

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074  
<https://oversight.house.gov>

November 3, 2021

The Honorable Merrick B. Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530

Dear Attorney General Garland:

We write to request documents and information about your October 4, 2021, memorandum directing law enforcement—including the Federal Bureau of Investigation (FBI)—to work with U.S. Attorneys offices to mitigate threats against “school administrators, board members, teachers, and staff.”<sup>1</sup> Violence against any group must not be tolerated, particularly violence against those who educate our children. Yet, we are concerned that you issued the memorandum as a pretext to silence parents across the country who are exercising their First Amendment rights to vigorously debate policies that directly affect their children.

In the wake of the year-long school closures in many parts of the U.S., parents have grown increasingly frustrated with the quality of their children’s education. Parents across the country are exercising their rights to speak out on a range of issues such as the availability of in-person schooling, whether masks should be required, and what the curriculum should and should not include. Their voices deserve to be heard. School boards are not above reproach as was revealed by hot microphone, closed door Zoom school board meetings during the height of the pandemic.<sup>2</sup> Moreover, what is more fundamental and constitutionally privileged than a parent speaking on behalf of their children’s education?

Five days before you issued the memorandum, the National School Boards Association (NSBA) sent a letter to President Biden calling on his Administration to involve law enforcement to counter “propaganda purporting the false inclusion of critical race theory within classroom

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<sup>1</sup> Memorandum for Director, Federal Bureau of Investigation, et. al. from Merrick B. Garland, Attorney General re *Partnership among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff* (Oct. 4, 2021).

<sup>2</sup> Fitzsimons, Tim & Nicole Acevedo, *Entire California school board out after disparaging parents on accidental Zoom broadcast*, NBC NEWS (Feb. 19, 2021).

instruction and curricula” and likening parental advocacy to “a form of domestic terrorism.”<sup>3</sup> That letter strings together a series of anecdotes—many of which did not involve actual violence or threats of violence—to make the case that threats against school officials are on the rise, and puts the blame squarely on parents and other concerned individuals whose advocacy the letter views as disruptive. Reports have now surfaced that the White House may have been involved in discussions with the NSBA in drafting their letter before it was published.<sup>4</sup> This is particularly troubling given that NSBA President Viola Garcia was appointed to the National Assessment of Educational Progress Governing Board shortly after sending this letter, raising the possibility of a quid-pro-quo appointment in exchange for sending it.<sup>5</sup> This board is responsible for developing the assessment of what U.S. students know and can do in various subjects<sup>6</sup>—basically oversight over the country’s school curriculum.

Your memorandum unnervingly echoed the NSBA’s claim that “there has been a disturbing spike in harassment, intimidation, and threats of violence” against school officials. Your memorandum, however, did not include any supporting evidence or examples. You even appeared to be unaware of any evidence of such violence when you testified before the House Judiciary Committee on October 21.<sup>7</sup> The memorandum was also strangely devoid of any information regarding the relevant statutory framework for prosecution of alleged violence.

Based on the timing and content of your October 4 memorandum, the Biden Administration appears to have reflexively reacted to the NSBA’s accusatory September 29, 2021, letter. Further, the Biden White House may have colluded with the NSBA on its letter with the intent to stifle debate and silence parents. Significantly, the NSBA Board of Directors repudiated that letter, and the NSBA itself issued an apology for it on October 22, 2021.<sup>8</sup> You have not, however, retracted your October 4 memorandum. You have persisted with your belief that the task forces created by the memorandum are necessary during testimony before the Senate Judiciary Committee on October 27.<sup>9</sup> And you may even have a conflict of interest. Your son-in-law, Xan Tanner, owns a company, Panorama Education, that provides surveys to school districts that support the introduction of Critical Race Theory in schools, which is one of the issues that parents have raised to their school boards.<sup>10</sup> We hope that your Department will

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<sup>3</sup> Letter from Viola M. Garcia, President, National School Boards Association to President Joseph R. Biden (Sept. 29, 2021).

<sup>4</sup> Downey, Caroline, *National School Board Group Communicated with White House while Crafting Letter Likening Parents to Terrorists*, NATIONAL REVIEW (Oct. 21, 2021).

<sup>5</sup> U.S. Department of Education, Press Release, *Five Board Members Appointed to Board Overseeing the Nation’s Report Card* (Oct. 13, 2021), available at <https://www.ed.gov/news/press-releases/five-board-members-appointed-board-overseeing-nations-report-card>.

<sup>6</sup> THE NATIONAL ASSESSMENT GOVERNING BOARD, OVERVIEW, <https://www.nagb.gov/governing-board/overview.html>, (last visited Oct. 26, 2021).

<sup>7</sup> Chamberlain, Samuel, *National School Boards Association disavows letter that led to FBI parent crackdown*, N.Y. POST (Oct. 22, 2021).

<sup>8</sup> *Id.*

<sup>9</sup> Downey, Caroline, *Garland Refuses to Dissolve School-Board Task Force Despite National School Board Group Apology*, NATIONAL REVIEW (Oct. 27, 2021).

<sup>10</sup> Andrzejewski, Adam, *Panorama Education, Co-Founded By U.S. AG Merrick Garland’s Son-In-Law, Contracted with 23,000 Public Schools & Raised \$76M From Investors*, FORBES (Oct. 12, 2021).

distinguish such vigorous debate—an entirely lawful and Constitutionally protected activity—from actual threats of violence.

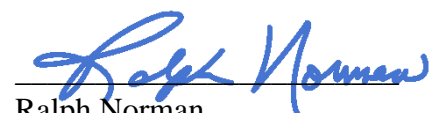
To assist the Republicans on the Committee in understanding why this policy was necessary and how it will be implemented, please provide the following documents and information no later than November 17, 2021:

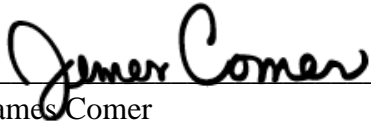
1. All available Department of Justice data you relied on in making the assertion that “there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff...”;
2. All drafts and prior iterations of the memorandum the Department of Justice finally published;
3. All communications between or among the employees of the Department of Justice and the White House regarding issuance of the memorandum;
4. All Department of Justice prosecution guidelines or policies relevant to whether a parent would be prosecuted for seeking to “intimidate individuals based on their views,” including what statutory violations would be implicated in such a case, and how the Department of Justice distinguishes peaceful advocacy from such unlawful intimidation;
5. All documents and information in connection with any ethics guidance you sought related to issuance of the memorandum; and
6. All Department of Justice guidelines or policies for ensuring that prosecutions are not targeting individuals in retaliation for exercising fundamental rights or civil liberties.

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,

  
Nancy Mace  
Ranking Member  
Subcommittee on Civil Rights  
& Civil Liberties

  
Ralph Norman  
Ranking Member  
Subcommittee on Environment



James Comer  
Ranking Member  
Committee on Oversight Reform



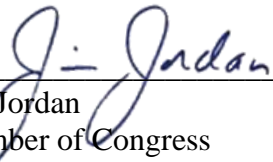
Jody Hice  
Ranking Member  
Subcommittee on Government  
Operations



Glenn S. Grothman  
Ranking Member  
Subcommittee on National Security



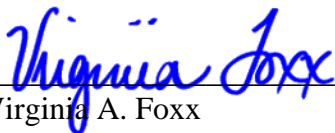
Michael Cloud  
Ranking Member  
Subcommittee on Economic and  
Consumer Policy



Jim Jordan  
Member of Congress



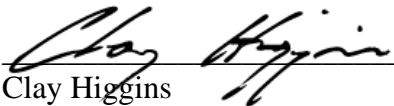
Paul A. Gosar, D.D.S.  
Member of Congress



Virginia A. Foxx  
Member of Congress



Bob Gibbs  
Member of Congress



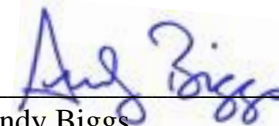
Clay Higgins  
Member of Congress



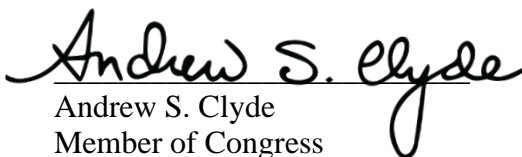
Pete Sessions  
Member of Congress



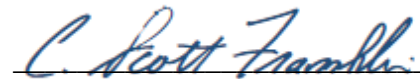
Fred Keller  
Member of Congress



Andy Biggs  
Member of Congress



Andrew S. Clyde  
Member of Congress



Scott Franklin  
Member of Congress

Attorney General Garland

November 3, 2021

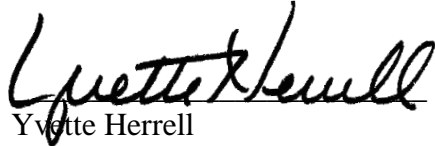
Page 5 of 5



Jake LaTurner  
Member of Congress



Pat Fallon  
Member of Congress



Yvette Herrell  
Member of Congress



Byron Donalds  
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman  
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman  
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman  
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman  
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman  
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman  
Subcommittee on Civil Rights and Civil Liberties