

United States Senate

WASHINGTON, DC 20510

January 5, 2021

Jeffery Rosen
Acting United States Attorney General
950 Pennsylvania Ave, NW
Washington, DC 20530

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

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

Dear Acting Attorney General Rosen, Secretary McCarthy, and Acting Secretary Miller:

In light of expected protests this week in Washington, D.C., and the announcement of the mobilization of the D.C. National Guard, I wish to draw your attention to Sec. 1064 of H.R. 6395, *William M. Thornberry National Defense Authorization Act for Fiscal Year 2021*, which became law on January 1, 2021. Members of the armed forces and federal law enforcement personnel responding to civil disturbances are now required to visibly display both their name or an individual identifier, and the name of the armed force, or federal entity by which they are employed:

(a) In General.--Chapter 41 of title 10, United States Code, is amended by adding at the end the following new section:

“Sec. 723. Support of Federal authorities in response to civil disturbances: requirement for se of members of the Armed Forces and Federal law enforcement personnel

(a) Requirement.--Whenever a member of the armed forces (including the National Guard) or Federal law enforcement personnel provide support to Federal authorities to respond to a civil disturbance, each individual employed in the capacity of providing such support shall visibly display--

(1) the individual's name or other individual identifier that is unique to that individual; and

(2) the name of the armed force, Federal entity, or other organization by which such individual is employed.

(b) Exception.--The requirement under subsection (a) shall not apply to individuals referred to in such subsection who--

(1) do not wear a uniform or other distinguishing clothing or equipment in the regular performance of their official duties; or

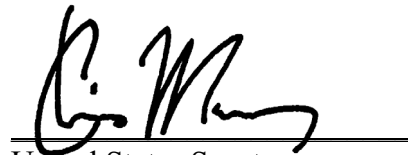
(2) are engaged in undercover operations in the regular performance of their official duties.”

Last June, Americans watched as President Trump and former Attorney General Bill Barr deployed unidentifiable federal officers in riot gear to crack down on peaceful demonstrators exercising their constitutional rights in cities across the country. This lack of identification made

it impossible for citizens to distinguish between legitimate law enforcement and dangerous private vigilantes, or hold accountable enforcement personnel who engaged in abusive conduct. The legislation enacted into law last week ensures that no administration has the authority to deploy unidentifiable law enforcement or members of the armed forces in response to a civil disturbance.

We must all must ensure the safety of Americans who gather to peacefully exercise their constitutional rights and we thank you for your attention to this critical matter.

Sincerely,



United States Senator

Cc: Muriel Bowser, Mayor of the District of Columbia