



**DEPARTMENT OF DEFENSE  
OFFICE OF GENERAL COUNSEL  
1600 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1600**

Ref: 21-F-0408  
Case: 1:21-cv-00572-RC

CITIZENS FOR RESPONSIBILITY AND  
ETHICS IN WASHINGTON,  
Attn: Nikhel S. Sus  
1101 K Street, NW, Suite 201  
Washington, DC 20005

Via Email: [nsus@citizensforethics.org](mailto:nsus@citizensforethics.org)

July 30, 2021

Dear Mr. Sus:

The Department of Defense ("DoD"), Office of Information Counsel, is providing a first response to your January 10, 2021 Freedom of Information Act ("FOIA") request to DoD. You requested, in part, "All records reflecting the parameters for the National Guard's deployment to D.C. on January 6, 2021, including any limitations imposed on the number of personnel deployed, their movement within the District, or their use of force."

110 pages are enclosed, of which all 110 pages are released in full. Additional monthly productions will be made as we continue to coordinate the review of the remaining responsive documents DoD has in its possession.

If you have any questions, please contact Bradley Craigmyle at 202-616-8101 or [Bradley.t.craigmyle@usdoj.gov](mailto:Bradley.t.craigmyle@usdoj.gov).

Sincerely,

/S/

Stuart Sparker  
Associate Deputy General Counsel

Enclosure: As stated





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

JAN - 4 2021

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: Employment Guidance for the District of Columbia National Guard

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Christopher C. Miller  
Acting



OSD000020-21/CMD000059-21



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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

January 8, 2021

Honorable Mike Pence  
Vice President of the United States  
The White House  
Office of the Vice President  
1600 Pennsylvania Ave, NW  
Washington, D.C. 20500

General Mark A. Milley  
Chairman of the Joint Chiefs of Staff  
9999 Joint Staff Pentagon  
Washington, DC 20318-9999

Ryan D. McCarthy  
Secretary of the Army  
101 Army Pentagon  
Washington, DC 20310-0101

Honorable Chris Miller  
Acting Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

General Daniel R. Hokanson  
Chief of the National Guard Bureau  
National Guard Bureau  
111 S. George Mason Dr.  
Arlington, VA 22204

Major General William J. Walker  
Commanding General  
District of Columbia National Guard  
2001 E Capitol St SE,  
Washington, DC 2000

Honorable Vice President Pence, Acting Secretary Miller, Secretary McCarthy, General Milley, General Hokanson, and Major General Walker:

We write you today in the aftermath of the worst assault on the Congress of the United States, the People's House, in living memory. As the dust settles in the wake of this insurrection, our nation will look to its leaders, such as Members of Congress, the Administration, and state and local leaders, to preserve and restore democracy in this country. Now more than ever, our actions must be governed by an unwavering dedication to the pursuit of peace, freedom, and justice for all. The eyes of history will be watching.

Reports in several well-respected media outlets, citing Defense and Administration officials, indicate that the Vice President – not President Donald Trump – gave the order to deploy the Washington, D.C. National Guard to the Capitol Complex to end the assault.<sup>1</sup> These extremely

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<sup>1</sup> Helene Cooper, Julian E. Barnes, Eric Schmitt, Jonathan Martin, Maggie Haberman and Mike Ives, *As the D.C. Police Clear the Capitol Grounds, the Mayor Extends a Public Emergency*, New York Times (January 6, 2021), <https://www.nytimes.com/2021/01/06/us/politics/national-guard-capitol-army.html>.

concerning reports raise numerous deeply disturbing questions. Many Americans are struggling to reconcile the substantially delayed response of the National Guard to an assault on the Capitol, the Vice President, Members of Congress, and numerous other public servants, by an unruly mob with the aggressive and violent repression of unarmed protestors marching in the streets of Washington last year.<sup>2</sup>

The American people and their Representatives who survived this coup attempt deserve immediate and thorough answers to the following questions to help the public gain a complete picture of the events that occurred on January 6, 2021 and an understanding of the current capabilities of the President to continue to lead this country:

1. Who gave the order to deploy the Washington, D.C. National Guard to the Capitol Complex once the request had been made by the bipartisan leadership of both the House of Representatives and the Senate?
2. If, as reports indicate, it is true that the Vice President gave the order, what were the circumstances that required him to do so and what was the exact time the order was given?
3. Was the President unable or unwilling to deploy the Washington, D.C. National Guard to the Capitol? If so, please describe for the American people the circumstances and/or reasoning that lead to his inability and/or unwillingness to do so.
4. Is the President mentally and physically capable of discharging the powers and duties of his office as prescribed by the Constitution?
5. If the President is unable to discharge the powers and duties of his office, why haven't the Vice President the principal officers of the executive departments fulfilled their Constitutional duty to exercise their power under Section 4 of the 25<sup>th</sup> Amendment to the Constitution to remove the President from office?
6. Please describe to the best of your knowledge why the National Guard was not deployed to the Capitol Complex in advance of the January 6th protests, as it has been for past large-scale protest events?
7. What explains the contrasting tactics the Washington, D.C. National Guard deployed against Black Lives Matter and other unarmed, nonviolent protestors in 2020 and those deployed – or not deployed – against armed insurrectionists assaulting law enforcement officers and laying siege to the Capitol complex?

While we are so often divided into parties and factions, we firmly believe that we share a common love for the American people and a firm desire to see our imperfect, yet beautiful

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<sup>2</sup> Tom Gjelten, *Peaceful Protestors Tear-Gassed To Clear Way For Trump Church Photo-Op*, NPR (June 1, 2020), <https://www.npr.org/2020/06/01/867532070/trumps-unannounced-church-visit-angers-church-officials>.

Republic live on. We urge you to respond as quickly and thoroughly as possible to these critical questions and pray that you have the strength of will to do what is right and necessary to help us lead America out of this crisis.

Sincerely,

A handwritten signature in black ink that reads "Rashida Tlaib". The signature is fluid and cursive, with a small star-like mark above the letter 'i' in "Tlaib".

RASHIDA TLAIB  
Member of Congress

NANETTE BARRAGÁN  
Member of Congress

J. LUIS CORREA  
Member of Congress

EARL BLUMENAUER  
Member of Congress

SHARICE L. DAVIDS  
Member of Congress

SUZANNE BONAMICI  
Member of Congress

DWIGHT EVANS  
Member of Congress

YVETTE D. CLARKE  
Member of Congress

JAHANA HAYES  
Member of Congress

STEVE COHEN  
Member of Congress

JARED HUFFMAN  
Member of Congress

GERALD CONNOLLY  
Member of Congress

HENRY C "HANK" JOHNSON, JR.  
Member of Congress

JIM COOPER  
Member of Congress

MONDAIRE JONES  
Member of Congress

BARBARA LEE  
Member of Congress

DONALD M. PAYNE, JR.  
Member of Congress

ALAN LOWENTHAL  
Member of Congress

STACEY E. PLASKETT  
Member of Congress

JERRY MCNERNEY  
Member of Congress

DAVID E. PRICE  
Member of Congress

GRACE MENG  
Member of Congress

JAMIE RASKIN  
Member of Congress

GWEN MOORE  
Member of Congress

JUAN VARGAS  
Member of Congress

ALEXANDRIA OCASIO-CORTEZ  
Member of Congress

NYDIA VELÁZQUEZ  
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ILHAN OMAR  
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Acting



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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

January 8, 2021

Honorable Mike Pence  
Vice President of the United States  
The White House  
Office of the Vice President  
1600 Pennsylvania Ave, NW  
Washington, D.C. 20500

General Mark A. Milley  
Chairman of the Joint Chiefs of Staff  
9999 Joint Staff Pentagon  
Washington, DC 20318-9999

Ryan D. McCarthy  
Secretary of the Army  
101 Army Pentagon  
Washington, DC 20310-0101

Honorable Chris Miller  
Acting Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

General Daniel R. Hokanson  
Chief of the National Guard Bureau  
National Guard Bureau  
111 S. George Mason Dr.  
Arlington, VA 22204

Major General William J. Walker  
Commanding General  
District of Columbia National Guard  
2001 E Capitol St SE,  
Washington, DC 2000

Honorable Vice President Pence, Acting Secretary Miller, Secretary McCarthy, General Milley, General Hokanson, and Major General Walker:

We write you today in the aftermath of the worst assault on the Congress of the United States, the People's House, in living memory. As the dust settles in the wake of this insurrection, our nation will look to its leaders, such as Members of Congress, the Administration, and state and local leaders, to preserve and restore democracy in this country. Now more than ever, our actions must be governed by an unwavering dedication to the pursuit of peace, freedom, and justice for all. The eyes of history will be watching.

Reports in several well-respected media outlets, citing Defense and Administration officials, indicate that the Vice President – not President Donald Trump – gave the order to deploy the Washington, D.C. National Guard to the Capitol Complex to end the assault.<sup>1</sup> These extremely

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<sup>1</sup> Helene Cooper, Julian E. Barnes, Eric Schmitt, Jonathan Martin, Maggie Haberman and Mike Ives, *As the D.C. Police Clear the Capitol Grounds, the Mayor Extends a Public Emergency*, New York Times (January 6, 2021), <https://www.nytimes.com/2021/01/06/us/politics/national-guard-capitol-army.html>.

concerning reports raise numerous deeply disturbing questions. Many Americans are struggling to reconcile the substantially delayed response of the National Guard to an assault on the Capitol, the Vice President, Members of Congress, and numerous other public servants, by an unruly mob with the aggressive and violent repression of unarmed protestors marching in the streets of Washington last year.<sup>2</sup>

The American people and their Representatives who survived this coup attempt deserve immediate and thorough answers to the following questions to help the public gain a complete picture of the events that occurred on January 6, 2021 and an understanding of the current capabilities of the President to continue to lead this country:

1. Who gave the order to deploy the Washington, D.C. National Guard to the Capitol Complex once the request had been made by the bipartisan leadership of both the House of Representatives and the Senate?
2. If, as reports indicate, it is true that the Vice President gave the order, what were the circumstances that required him to do so and what was the exact time the order was given?
3. Was the President unable or unwilling to deploy the Washington, D.C. National Guard to the Capitol? If so, please describe for the American people the circumstances and/or reasoning that lead to his inability and/or unwillingness to do so.
4. Is the President mentally and physically capable of discharging the powers and duties of his office as prescribed by the Constitution?
5. If the President is unable to discharge the powers and duties of his office, why haven't the Vice President the principal officers of the executive departments fulfilled their Constitutional duty to exercise their power under Section 4 of the 25<sup>th</sup> Amendment to the Constitution to remove the President from office?
6. Please describe to the best of your knowledge why the National Guard was not deployed to the Capitol Complex in advance of the January 6th protests, as it has been for past large-scale protest events?
7. What explains the contrasting tactics the Washington, D.C. National Guard deployed against Black Lives Matter and other unarmed, nonviolent protestors in 2020 and those deployed – or not deployed – against armed insurrectionists assaulting law enforcement officers and laying siege to the Capitol complex?

While we are so often divided into parties and factions, we firmly believe that we share a common love for the American people and a firm desire to see our imperfect, yet beautiful

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<sup>2</sup> Tom Gjelten, *Peaceful Protestors Tear-Gassed To Clear Way For Trump Church Photo-Op*, NPR (June 1, 2020), <https://www.npr.org/2020/06/01/867532070/trumps-unannounced-church-visit-angers-church-officials>.

Republic live on. We urge you to respond as quickly and thoroughly as possible to these critical questions and pray that you have the strength of will to do what is right and necessary to help us lead America out of this crisis.

Sincerely,

A handwritten signature in black ink that reads "Rashida Tlaib". The signature is fluid and cursive, with a small star-like mark above the 'i' in "Tlaib".

RASHIDA TLAIB  
Member of Congress

NANETTE BARRAGÁN  
Member of Congress

J. LUIS CORREA  
Member of Congress

EARL BLUMENAUER  
Member of Congress

SHARICE L. DAVIDS  
Member of Congress

SUZANNE BONAMICI  
Member of Congress

DWIGHT EVANS  
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YVETTE D. CLARKE  
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Member of Congress

STEVE COHEN  
Member of Congress

JARED HUFFMAN  
Member of Congress

GERALD CONNOLLY  
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HENRY C "HANK" JOHNSON, JR.  
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JIM COOPER  
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MONDAIRE JONES  
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BARBARA LEE  
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DONALD M. PAYNE, JR.  
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JERRY MCNERNEY  
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DAVID E. PRICE  
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Acting



OSD000020-21/CMD000059-21



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JAN - 4 2021

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**Washington, DC 20515**

January 8, 2021

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Washington, DC 2000

Honorable Vice President Pence, Acting Secretary Miller, Secretary McCarthy, General Milley, General Hokanson, and Major General Walker:

We write you today in the aftermath of the worst assault on the Congress of the United States, the People's House, in living memory. As the dust settles in the wake of this insurrection, our nation will look to its leaders, such as Members of Congress, the Administration, and state and local leaders, to preserve and restore democracy in this country. Now more than ever, our actions must be governed by an unwavering dedication to the pursuit of peace, freedom, and justice for all. The eyes of history will be watching.

Reports in several well-respected media outlets, citing Defense and Administration officials, indicate that the Vice President – not President Donald Trump – gave the order to deploy the Washington, D.C. National Guard to the Capitol Complex to end the assault.<sup>1</sup> These extremely

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<sup>1</sup> Helene Cooper, Julian E. Barnes, Eric Schmitt, Jonathan Martin, Maggie Haberman and Mike Ives, *As the D.C. Police Clear the Capitol Grounds, the Mayor Extends a Public Emergency*, New York Times (January 6, 2021), <https://www.nytimes.com/2021/01/06/us/politics/national-guard-capitol-army.html>.

concerning reports raise numerous deeply disturbing questions. Many Americans are struggling to reconcile the substantially delayed response of the National Guard to an assault on the Capitol, the Vice President, Members of Congress, and numerous other public servants, by an unruly mob with the aggressive and violent repression of unarmed protestors marching in the streets of Washington last year.<sup>2</sup>

The American people and their Representatives who survived this coup attempt deserve immediate and thorough answers to the following questions to help the public gain a complete picture of the events that occurred on January 6, 2021 and an understanding of the current capabilities of the President to continue to lead this country:

1. Who gave the order to deploy the Washington, D.C. National Guard to the Capitol Complex once the request had been made by the bipartisan leadership of both the House of Representatives and the Senate?
2. If, as reports indicate, it is true that the Vice President gave the order, what were the circumstances that required him to do so and what was the exact time the order was given?
3. Was the President unable or unwilling to deploy the Washington, D.C. National Guard to the Capitol? If so, please describe for the American people the circumstances and/or reasoning that lead to his inability and/or unwillingness to do so.
4. Is the President mentally and physically capable of discharging the powers and duties of his office as prescribed by the Constitution?
5. If the President is unable to discharge the powers and duties of his office, why haven't the Vice President the principal officers of the executive departments fulfilled their Constitutional duty to exercise their power under Section 4 of the 25<sup>th</sup> Amendment to the Constitution to remove the President from office?
6. Please describe to the best of your knowledge why the National Guard was not deployed to the Capitol Complex in advance of the January 6th protests, as it has been for past large-scale protest events?
7. What explains the contrasting tactics the Washington, D.C. National Guard deployed against Black Lives Matter and other unarmed, nonviolent protestors in 2020 and those deployed – or not deployed – against armed insurrectionists assaulting law enforcement officers and laying siege to the Capitol complex?

While we are so often divided into parties and factions, we firmly believe that we share a common love for the American people and a firm desire to see our imperfect, yet beautiful

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<sup>2</sup> Tom Gjelten, *Peaceful Protestors Tear-Gassed To Clear Way For Trump Church Photo-Op*, NPR (June 1, 2020), <https://www.npr.org/2020/06/01/867532070/trumps-unannounced-church-visit-angers-church-officials>.



Republic live on. We urge you to respond as quickly and thoroughly as possible to these critical questions and pray that you have the strength of will to do what is right and necessary to help us lead America out of this crisis.

Sincerely,

A handwritten signature in black ink that reads "Rashida Tlaib". The signature is written in a cursive, flowing style with a small star above the letter 'i' in "Tlaib".

RASHIDA TLAIB  
Member of Congress

NANETTE BARRAGÁN  
Member of Congress

J. LUIS CORREA  
Member of Congress

EARL BLUMENAUER  
Member of Congress

SHARICE L. DAVIDS  
Member of Congress

SUZANNE BONAMICI  
Member of Congress

DWIGHT EVANS  
Member of Congress

YVETTE D. CLARKE  
Member of Congress

JAHANA HAYES  
Member of Congress

STEVE COHEN  
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JARED HUFFMAN  
Member of Congress

GERALD CONNOLLY  
Member of Congress

HENRY C "HANK" JOHNSON, JR.  
Member of Congress

JIM COOPER  
Member of Congress

MONDAIRE JONES  
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BARBARA LEE  
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STACEY E. PLASKETT  
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JERRY MCNERNEY  
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DAVID E. PRICE  
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GRACE MENG  
Member of Congress

JAMIE RASKIN  
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GWEN MOORE  
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JUAN VARGAS  
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ALEXANDRIA OCASIO-CORTEZ  
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NYDIA VELÁZQUEZ  
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ILHAN OMAR  
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Acting



OSD000020-21/CMD000059-21



SECRETARY OF DEFENSE  
1000 DEFENSE PENTAGON  
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JAN - 4 2021

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: Employment Guidance for the District of Columbia National Guard

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

January 8, 2021

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Office of the Vice President  
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Washington, D.C. 20500

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Chairman of the Joint Chiefs of Staff  
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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

January 8, 2021

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Office of the Vice President  
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Washington, D.C. 20500

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9999 Joint Staff Pentagon  
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111 S. George Mason Dr.  
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JAN - 4 2021

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This memorandum responds to your January 4, 2021 memorandum regarding the District of Columbia request for District of Columbia National Guard (DCNG) support in response to planned demonstrations from January 5-6, 2021. You are authorized to approve the requested support, subject to my guidance below and subject to consultation with the Attorney General, as required by Executive Order 11485.

Without my subsequent, personal authorization, the DCNG is not authorized the following:

- To be issued weapons, ammunition, bayonets, batons, or ballistic protection equipment such as helmets and body armor.
- To interact physically with protestors, except when necessary in self-defense or defense of others, consistent with the DCNG Rules for the Use of Force.
- To employ any riot control agents.
- To share equipment with law enforcement agencies.
- To use Intelligence, Surveillance, and Reconnaissance (ISR) assets or to conduct ISR or Incident, Awareness, and Assessment activities.
- To employ helicopters or any other air assets.
- To conduct searches, seizures, arrests, or other similar direct law enforcement activity.
- To seek support from any non-DCNG National Guard units.

At all times, the DCNG will remain under the operational and administrative command and control of the Commanding General of the DCNG, who reports to the Secretary of Defense through the Secretary of the Army.

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

Christopher C. Miller  
Acting



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