and then placed back into a very violent
6 situation.

7 I guess, in my five deployments in combat, I would tell you that my professional
8 opinion is you are very likely to make a situation worse if you send an unprepared,
9 unequipped, ill-prepared, or ill-trained, or a force that was not -- didn't have good
10 situational understanding of the situation they were about to go into.

11 So, you know, the conditions and the environment and the variables changed very
12 rapidly. And, again, I guess I bear witness to some of my own combat flaws, and this is
13 when people get hurt.

14 So I think the soldiers did a great job that day of responding and then performing
15 their duties in a rather admirable fashion. And I think that they did that in a way that
16 probably reduced -- likely reduced -- injury or worse to them and to others.

17 Q And the process that you described of the new mission and the reequipment
18 and the federalization, in looking at the timeline, that all appears to have occurred in a
19 2- to 2-1/2-hour period.

20 Can you just speak on that in terms of the time it took that day at the pace that it
21 occurred at, it must have occurred at, to have all of those things occur that you
22 described?

23 A What I just described to you was three and a half decades of my experience
24 of moving troops. I don't have any direct knowledge of what actually happened at the
25 tactical level. I was not in the tactical chain, and I was not on the ground. So it would

1 be out of turn for me to say what was happening. I'm just describing to you when I
2 move troops -- and I've moved them a lot -- it takes time.

3 Q Does the moving of troops, based on your experience, moving of troops and
4 remissioning and reequipping them, is it fair to say 2-1/2 hours is pretty -- is a fast
5 turnaround to do all of that that you have described and based upon your three and a
6 half decades of experience?

7 A It's one of those "it depends." So -- and you're using 2-1/2 hours. On the
8 timeline that I read, I see that the way -- in the Army one, at 1505, Secretary
9 McCarthy -- it says Secretary McCarthy directs General Walker to recall all his people and
10 then begin to move to -- my words -- the armory because he just got a change of mission.

11 And then later it says that at 1702, 154 D.C. National Guardsmen depart the D.C.
12 Armory in full riot control gear to the U.S. Capitol.

13 So plus or minus a few minutes, in 2 hours, everything that I just described to you,
14 from distributed to over 37 locations, to redeploy, remission, reequip, reorganize, reload
15 onto buses, move -- I mean, the movement from the armory to the Capitol alone is
16 roughly 30 minutes in what was an otherwise crazy day, so that's just that drive itself.
17 Maybe 20 minutes, but the fact of the matter is.

18 So, again, back to my description of the actions that happened, I wasn't there on
19 the tactical scene, and I was not involved in any of those decisions or movements, so I
20 have no direct knowledge of it. I'm just passing along to you my professional opinion on
21 moving troops.

22 Q Got it.

23 Before -- well, the good news is we are wrapping up here, General, so I think we
24 are going to make it within the 2 hours, maybe go a little bit over.

25 But just to close out on January 6th itself, did you have, at any point, any contact

1 with anyone from the White House that day, or were there any attempts to contact you
2 from the White House?

3 A No, ma'am. I had no contact with anyone at the White House.

4 Q Did you have contact with any Members of Congress on that day?

5 A No, ma'am.

6 Q Were you aware of any effort from the Army, DOD, any effort to confirm
7 that the Capitol Police did not need the D.C. National Guard?

8 A Am I aware of anybody in DOD that -- can you restate that again, please?

9 Q Sure. Did anyone, to your knowledge, from DOD reach out to the Capitol
10 Police in the days preceding January 6th to confirm that they did not need the D.C.
11 National Guard's assistance or any assistance?

12 A I'm not aware of who that person was. In the documents here, it indicates
13 that somebody from DOD did ask them, but I don't know who that was and when that
14 was. Again --

15 Q Do you know [REDACTED] within DOD?

16 A I know her by [REDACTED] actually. She used to work for me.

17 Q Okay.

18 A I think she has gone back to her maiden name, so --

19 Q That was the name that's mentioned on a timeline as far as who
20 received -- or who placed the call. Do you know what her position would be?

21 A I think she worked for General Fenton, but I don't know what her position is.
22 And I know her because she is an Army officer and she worked for me when she was a
23 major years earlier.

24 [REDACTED] Before I move on to some final topics, are there any questions
25 from the members?

1 Ms. Cheney?

2 Ms. Cheney. No.

3  Oh, go ahead.

1

2

BY [REDACTED]

3

Q Thank you, General Flynn. It's [REDACTED] I was introduced earlier.

4

I'm the chief investigative counsel for the subcommittee. And let me just start by

5

reiterating our thanks for making time for this.

6

I had just a couple of additional questions about the timeframe of those 2 hours

7

between when the order is given to pull the guardsmen who were deployed at those 37

8

locations back to the armory and their ultimate arrival at the Capitol.

9

It sounds like, if I heard you correctly earlier, that when they were deployed at the

10

37 locations, they did have some protective equipment in vehicles that were staged

11

nearby those 37 locations.

12

Can you talk a little bit more about what that equipment was and how, if at all, it

13

differed from what they ultimately were given when they were deployed to the Capitol?

14

A To my knowledge, sir, what was in the vehicle -- again, what they were

15

allowed to have in the vehicle -- was a helmet, a ballistic helmet, and body armor. And

16

if you were not near a vehicle -- or, correction, if a building was closer to you than your

17

vehicle due to parking, then you could store it in a building.

18

So just to play that out a little bit, if they were a four-man team and a building was

19

closer, they could have stored their equipment in the building, so then they would have

20

to go to the building, recover the equipment, and then go to the sedan, the vehicle, and

21

put the equipment in the vehicle, and then get in the vehicle and drive to the armory.

22

Does that help, make sense?

23

Q That's the first half, but tell me about what additional, if anything, were they

24

given in terms of protection, ballistic equipment, shields, body armor, when they

25

ultimately went to the Capitol? Is it different or is it essentially the same stuff?

1 A You would have to ask the D.C. National Guard. I don't know what they
2 issued them at the armory. I mean, obviously, for riot control there is something
3 different, but I don't know what the D.C. Guard issued them at the armory before they
4 got on their buses and deployed to the Capitol.

5 Q Okay. You know, I appreciate that you weren't involved with this troop
6 movement but just sort of in your general experience.

7 And the predicate, if I heard you correctly earlier, for them having this equipment
8 staged nearby was that even when performing traffic control or standing at Metro
9 stations, they may need to exercise some self-defense and would need some protection,
10 and that equipment would essentially facilitate them protecting themselves in that event.

11 Is that sort of generally the reason why that equipment was nearby?

12 A I think that's generally accurate given what was in that email from the D.C.
13 National Guard.

14 Q Okay. And the orders that they were given would allow them to do that.
15 They weren't essentially to take offensive action, but they could certainly defend
16 themselves. If somebody was coming at them aggressively, they could, even while
17 performing traffic control, defend themselves.

18 A That's right. I mean, inherent is self-defense.

19 Q Right, of course.

20 Now, is that a different rules of engagement when you are in the middle of a riot?
21 In other words, are the orders provided to them? When they move from the
22 self-defense readiness posture at the Metro station to deployed to the Capitol in the
23 midst of a riot, are they different rules of engagement in terms of protection or
24 appropriate use of force?

25 A That, if I could, sir, I'll clarify something.

1 Q Yeah.

2 A You're using the term "rules of engagement," which is an offensive type of
3 thing, right?

4 Q Yes.

5 A There's another term used, "rules in the use of force." In other words, you
6 don't use it unless you're trying to defend yourself. And so where rules of engagement
7 are more -- I would say they're, generally speaking, a little more for offensive, whereas
8 rules of force are to protect.

9 Q I see. I appreciate that.

10 So were there -- I guess my question is, were there different rules authorized or
11 given to them at the Capitol than that which they were given initially at the traffic control
12 point?

13 A Sir, I'm not aware of that.

14 Q Okay. And then, finally, in terms of numbers, I think you just said that
15 ultimately the bus from the armory has about 150 guardsmen, roughly the same amount
16 of guardsmen that were at those 37 locations. Is that accurate?

17 A I think that's -- in the report it says, at 1702, 154 D.C. National Guard depart
18 the armory in full riot control gear. So I have to take from that that 154 were on that
19 bus or buses.

20 Q And that's precisely the number of the 154 that was deployed at the Metro
21 station. So, in other words, it is the same men and women, guardsmen, that were
22 redeployed, sent to the Capitol. There's not a wait for the additional, whatever, 150
23 that were called in on 3- or 6- or 12-hour call? It is the same people from traffic that go
24 to the Capitol at first?

25 A Yes, that's correct. That's my understanding.

1 Q Yes.

2 A But you would have to ask the D.C. National Guard for clarity.

3 Q I appreciate that, and we will. But I just want to make sure my math is
4 correct. It isn't as if they're waiting for another -- to double the force before they go to
5 the Capitol. It's the same 150 that are just reequipped and repurposed and sent in the
6 bus to the Capitol from the Metro, ultimately from the Metro station?

7 A Yeah. Again, you would have to ask the D.C. National Guard. That would
8 be my answer.

9 Q Okay, okay. I appreciate it.

10 A Thank you, sir.

11

BY [REDACTED]

12 Q General Flynn, there were media reports that your brother, Michael Flynn,
13 had been advocating for the former President to declare martial law to maintain power
14 because of the alleged stolen election.

15 Did you have any conversations with your brother about that specific topic?

16 A No.

17 Q Did your relationship with your brother impact your preparation or the
18 Army's preparation or response on January 6th in any manner?

19 A No.

20 Q Did you have any concerns about any efforts the former President was
21 taking to stay in office, including the rhetoric about the stolen election?

22 A No, ma'am.

23 Q There's also been public reporting about steps General Milley took to
24 reassure leaders about the stability of the country. Are you aware of that public
25 reporting?

1 A I'm aware that there's reporting on that.

2 Q Were you aware at the time of any calls General Milley made to his Chinese
3 counterparts to reassure them about President Trump's stability?

4 A No, ma'am.

5 Q Did you learn about these calls through open sources after the fact?

6 A Yes.

7 Q Did you learn about them while you were in the capacity within DOD or from
8 any of your colleagues?

9 A No. I did not learn about it from any of my colleagues. It was just what
10 was reported.

11 Q On and after January 6th, there was also public reporting about
12 conversations amongst Cabinet members, including General Milley, about invoking the
13 25th Amendment on the day of January 6th and in the weeks that followed. Are you
14 aware of this public reporting?

15 A No, ma'am. I'm aware of public reporting. I'm aware of public reporting.

16 Q Did you -- were you aware of -- learn of any conversations about the 25th
17 Amendment from within the Department of Defense?

18 A No, ma'am.

19 Q And did you learn of any conversations after, or is the only source you have
20 is from the public reporting that I referred to?

21 A Yes, ma'am, from public reporting.

22 Q After the November election, do you know who was leading the transition
23 for the Biden-Harris -- within DOD -- to facilitate the Biden-Harris transition?

24 A No, I didn't. I don't know who was leading it.

25 Q Did you have any -- I know you said you were never in a meeting with Mr.

1 Patel, but did you have any interaction -- would you in your position have any interaction
2 concerning the transition to the Biden-Harris administration?

3 A No.

4 Q In your House testimony you referenced that there were several things that
5 would have been helpful for January 6th, and you mentioned that a lead Federal agency
6 should have been designated, an integrated security plan, information and intelligence
7 sharing on criminal activities before the 6th.

8 You spoke with us now about the lead Federal agency, so I don't want to belabor
9 that point, but can you just describe for us, let's start with the integrated security plan,
10 how that would have made a difference, based upon your experience?

11 A Yeah. If I could, ma'am, I do think it is important to go in sequence because
12 they sort of build on one another.

13 Q Sure.

14 A So it is important that a lead Federal agency is identified and designated.
15 And when you have that, then that lead Federal agency can establish an integrated
16 security plan because that's where the integration of local, municipal, State, Federal law
17 enforcement agencies can come together.

18 And that's why I meant lead Federal agency, integrated security plan. So from
19 the lead Federal agency, the integrated security plan should be developed and led by the
20 lead Federal agency.

21 The third part was, once you have a lead Federal agency and you have an
22 integrated security plan, then you have the ability to share information or intelligence.

23 This is important because we don't collect information. We don't seek
24 information. And we're -- you know, by law we can't get access to information about
25 domestic intelligence.

1 So if you have a lead Federal agency and you have an integrated security plan and
2 they have the ability to share information related to a domestic situation, that would be
3 helpful, because LFA gives you a security plan, gives you the ability to share.

4 The fourth thing I mentioned was that -- and this is in hindsight, you learn lessons
5 all the time -- is that we probably could have and should have pre-federalized some
6 soldiers on Federal property so that the transition from a Title 32 support to civil
7 authority to one that's in a different status that can be part of law enforcement, we could
8 have federalized them, and then they would have been pre-federalized.

9 So any time a crisis and a sad situation like this happens -- you know, actually
10 probably a good example of that is what we did for the Inauguration, because once the
11 6th of January happened all of that barrier material and all of those compact States that I
12 was talking about earlier, that played a role in us being able to have a safe and secure
13 Inauguration.

14 Q And just to compare those two events, so -- actually I will compare three
15 events.

16 During the summer of 2020, you mentioned that DOJ was the lead Federal agency.
17 Was there an integrated security plan for those weeks?

18 A No, ma'am, but those riots escalated over time, so they were a little more
19 slow and deliberate. And I don't recall when they designated them, as designated the
20 Department of Justice, as the lead Federal agency. So because it was more deliberate,
21 we were able to process those requests in a deliberate fashion.

22 Q And can you just -- sorry. Go ahead.

23 A Well, I was drawing the difference between that and the 6th of January.

24 The 6th of January was a known event, and there was a request, and it had
25 limitations, obviously, because of what we outlined earlier. But then it escalated very

1 quickly, and so it changed very quickly.

2 And so that to me is the difference between these two events, is one was
3 unplanned and escalated over time, days, weeks, another was planned, but it escalated
4 into a crisis, a terrible crisis, in a matter of minutes.

5 Q Understood.

6 Just if you could explain that. You mentioned the Inauguration. The lead
7 Federal agency for the Inauguration would be Secret Service. Is that correct?

8 A No, ma'am. And I don't recall who it was for the Inauguration. I'd have to
9 go back.

10 Q Were you involved in any of the preparations in terms of DOD's role for the
11 Inauguration?

12 A Well, I was in the same job. I just don't recall whether it was the DOJ or --

13 Q Okay.

14 A I just don't have it in front of me.

15 Q Was there an integrated security plan going into the Inauguration?

16 A I believe there was. There were a series of rehearsals and TTXs that were
17 done for it.

18 And so there is another label out there called a National Special Security Event, an
19 NSSE, so those are planned, like State of the Union, where you have essentially the
20 leadership of the country in the Capitol.

21 So those planned events are -- I'd call it, there's a pretty solid playbook to do
22 those, Inauguration being one of them.

23 Q And just when you say the lead Federal agency, what would their role be in
24 terms of directing the actual armed services personnel? I'm just wondering how it
25 actually plays out, meaning do the folks in DOD and the Army take their direction from

1 DOJ, or did they during the summer?

2 A To my knowledge, no.

3 Q So is it a coordination role then in how you view it?

4 A So let me explain. So I will go back to a term I used before. A neighboring
5 State has a compact with another State or the District of Columbia, and they send
6 National Guard troops. The governor of that State always retains control of those
7 soldiers because they effectively belong to the governor of the State of Maryland, the
8 State of Virginia, the State of Pennsylvania. And so he can recall them back to his State
9 anytime he wants or she wants.

10 So they never lose control of contributing forces, even though they might send
11 them to a neighboring State for a disaster of some type.

12 Does that help?

13 Q A little bit. I'm just curious how it would have helped. If DOJ took on
14 more of a role, it sounds like, on January 6th, how would that have helped any -- the D.C.
15 National Guard's arrival or anything on January 6th?

16 A Yes. I guess, in plain speak, it would be that a lead Federal agency gives
17 you a lead organization to coordinate a wide range of activities.

18 Q And, in your mind, that role had not -- DOJ did not take on that role for
19 January 6th, whether we use the word "lead Federal agency" or "lead coordinator"?

20 A Yeah. In my view, I think there was -- there was a lack of clarity, I would
21 say, on who actually was the lead Federal agency.

22 Q Okay.

23

BY [REDACTED]

24 Q It is [REDACTED] again, General Flynn, just to follow up on those questions.

25 So the lead Federal agency doesn't, it sounds like, answer the question as to who

1 on the ground is making tactical decisions to move units, different agencies, forces to
2 respond to threats. Is that accurate?

3 A I would -- so just using the 6th of January or other, like the D.C. National
4 Guard Commanding General is the tactical on-scene commander. So he would make
5 decisions about -- for example, if one crowd management site had four soldiers on it, he
6 could direct that they go to three.

7 That would not be the Department of Justice that would do that because you
8 need a tactical commander to make those tactical decisions because the tactical situation
9 could change.

10 Q Yes. So, for instance, when that busload of 154 guardsmen arrived at the
11 Capitol, they took direction from General Walker, or did they take direction from the
12 Department of Justice, or whomever is the lead Federal agency?

13 A My understanding is that the Capitol Police are the law enforcement
14 authority for the Capitol Grounds, the Capitol Building, and the security of the elected
15 officials.

16 So I don't have -- it's not my expertise, but I believe the Capitol Police force is in
17 charge of the Capitol.

18 Q I see. So all -- I'm sorry to interrupt you.

19 So all decisions about who's going where at the Capitol have to be made by or at
20 least have visibility by that lead law enforcement agency, and that's the Capitol Police.

21 A I believe that's accurate, sir.

22 [REDACTED] Yeah. Okay. I appreciate it.

23 [REDACTED] Ms. Cheney, do you have any questions? I'm actually finished
24 with my questions.

25 Ms. Cheney. I do. Thanks very much, [REDACTED]

1 And thank you very much, General Flynn, I appreciate it. I know this has been a
2 significant amount of time away from your responsibilities there.

3 I just wanted to follow up on a couple of questions.

4 Are you familiar, General Flynn, with your brother's participation in the rally on
5 January 5th?

6 General Flynn. Congresswoman, I know he was there in open source reporting.

7 Ms. Cheney. And have you discussed that with him?

8 General Flynn. Congresswoman, I don't discuss those things with my brother.

9 Ms. Cheney. Are you aware, are you familiar with his interview on December
10 17th on Newsmax?

11 General Flynn. I'm not familiar with it.

12 Ms. Cheney. This is the interview where he said the President could immediately
13 on his order seize every single one of the machines around the country, the voting
14 machines, on his order, that he could also order within the swing States, if he wanted to,
15 he could take military capabilities and place them in those States and basically rerun the
16 election in each of those States?

1 [5:39 p.m.]

2 General Flynn. I am familiar in open-source reporting, because it's in
3 open-source.

4 Ms. Cheney. So, at the time, you did -- you were not familiar with it at the time
5 that he gave the interview or after that?

6 General Flynn. I was not familiar at the time. I'm not sure -- I don't recall how I
7 found out about it, but it was probably after that.

8 Ms. Cheney. And did you discuss that with him at all?

9 General Flynn. Congresswoman, I did not discuss that with him.

10 Ms. Cheney. And, General, since January 6th, have you had any discussions with
11 your brother about the events of that day or about any of these other issues leading up to
12 that day?

13 General Flynn. No, Congressman, I have not.

14 Ms. Cheney. Are you familiar, General, with his remarks on December 12th
15 when he said, "The courts aren't going to decide who the next President of the United
16 States is; we are"?

17 General Flynn. Congresswoman, I'm not.

18 Ms. Cheney. And so you haven't had any discussions with your brother about
19 any of these issues surrounding his participation in these events?

20 General Flynn. Congresswoman, my brother's politics are his own. They're not
21 mine.

22 Ms. Cheney. All right. Well, I appreciate that, General. And those questions
23 are certainly not meant out of any disrespect at all. Obviously, we're very focused on
24 understanding what happened, ensuring it doesn't happen again.

25 So I appreciate your time here today and appreciate your service to the country.

1 General Flynn. Thank you, ma'am.

2 Ms. Cheney. Thank you.

3

BY [REDACTED]

4 Q General Flynn, just to follow up on Ms. Cheney's line of questioning, we did
5 receive about 3,000 documents from the Department yesterday or the day before, and
6 we did not have the opportunity to review all those documents as it relates to this
7 interview. I think the people at OLA said if we needed to talk to you again we would.

8 But one email that we have, which I did not provide but I see now, is on December
9 18th at 7:59 a.m. I can certainly send this over to you, but I can read the pertinent part.
10 It's to yourself from Amy Hannah, brigadier general, U.S. Army chief of public affairs.
11 There doesn't appear to be anybody else on this email. But it's concerning the
12 Newsmax interview Ms. Cheney just referenced.

13 It says: "Sir, FOX News and Politico both reached out to the Army this morning
14 asking for SA/CSA comment on Lieutenant (Ret.) Flynn's remarks to Newsmax last night
15 suggesting the President declare martial law and have the military oversee a redo of the
16 elections in swing States. FOX additionally asked for a comment from you. The SA and
17 CSA PAOs released this joint statement to both reporters, and we informed FOX that you
18 would not have a comment."

19 Response from Secretary and CSA: Quote, "There is no role for the U.S. military
20 in determining the outcome of an American election."

21 Are you familiar with being informed about your brother's remarks to Newsmax
22 essentially the day after by your public affairs office on December 18th?

23 A No. If you read that, then Amy Hannah sent that to me, but I don't recall it.

24 Q And did you have any involvement in assisting the response from the
25 Secretary and CSA that, quote, "there is no role for the U.S. military in determining the

1 outcome of an American election"?

2 A No, ma'am.

3 [REDACTED] I can send this along, but I don't have anything else.

4 Ms. Cheney?

5 Ms. Cheney. No, nothing else. Thank you.

6 [REDACTED] And just so we are clear, General, I don't believe you responded
7 to that email. It's just an outgoing email to yourself. But I'll send it over.

8 5:42. Thank you for making the time for us. We greatly appreciate it and
9 understand that scheduling this, given your responsibilities to this country, is a
10 tremendous take of your time, so we appreciate it. And we'll be in touch regarding
11 anything further.

12 General Flynn. Yes, ma'am. Well, thanks to you and to your team for what
13 you're doing. It's unfortunate, what happened on the 6th of January. It's tragic. It's
14 sad. And I hope that in some way my testimony and thoughts here help you achieve the
15 truth and we get more clarity on what actually unfolded that day.

16 So thanks to all of you for what you're doing.

17 [REDACTED] We appreciate you. Thank you.

18 Ms. Cheney. Thank you.

19 [Whereupon, at 5:44 p.m., the interview was concluded.]

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

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date