

Congress of the United States
Washington, D.C. 20515

December 2, 2021

The Honorable Adam Smith
Chairman
House Committee on Armed Services
United States House of Representatives

The Honorable Jack Reed
Chairman
Senate Committee on Armed Services
United States Senate

The Honorable Mike Rogers
Ranking Member
House Committee on Armed Services
United States Senate

The Honorable James Inhofe
Ranking Member
Senate Committee on Armed Services
United States Senate

Dear Chairmen Smith and Reed and Ranking Members Rogers and Inhofe:

As the sponsors and cosponsors of the bills in the House and Senate that would give the mayor of the District of Columbia control over the D.C. National Guard, we urge you to include the provision in the House-passed National Defense Authorization Act for Fiscal Year 2022 (NDAA) that would give the mayor this authority in the final NDAA. Giving the mayor this authority would improve public safety in D.C. and be the biggest expansion of D.C. autonomy since the passage of the Home Rule Act of 1973.

The National Guards in states and territories operate under dual federal and state/territorial jurisdiction, but the D.C. National Guard operates solely under federal jurisdiction. Each governor—including the governors of the three territories with National Guards—has the authority to deploy their National Guards, while the president has the authority to federalize and then deploy any of the National Guards. The mayor and president should have the same respective control over the D.C. National Guard that governors and the president have over the National Guards in states and territories.

The attack on the U.S. Capitol on January 6, 2021, and the events at Lafayette Square on June 1, 2020, are prime examples of why the mayor should control the D.C. National Guard. During January 6th, the Trump administration refused to deploy the D.C. National Guard to the Capitol for several hours, likely costing lives and prolonging the insurrection. At Lafayette Square, the Trump administration used the D.C. National Guard and other federal forces to attack largely peaceful protestors.

Today, by far the most likely need to deploy the D.C. National Guard would be for natural disasters, such as hurricanes and floods, and to restore order in the wake of local civil disturbances. The mayor, who knows D.C. better than any federal official and who works closely with federal security officials, should be able to deploy the D.C. National Guard for natural disasters and local civil disturbances. In the event of a large-scale attack on a federal facility like the attack on the Capitol, a D.C. mayor who controlled the D.C. National Guard would almost certainly immediately deploy the D.C. National Guard to protect the facility.

However, in the unlikely event that a mayor did not deploy the D.C. National Guard, the President would have the authority to federalize and deploy the D.C. National Guard to do so. This is no different than the division of authority between a governor and president in the event of a large-scale attack on a federal facility in a state or territory today.

Moreover, this bill would be a historic transfer of self-government powers to the District that Congress began with the passage of the Home Rule Act of 1973, when it delegated most of its authority over District matters to an elected mayor and Council. The District should have the same control over its local affairs as states and territories.

We appreciate your consideration of this important request.

Sincerely,



Congresswoman Eleanor Holmes Norton



Senator Chris Van Hollen



Senator Tom Carper



Congresswoman Carolyn B. Maloney



Congressman Anthony G. Brown