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CHAIRMAN OF THE JOINT CHIEFS OF STAFF

WASHINGTON, D.C. 20318-9999

Milley 27 Sep 2021

MEMORANDUM FOR RECORD

SUBJECT: General Milley's 8 January phone call with Speaker Pelosi

In order to clearly establish the facts related to my January 8, 2021 phone call with Speaker of the U.S. House of Representatives Nancy Pelosi, I am submitting to this committee supporting information to address the concerns and requests for information from multiple Members of both the U.S. Senate and the U.S. House of Representatives.

This information is provided in the context of my role as the Chairman of the Joint Chiefs of Staff and the policies and procedures that govern the U.S. nuclear weapons arsenal.

This Memorandum for Record provides specific details on:

- My phone conversation with Speaker Pelosi.
- My post-phone call meeting with the Vice Chairman of the Joint Chiefs of Staff, and select staff officers from the Joint Staff.
- Associated statutory directives and guiding documents processes.
- Roles and responsibilities of the Chairman of the Joint Chiefs of Staff.

January 8, 2021 Phone Call with Speaker of the House Pelosi

On the morning of January 8, 2021, I was notified by my Executive Officer and Special Assistant for Legislative Affairs that Speaker Pelosi was requesting an immediate phone call to discuss undefined "urgent matters."

In my office with me were my Executive Officer, my Special Assistant for Legislative Affairs, and other select staff officers. It was unknown to me who from Speaker Pelosi's staff was on the call with her.

Speaker Pelosi called me to inquire about the President's ability to launch nuclear weapons. I sought to assure her that nuclear launch is governed by a very specific and deliberate process. She was concerned and made various personal references characterizing the President. I explained that the President is the sole nuclear launch authority but he doesn't launch them alone. There are processes, protocols, and procedures in place, and I repeatedly assured her there is no chance of an illegal, unauthorized or accidental launch. I was on an unclassified government line, so my description remained at that level of detail.

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These procedures are outlined in an Executive Order, a Presidential Policy Directive, a National Security Presidential Memorandum, Department of Defense Directives, the DoD Nuclear Plan, Posture Guidance, and finally Chairman of the Joint Chiefs of Staff Emergency Procedure Volumes I–X, all of which are classified.

By Presidential Directive and SecDef Directives, the Chairman is part of this process to ensure the President is fully informed when determining the use of the world's deadliest weapons. By law, I am not in the chain of command. However, by Presidential Directive and DoD Instruction, I am in the chain of communication to fulfill my statutory role as the President's primary military advisor.

January 8, 2021 Post-Phone Call Meeting with Vice Chairman of the Joint Chiefs of Staff and Joint Staff

After the Speaker Pelosi's call, I convened a short meeting in my office with the Vice Chairman of the Joint Chiefs of Staff, my National Military Command Center watch officer, Joint Staff, J-2, J-3, and Director of the Joint Staff, among others, to refresh on these procedures, which we practice daily at the action officer level. Additionally, I immediately informed Acting Secretary of Defense Miller of her call.

At no time was I attempting to change or influence the process, usurp authority, or insert myself into the chain of command, but I am expected to give my advice and ensure that the President is fully informed.

Statutory Directive and Guiding Documents

Nuclear launch activity is governed by a very specific and deliberate process, as outlined in the following directives and documents:

- Executive Order 13618
- Presidential Policy Directive 35
- National Security Presidential Memorandum 19
- Department of Defense Directives S-3710.01 & S-5210.81
- Department of Defense Nuclear Plan
- Nuclear Posture Guidance
- Chairman of the Joint Chiefs of Staff Emergency Action Procedures, Volumes 1–10.

The President is the sole authority for the employment of U.S. nuclear weapons. U.S. nuclear forces operate under strict civilian control. Only the President of the United States can authorize the use of U.S. nuclear weapons, and the President's ability to exercise that authority and direction is ensured by people, procedures, facilities, equipment, and communications capabilities that comprise the Nuclear Command and Control System. This system is designed to enable the authorized use of nuclear weapons while also preventing their unauthorized, accidental, or inadvertent use. Operations and activities involving U.S. nuclear weapons are surrounded by layers of safeguards.

Roles and Responsibilities of the Chairman of the Joint Chiefs of Staff

Title 10, U.S. Code, section 151 designates the Chairman of the Joint Chiefs of Staff as the principal military adviser to the President, the National Security Council, the Homeland Security Council, and the Secretary of Defense.

In accordance with the Unified Campaign Plan signed by President Trump, communications between the President or the Secretary (or their duly deputized alternates or successors) and the Combatant Commanders will be transmitted through the Chairman unless otherwise directed.

In accordance with DoDD 3710.01, "National Leadership Command Capability," and DoDD 5210.81, "U.S. Nuclear Weapons Command and Control, Safety and Security," the Chairman creates, supports, and operates a command and control system that ensures connectivity between the President and the National Military Command System, which is responsible for nuclear execution.

In this role, the Chairman operates the National Military Command System, to meet the needs of the President, Secretary of Defense which includes defining its required components and procedures. The Chairman fulfills this responsibility in a series of publications referred to as the Chairman's Emergency Action Procedures.

As part of the nuclear command and control procedures, a decision conference is required for authentication and to verify presidential orders. Primary participants are the Secretary of Defense, Chairman of the Joint Chiefs of Staff, Legal Counsel, and others. The purpose is to ensure the President is fully informed and to discuss legality and proportionality.