

From: (b)(6) Tamarra Matthews-Johnson Email (OAG)

To: "Klapper, Matthew B. (OAG)" <(b) (6)>

Cc: "Heinzelman, Kate (OAG)" <(b) (6)>

Subject: Re: MCSA Meeting - DAG and ASG - Tuesday Jan 25

Date: Sat, 22 Jan 2022 16:15:17 -0600

Importance: Normal

Inline-Images: 159E23A6-FF67-41A4-9758-EE9E3382ECC2.jpg; 54F17773-0378-4DA0-B943-FBFC4FF08413.png; BD2D8F1A-DAE9-4FD7-A2E3-9EF925268ABD.jpg; 20636EDF-EA99-479D-A68A-A8E1166AB706.jpg; E8041A75-49F7-465A-8CE6-43C105B2DF71.jpg; A74A7A6C-F92D-4C3C-B0DF-7C3A8811BA06.jpg; 175A7791-3BF2-4E5A-A594-834022B58133.jpg; 40AC4A4F-CAC7-4A6D-99C3-6CE420226D3F.jpg

Hi -

I haven't seen a run of show as of yet - the meeting is with the MCSA Board of Directors:

MCSA BIOS

The Major County Sheriffs of America (MCSA) is a professional law enforcement association of the largest elected sheriffs' offices representing counties or parishes with a population of 500,000 or more. There are 102 MCSA members representing over 120 million Americans.



MCSA President—Sheriff Peter J. Koutoujian

In January of 2020, Sheriff Koutoujian began a two-year term as President of Major County Sheriffs of America (MCSA), representing sheriffs from the most populous counties in the nation.

- During his tenure in office, Sheriff Koutoujian has initiated several landmark programs at the Middlesex Sheriff's Office that have garnered national attention including the medication assisted treatment (MAT) program recognized as a Center of Excellence by the National Institute of Corrections (NIC).
- He is a founding member of Law Enforcement Leaders to Reduce Crime & Incarceration, a group of nearly 200 police chiefs, attorneys general, sheriffs, and agency leaders committed to reducing rates of incarceration.
- Sheriff Koutoujian is a graduate of Bridgewater State University, the New England School of Law, and Harvard University's Kennedy School of Government.

MCSA 1st Vice President—Sheriff Dennis Lemma

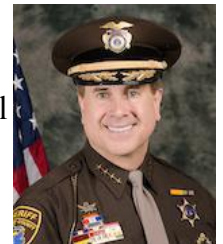
Dennis M. Lemma serves as the Sheriff of Seminole County. He took office on January 3, 2017, as the 10th Sheriff in the county's history. As the County's chief law enforcement officer, Sheriff Lemma leads a workforce of more than 1,400 employees and manages a \$140 million budget.



- Sheriff Lemma began his career with the Sheriff's Office in 1992 as a Correctional Officer and was selected as a Deputy Sheriff four years later.
- In January 2019, Attorney General Ashley Moody named Sheriff Dennis Lemma chair of her Transition Advisory Committee Working Group on Opioid Abuse. In July 2019, First Lady Casey DeSantis announced the formation of a drug abuse prevention panel with Seminole County Sheriff Dennis Lemma to serve as chair.
- Sheriff Lemma received an honorable discharge from the U.S. Marine Corps. He holds a Bachelor's Degree in Criminal Justice Administration from Columbia College, a Master's Degree in Administrative Leadership from the University of Oklahoma, and is a graduate of the Federal Bureau of Investigation National Academy in Quantico, Virginia. He also attended the Florida Department of Law Enforcement's Chief Executive Institute in Tallahassee, Florida.

MCSA Vice President of Government Affairs—Sheriff Mike Bouchard

- He has been the sheriff of Oakland County (MI) since 1999, when he was appointed to fill the remainder of the previous sheriff's term. He leads more than 1,400 employees and manages an annual budget of more than \$166 million.
- His current term will expire on January 1, 2025.
- He was a founding member of MCSA.



MCSA Vice President of Homeland Security—Sheriff Mike Chapman

- In Loudoun County (VA), he leads more than 800 employees—more than 600 sworn deputies and 200 civilian personnel. He serves a population of 400,000 and an area of 519 square miles.
- He is retired from the DEA and has previous law enforcement experience from Howard County, Maryland.
- In addition to his role at MCSA, he is a member of the Board of Directors of the National Sheriffs' Association.



MCSA Secretary—Sheriff Leon Lott

- He began his law enforcement career as a patrol officer with Richland County (NC) Sheriff's Office.
- He served a brief stint as the Chief of Police in St. Matthews, SC before being elected sheriff in Richland County.
- He is Commander of the SC State Guard, holding the rank of Brigadier General.



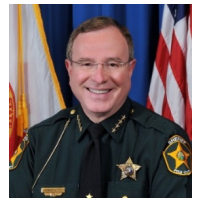
MCSA Treasurer—Sheriff Bob Gualtieri

- He began his law enforcement career as a detention deputy in the Pinellas County (FL) Sheriff's Office.
- Before becoming a law enforcement deputy in Pinellas County, he was a patrol officer at the Dunedin (FL) Police Department.
- In addition to his role at MCSA, he is president of the Florida Sheriffs Association (FSA) and an Executive Fellow for the National Police Foundation.



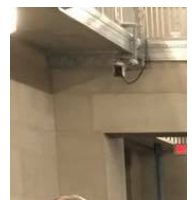
MCSA Immediate Past President—Sheriff Grady Judd

- Grady was elected sheriff in 2004 and prior to his first election, he had held every rank within the Polk County (FL) Sheriff's Office.
- He is a past president of the Florida Sheriffs' Association.



MCSA Executive Director—Kim Wagner

- Before joining MCSA, Kim Wagner worked at the Virginia Department of Criminal Justice Services and the Virginia State Crime Commission.
- She has also worked at the Maryland Department of Juvenile Services and she worked for the Maryland General Assembly



Tamarra Matthews Johnson
she/her/hers
Counsel
Office of the Attorney General
U.S. Department of Justice

Mobile: (b) (6)

On Jan 22, 2022, at 3:57 PM, Klapper, Matthew B. (OAG) <(b) (6)> wrote:

Can you please send participant list and run of show?

Sent from my iPhone

On Jan 22, 2022, at 4:29 PM, Matthews-Johnson, Tamarra D. (OAG) (b) (6) wrote:

Sounds good, presently the materials I've seen (b) (5) but I will (b) (5)

On Jan 21, 2022, at 2:34 PM, Klapper, Matthew B. (OAG) <(b) (6)> wrote:

Thanks. Came up on our week ahead but in ambiguous terms. (b) (5).

From: Matthews-Johnson, Tamarra D. (OAG) <(b) (6)>
Sent: Friday, January 21, 2022 3:32 PM
To: Klapper, Matthew B. (OAG) <(b) (6)> Heinzelman, Kate (OAG) <(b) (6)>
Subject: MCSA Meeting - DAG and ASG - Tuesday Jan 25

FYSA

There's a virtual meeting of the DAG and ASG with the Major County Sheriffs Association (Koutoujian) set for next Tuesday

Top line subjects are

(b) (5)

I can plan to join. T

Begin forwarded message:

From: DAGSchedule <(b) (6)>
Date: January 21, 2022 at 2:27:37 PM CST
To: "Matthews-Johnson, Tamarra D. (OAG)" <(b) (6)>
Subject: FW: MCSA Meeting

-----Original Appointment-----

From: DAGSchedule <(b) (6)>
Sent: Monday, January 10, 2022 9:18 AM
To: DAGSchedule; Carlin, John P. (ODAG); Folk, Anders (ODAG); Gannon, Anne (ODAG); Gupta, Vanita (OASG); Sooknanan, Sparkle (OASG); Clarke, Kristen (CRT); Cochran, Shaylyn (CRT); Hyun, Peter (OLA); (b) (6) (OLA)
Cc: Singh, Anita M. (ODAG); RFK-SurfaceHub2 (JMD); Kueter, Dean (OLA); (b)(6), (b)(7)(C) per FBI
Subject: MCSA Meeting
When: Tuesday, January 25, 2022 1:15 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: WebEx Meeting

Attendees:

ODAG: DAG Monaco, John Carlin, Anders Folk, Anne Gannon

OASG: Vanita Gupta, Sparkle Sooknanan

CRT: Kristen Clarke, Shaylyn Cochran

OLA: Peter Hyun, (b) (6)

MCSA:

Note: This meeting is limited to the invited attendees only. You are not authorized to forward this invitation. If you believe other individuals should be included, please contact the ODAG Front Office.

-- Do not delete or change any of the following text. --

When it's time, join your Webex meeting here.

Join meeting (b) (6)

More ways to join:

Join from the meeting link

(b) (6)

Join by meeting number

Meeting number (access code): (b) (6)

Meeting password: (b) (6)

Tap to join from a mobile device (attendees only)

(b) (6)
(b) (6)

US Toll
US Toll Free

Join by phone

(b) (6) US Toll
(b) (6) US Toll Free

Global call-in numbers (b) (6)

| Toll-free calling restrictions <https://e-meetings.verizonbusiness.com/global/pdf/Verizon_Audio_Conferencing_Global_Access_Information_August2017.pdf>

Join from a video system or application

Dial (b) (6)

Join using Microsoft Lync or Microsoft Skype for Business

Dial (b) (6)

If you are a host, click her (b) (6)

to view host information.

Need help? Go to <https://help.webex.com>

To: "Iverson, Dena (PAO)" (b) (6), "Goodlander, Margaret V. (OAG)" (b) (6) >, "Hyun, Peter (OLA)" (b) (6)
"Chambers, Kevin (ODAG)" (b) (6)

Cc: "Coley, Anthony D. (PAO)" (b) (6)

Subject: RE: For Review- Response to inquiries re: school threats memo

Date: Tue, 11 Jan 2022 19:40:41 -0000

Importance: Normal

I think (b) (5)

(b) (5)

From: Iverson, Dena (PAO) <(b) (6)>

Sent: Tuesday, January 11, 2022 2:39 PM

To: Loeb, Emily M. (ODAG) (b) (6); Goodlander, Margaret V. (OAG)

(b) (6); Hyun, Peter (OLA) (b) (6); Chambers, Kevin (ODAG)

(b) (6)

Cc: Coley, Anthony D. (PAO) <(b) (6)>

Subject: RE: For Review- Response to inquiries re: school threats memo

Kevin, can you re-confirm (b) (5)? I think we are otherwise good to go on responses.

Dena Iverson

Principal Deputy Director, Office of Public Affairs

U.S. Department of Justice

(b) (6) - Office
(b) (6) - Cell

(b) (6)

From: Loeb, Emily M. (ODAG) (b) (6)

Sent: Tuesday, January 11, 2022 11:01 AM

To: Iverson, Dena (PAO) (b) (6); Goodlander, Margaret V. (OAG)

(b) (6); Hyun, Peter (OLA) (b) (6); Chambers, Kevin (ODAG)

(b) (6)

Cc: Coley, Anthony D. (PAO) <(b) (6)>

Subject: RE: For Review- Response to inquiries re: school threats memo

This all seems fine to me. I would (b) (5), which I think is (b) (5)

In case this is helpful, Kevin and I worked on this TP (b) (5):

(b) (5)

(b) (5)

From: Iverson, Dena (PAO) <(b) (6)>
Sent: Tuesday, January 11, 2022 10:47 AM
To: Goodlander, Margaret V. (OAG) <(b) (6)>; Hyun, Peter (OLA)
(b) (6); Loeb, Emily M. (ODAG) (b) (6); Chambers, Kevin (ODAG)
(b) (6) >
Cc: Coley, Anthony D. (PAO) <(b) (6)>
Subject: RE: For Review- Response to inquiries re: school threats memo

Good Morning,

Nudging on this for any feedback as I need to get this further in the review process if we are going to meet the Post's deadline.

Thanks,
Dena

Dena Iverson
Principal Deputy Director, Office of Public Affairs
U.S. Department of Justice

(b) (6) Office
(b) (6) Cell

From: Iverson, Dena (PAO)
Sent: Monday, January 10, 2022 9:45 PM
To: Goodlander, Margaret V. (OAG) <(b) (6)>; Hyun, Peter (OLA)
<(b) (6)>; Loeb, Emily M. (ODAG) (b) (6); Chambers, Kevin (ODAG)
<(b) (6)>
Cc: Coley, Anthony D. (PAO) <(b) (6)>
Subject: For Review- Response to inquiries re: school threats memo

Hi Folks,

Long email with all of the details below, but BLUF: In addition to Reuters, the Washington Post is also writing a follow-up piece to the School Board memo and has asked whether the due-outs in the memo were completed and whether any investigations were opened as a result. Reuters is focusing on documenting threats to school officials, the Washington Post is focusing on the NASB letter and the political fallout within the organization and more broadly after the letter was sent and we issued our memo. OPA recommends using the same response for both, draft below. (b) (5)

Deadline for the Washington Post is Tuesday, Reuters has been working on their investigation into threats for a while and we should get back to them at the same time. There are two different questions that each outlet asked that I propose we answer by (b) (5), I have noted what those are below in the full list of questions from each outlet. Once this group clears, I'll send it up for review.

Thanks,
Dena

Draft background attributable to a Justice Department Official:

(b) (5)

Draft Statement, tweaked from (b) (5) :

(b) (5)

Full set of Washington Post questions:

The directed the FBI, working with each U.S. attorney, to convene meetings with federal, state, local, Tribal and territorial leaders in each federal jurisdiction within 30 days. The meetings were to allow for discussion of strategies to address these threats and open dedicated lines of communication for threat reporting, assessment and response.

The questions are:

- did these meetings happen? in how many jurisdictions were the meetings convened?
- did anything come out of the meetings that did happen? were there any threats that federal agencies got involved with helping to address?
- did the Attorney General issue the memo in response to the letter from NASB or was it already in process before the letter was sent?

(b) (5)

(b) (5)

Reuters Questions:

- In his Oct. 4 memo, AG Garland directed the FBI and U.S. Attorney's offices in each judicial district to convene meetings with local leaders to discuss threat response and reporting. Have those meetings taken place, and if so, in how many districts? If not, when will they take place?
- DOJ has also said a new task force would be convened that included U.S. attorneys, the FBI, the national security division and others. Has that task force been created? If so, who are the members? Who is heading that effort? Have they begun meeting yet? If it has not yet been set up, when will that happen? What will be the task force's mandate/scope?
- How many tips have come in on the DOJ's tip line on this issue? Is that the only mechanism through which the DOJ is launching local investigations? If not, is the department reaching out proactively to districts where the threats have been made public or receiving leads on cases directly from local law enforcement?
- Have you coordinated at all with the DHS to investigate any threats against school board members?
- The FBI recently confirmed a new threat tag for those made against school officials/teachers. Has the FBI collected any reports using the new tag? Approximately how many instances? Have any of them led to criminal investigations? If so, how many?
- What is the bar for launching a criminal investigation into some of the behavior/threats that the DOJ has been made aware of?

(b) (5)

(b) (5)

- Has the FBI or DOJ communicated with local authorities in Pennsbury, PA, where we understand some threatening messages were passed on through your tip line? If so, what is the status of the investigation into tips received from Pennsbury, and why has there been no follow up?
- Has the FBI or DOJ communicated with local officials in Loudoun County, VA, or been involved in investigating threats made against school board members there? Specifically, has the FBI played any role in investigating threats towards school board chair Brenda Sheridan that were made between April 2021 and now?
 - The local sheriff's office in Loudoun said they reached a dead end investigating a death threat emailed to Sheridan from (b) (6) on June 23 because it "yielded multiple IP addresses from another part of the United States." The email said, "Brenda, I am going to gut you like the fat fucking pig you are when I find you." Is the FBI investigating, and what progress has been made? Does this fall into the category of threats that you would be able to prosecute, and what resources would you use?
- Has the FBI or DOJ been involved in investigating several instances of harassment of school board member Jennifer Jenkins in Brevard County, Florida, including false child abuse claims filed against her? If so, what have those investigations turned up?
- Has the FBI or DOJ been involved in investigating a threat sent to Seattle school board chair Chandra Hampson on April 20, which read, "You realize how fucking idiotic you look for making those poor kids go thru another door for the sake of homeless that are carrying a sword! Shame on you old cunt, if I find your address you're done for bitch." If so, what's the status of that investigation?

Dena Iverson
Principal Deputy Director, Office of Public Affairs
U.S. Department of Justice

(b) (6) - Office
(b) (6) - Cell

(b) (6)

From: "Lewis, Megan (ODAG)" (b) (6)
To: "Suero, Maya A. (ODAG)" (b) (6), "Brockman, Audrey (ODAG)" (b) (6)
Cc: "Lin, Frank (ODAG)" (b) (6), "Singh, Anita M. (ODAG)" (b) (6), "Loeb, Emily M. (ODAG)" (b) (6)

Subject: DAG Book: incoming Congressional correspondence 10/22/21

Date: Fri, 22 Oct 2021 22:18:40 +0000

Importance: Normal

Attachments: Grassley.incoming.ltr.10.22.2021.pdf; Waters.incoming.ltr.10.21.2021.pdf; Good.incoming.ltr.10.22.2021.pdf; Nehls.incoming.ltr.10.15.2021.pdf

Please provide for awareness for the DAG/PADAG; no immediate action item.

1. Letter from Sen. Grassley to AG – expressing concern with the Department’s inadequate responses to his letters.
2. Letter from Rep. Waters to AG & AAG Clarke – following up on her July 21, 2021 letter to the Department requesting an investigation into the “Executioners”, a gang operating within the Los Angeles Sheriff’s Department.
3. Letter from Reps. Good, Wittman, Griffith, and Cline to AG and Dept. of Education – urging DOJ to investigate the Loudoun County School Board and Loudoun County Public Schools for any impropriety regarding the handling of the alleged rape of the daughter of Scott and Jess Smith.
4. Letter from Rep. Nehls to AAG Clarke and Acting US Attorney Phillips – expressing concerns surrounding the Department’s conclusions regarding the tragic shooting and subsequent death of Ms. Ashli Babbitt on January 6th. Demanding that DOJ release the case file and further explain the reluctance to continue investigation of LT Boyd.

From: "Schwartz, Leah F. (OLA)" (b) (6)
To: "Heinzelman, Kate (OAG)" (b) (6), "Colangelo, Matthew (OASG)" (b) (6), "Klapper, Matthew B. (OAG)" (b) (6), "Hyun, Peter (OASG)" (b) (6), "Loeb, Emily M. (ODAG)" (b) (6), "Lewis, Megan (ODAG)" (b) (6), "Goodlander, Margaret V. (OAG)" (b) (6)
Cc: "Gaeta, Joseph (OLA)" (b) (6), "Woldemariam, Wintta (OLA)" (b) (6), "Greenfeld, Helaine A. (OLA)" (b) (6), "Antell, Kira M. (OLA)" (b) (6), "Calce, Christina M. (OLA)" (b) (6)

Subject: OLA incoming Congressional correspondence 10/22/21

Date: Fri, 22 Oct 2021 21:53:05 +0000

Importance: Normal

Attachments: Grassley.incoming.ltr.10.22.2021.pdf; Waters.incoming.ltr.10.21.2021.pdf; Good.incoming.ltr.10.22.2021.pdf; Nehls.incoming.ltr.10.15.2021.pdf

Please see below and attached. Hope everyone has a great weekend!

1. Letter from Sen. Grassley to AG – expressing concern with the Department’s inadequate responses to his letters.
2. Letter from Rep. Waters to AG & AAG Clarke – following up on her July 21, 2021 letter to the Department requesting an investigation into the “Executioners”, a gang operating within the Los Angeles Sheriff’s Department.
3. Letter from Reps. Good, Wittman, Griffith, and Cline to AG and Dept. of Education – urging DOJ to investigate the Loudoun County School Board and Loudoun County Public Schools for any impropriety regarding the handling of the alleged rape of the daughter of Scott and Jess Smith.
4. Letter from Rep. Nehls to AAG Clarke and Acting US Attorney Phillips – expressing concerns surrounding the Department’s conclusions regarding the tragic shooting and subsequent death of Ms. Ashli Babbitt on January 6th. Demanding that DOJ release the case file and further explain the reluctance to continue investigation of LT Boyd.

ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON THE JUDICIARY
2138 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6216
(202) 225-3951
judiciary.house.gov

November 1, 2021

Mr. Matthew T. Kirsch
Acting U.S. Attorney
District of Colorado
1801 California Street, Suite 1600
Denver, CO 80202

Dear Mr. Kirsch:

We are continuing to investigate the troubling attempts by the Department of Justice and the White House to use the heavy hand of federal law enforcement to target concerned parents at local school board meetings and chill their protected First Amendment activity. Because the Department directed you, along with all other U.S. Attorneys, and the Federal Bureau of Investigation (FBI) to take action to address parents attending school board meetings,¹ we respectfully request your assistance with our investigation.

On September 29, 2021, the National School Boards Association (NSBA) sent a letter to President Joe Biden requesting help from the federal government with concerned parents voicing their opinions at school board meetings.² The NSBA letter stated that “malice, violence, and threats” against school officials “could be the equivalent of a form of domestic terrorism or hate crimes.”³ The letter cited a number of interactions at school board meetings, none of which rose to the level of domestic terrorism. In fact, the vast majority of incidents cited by the NSBA did not involve threats or violence.⁴ Most notably, as an example of domestic terrorism, the NSBA cited an incident in which a father angrily confronted members at a school board meeting in Loudoun County, Virginia about the heinous sexual assault of his daughter.⁵

A mere five days after the NSBA sent its letter to President Biden, on October 4, 2021, Attorney General Merrick Garland issued a shocking memorandum that directed the FBI and

¹ Memorandum from Atty Gen. Merrick Garland, U.S. Dep’t of Justice, Partnership Among Federal, State, Local, Tribal, And Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff (Oct. 4, 2021).

² Letter from Dr. Viola M. Garcia, President, Nat’l School Board Assoc. & Mr. Chip Slaven, Chief Exec. Officer, Nat’l School Board Assoc., to President Joseph R. Biden, White House (Sept. 29, 2021).

³ *Id.*

⁴ See Caroline Downey, *Vast majority of incidents cited by school-board group to justify federal intervention didn’t involve threats*, NAT’L REV. (Oct. 2, 2021).

⁵ *Id.*; see also Jessica Chasmar, *Loudoun County father arrested at school board events says school tried to cover up daughter’s bathroom assault*, FOX NEWS (Oct. 12, 2021).

Mr. Matthew T. Kirsch

November 1, 2021

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U.S. Attorneys' Offices to "convene meetings" in your judicial district "with federal, state, local, Tribal, and territorial leaders" within 30 days.⁶ The Justice Department simultaneously issued a press release indicating that the Attorney General's directive would "open dedicated lines of communication for threat reporting, assessment and response by law enforcement"—in other words, create a snitch line for complaints about concerned parents.⁷

During Attorney General Garland's testimony before our Committee on October 21, he appeared to have no idea whether the U.S. Attorney meetings he ordered were actually taking place. He stated: "I don't know whether [the meetings] are ongoing, but I expect and hope that they are going . . . because I did ask that they take place."⁸ Attorney General Garland testified that he doubted "there have been meetings in every jurisdiction," but reiterated his belief that it is important for federal law enforcement authorities to conduct these meetings in every judicial district.⁹ According to the Attorney General's directives, meetings are to be convened in all 94 judicial districts by November 3, 2021, at the latest.

Following the Attorney General's testimony, the NSBA Board of Directors, apparently recognizing the ill-conceived consequences of its letter and the resulting Justice Department action, issued a new memorandum to its members apologizing for the letter, stating: "On behalf of NSBA, we regret and apologize for the letter."¹⁰ (emphasis in original). Although Attorney General Garland testified that the NSBA letter to President Biden was the basis for his October 4 directive to insert federal law enforcement into local school board matters, the Attorney General has yet to rescind his memorandum. His directives to you and other U.S. Attorneys remain in effect.

Concerned parents voicing their strong opposition to controversial curricula at local schools are not domestic terrorists. Parents have an undisputed right to direct the upbringing and education of their children.¹¹ When parents, however, cross the line to commit a violent act or issue a criminal threat,¹² state and local authorities are best-equipped to handle these violations of state law. But we must not tolerate the use of the federal law enforcement apparatus to intimidate and silence parents using their Constitutional rights to advocate for their child's future.

To assist our investigation and determine whether these meetings are ongoing, we request that you provide the following documents and information:

⁶ Memorandum from Atty Gen. Merrick Garland, U.S. Dep't of Justice, Partnership Among Federal, State, Local, Tribal, And Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff (Oct. 4, 2021).

⁷ Press Release, U.S. Dep't of Justice, Justice Department Addresses Violent Threats Against School Officials and Teachers (Oct. 4, 2021).

⁸ *Oversight of the United States Department of Justice: Hearing Before the H. comm. on the Judiciary*, 117th Cong. at 94 (2021) (testimony from Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice).

⁹ *Id.* at 95.

¹⁰ Memorandum from NSBA Board of Directors, Message to NSBA Members (Oct. 22, 2021).

¹¹ *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (citing *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923)).

¹² *Merrick Garland's federal offense*, WALL ST. J. (Oct. 6, 2021).

Mr. Matthew T. Kirsch

November 1, 2021

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1. All documents and communications referring or relating to convening meeting(s) in your judicial district in accordance with the Attorney General's October 4, 2021 memorandum;
2. All agendas, minutes, and notes created or relied upon by U.S. Attorney's Office employees referring or relating to meeting(s) in your judicial district in accordance with the Attorney General's October 4, 2021 memorandum;
3. Please explain when meeting(s) in your judicial district in accordance with the Attorney General's October 4, 2021 memorandum have occurred or will occur;
4. Please identify by name and title of all U.S. Attorney's Office employees involved in the meeting(s) in your judicial district in accordance with the Attorney General's October 4, 2021 memorandum ;
5. Please identify all federal, state, local, Tribal, and territorial organizations invited to or that have attended the meetings convened in your judicial district in accordance with the October 4, 2021 memorandum; and
6. Please provide all recommendations, both formal and informal, and any meeting minutes produced at the meeting(s) in your judicial district in accordance with the Attorney General's October 4, 2021 memorandum.

Please provide this material as soon as possible but no later than 5:00 p.m. on November 15, 2021.

If you have any questions about this request, please contact Committee staff at (202) 225-6906. Thank you for your attention to this important matter.

Sincerely,



Jim Jordan
Ranking Member



Steve Chabot
Member of Congress



Louie Gohmert
Member of Congress



Darrell Issa
Ranking Member
Subcommittee on Courts, Intellectual
Property, and the Internet



Ken Buck
Ranking Member
Subcommittee on Antitrust, Commercial
and Administrative Law



Matt Gaetz
Member of Congress



Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties



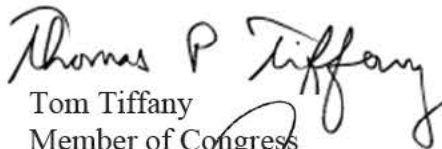
Andy Biggs
Ranking Member
Subcommittee on Crime, Terrorism
and Homeland Security



Tom McClintock
Ranking Member
Subcommittee on Immigration
and Citizenship



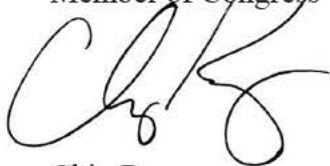
W. Gregory Steube
Member of Congress



Tom Tiffany
Member of Congress



Thomas Massie
Member of Congress



Chip Roy
Member of Congress



Dan Bishop
Member of Congress



Michelle Fischbach
Member of Congress



Victoria Spartz
Member of Congress

Mr. Matthew T. Kirsch

November 1, 2021


Page 5



Scott Fitzgerald
Member of Congress



Cliff Bentz
Member of Congress



Burgess Owens
Member of Congress

cc: The Honorable Jerrold L. Nadler
Chairman

Mr. Monty Wilkinson
Director, Executive Office for U.S. Attorneys

ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON THE JUDICIARY
2138 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6216
(202) 225-3951
judiciary.house.gov

November 3, 2021

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Wray:

We are continuing to investigate the troubling attempts by the Department of Justice and the White House to use the heavy hand of federal law enforcement to target concerned parents at local school board meetings and chill their protected First Amendment activity. The Attorney General directed you and all U.S. Attorneys' Offices to take action to address parents attending school board meetings.¹ This unusual directive is particularly worrisome as it applies to the Federal Bureau of Investigation (FBI) given the FBI's illegal spying on the Trump campaign and its scandalous history of misconduct and politicization.

On September 29, 2021, the National School Boards Association (NSBA) sent a letter to President Joe Biden requesting help from the federal government with concerned parents voicing their opinions at school board meetings.² The NSBA letter stated that "malice, violence, and threats" against school officials "could be the equivalent of a form of domestic terrorism or hate crimes."³ The letter cited a number of interactions at school board meetings, none of which rose to the level of domestic terrorism. In fact, the vast majority of incidents cited by the NSBA did not involve threats or violence.⁴ Most notably, as an example of domestic terrorism, the NSBA cited an incident in which a father angrily confronted members at a school board meeting in Loudoun County, Virginia, about the heinous sexual assault of his daughter.⁵

¹ Memorandum from Atty Gen. Merrick Garland, U.S. Dep't of Justice, Partnership Among Federal, State, Local, Tribal, And Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff (Oct. 4, 2021).

² Letter from Dr. Viola M. Garcia, President, Nat'l School Board Assoc. & Mr. Chip Slaven, Chief Exec. Officer, Nat'l School Board Assoc., to President Joseph R. Biden, White House (Sept. 29, 2021).

³ *Id.*

⁴ See Caroline Downey, *Vast majority of incidents cited by school-board group to justify federal intervention didn't involve threats*, NAT'L REV. (Oct. 2, 2021).

⁵ *Id.*; see also Jessica Chasmar, *Loudoun County father arrested at school board events says school tried to cover up daughter's bathroom assault*, FOX NEWS (Oct. 12, 2021).

A mere five days after the NSBA sent its letter to President Biden, on October 4, 2021, Attorney General Merrick Garland issued a shocking memorandum that directed the FBI and U.S. Attorneys' Offices to "convene meetings" in each judicial district "with federal, state, local, Tribal, and territorial leaders" within 30 days.⁶ The Justice Department simultaneously issued a press release indicating that the Attorney General's directive would "open dedicated lines of communication for threat reporting, assessment and response by law enforcement"—in other words, create a snitch line for complaints about concerned parents.⁷ The release also announced that the FBI would be part of a Department-wide task force "to determine how federal enforcement can be used to prosecute these crimes."⁸

During Attorney General Garland's testimony before our Committee on October 21, he appeared to have no idea whether the meetings he ordered were actually taking place. He stated: "I don't know whether [the meetings] are ongoing, but I expect and hope that they are going . . . because I did ask that they take place."⁹ Attorney General Garland testified that he doubted "there have been meetings in every jurisdiction," but reiterated his belief that it is important for federal law enforcement authorities to conduct these meetings in every judicial district.¹⁰ However, Attorney General Garland testified that FBI agents "will not be attending local school board meetings."¹¹ According to the Attorney General's directives, meetings are to be convened in all 94 judicial districts by November 3, 2021, at the latest.

Following the Attorney General's testimony, the NSBA Board of Directors, apparently recognizing the ill-conceived consequences of its letter and the resulting Justice Department action, issued a new memorandum to its members apologizing for the letter, stating: "On behalf of NSBA, we regret and apologize for the letter."¹² (emphasis in original). Although Attorney General Garland testified that the NSBA letter to President Biden was the basis for his October 4 directive to insert federal law enforcement into local school board matters, the Attorney General has yet to rescind his memorandum. His directives to you and all U.S. Attorneys remain in effect.

Concerned parents voicing their strong opposition to controversial curricula at local schools are not domestic terrorists. Parents have an undisputed right to direct the upbringing and education of their children.¹³ When parents, however, cross the line to commit a violent act or issue a criminal threat,¹⁴ state and local authorities are best-equipped to handle these violations of state law. But we must not tolerate the use of the federal law enforcement apparatus to

⁶ Memorandum from Atty Gen. Merrick Garland, U.S. Dep't of Justice, Partnership Among Federal, State, Local, Tribal, And Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff (Oct. 4, 2021).

⁷ Press Release, U.S. Dep't of Justice, Justice Department Addresses Violent Threats Against School Officials and Teachers (Oct. 4, 2021).

⁸ *Id.*

⁹ *Oversight of the United States Department of Justice: Hearing Before the H. comm. on the Judiciary*, 117th Cong. at 94 (2021) (testimony from Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice).

¹⁰ *Id.* at 95.

¹¹ *Id.* at 62.

¹² Memorandum from NSBA Board of Directors, Message to NSBA Members (Oct. 22, 2021).

¹³ *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (citing *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923)).

¹⁴ *Merrick Garland's federal offense*, WALL ST. J. (Oct. 6, 2021).

intimidate and silence parents using their Constitutional rights to advocate for their child's future.

To assist our investigation and determine whether these meetings are ongoing, we request that you provide the following documents and information:

1. All documents and communications referring or relating to convening meeting(s) with U.S. Attorneys' Offices in accordance with the Attorney General's October 4, 2021 memorandum, the establishment of the Department's task force, or the FBI's role as a member of the task force;
2. All agendas, minutes, and notes created or relied upon by FBI employees referring or relating to meeting(s) in each judicial district in accordance with the Attorney General's October 4, 2021 memorandum or the FBI's role as a member of the task force;
3. Please explain whether you consider the Attorney General's October 4, 2021 memorandum to be lawful and whether you intend to direct FBI agents and employees to enforce the Attorney General's directives;
4. Please explain whether you have issued any internal guidance to FBI field offices or special agents in charge referring or relating to the Attorney General's October 4, 2021 memorandum;
5. Please explain the FBI's role in convening meetings as directed by the Attorney General's October 4, 2021 memorandum;
6. Please explain the FBI's role in the Department's task force, including what federal statutes the FBI intends to use in investigating concerned parents at school board meetings;
7. Please identify by name, title, and field office each FBI employee involved in the meeting(s) and task force referenced in the Attorney General's October 4, 2021 memorandum;
8. Please identify all federal, state, local, Tribal, and territorial organizations invited to or that have attended the meetings convened in accordance with the October 4, 2021 memorandum;
9. Please provide all recommendations, both formal and informal, and any meeting minutes produced at the meeting(s) in accordance with the Attorney General's October 4, 2021 memorandum; and
10. Please provide all recommendations, both formal and informal, that the FBI has made to the Department's task force.

The Honorable Christopher A. Wray

November 3, 2021

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Please provide this material as soon as possible but no later than 5:00 p.m. on November 17, 2021.

If you have any questions about this request, please contact Committee staff at (202) 225-6906. Thank you for your attention to this important matter.

Sincerely,



Jim Jordan
Ranking Member



Steve Chabot
Member of Congress



Louie Gohmert
Member of Congress



Darrell Issa
Ranking Member
Subcommittee on Courts, Intellectual
Property, and the Internet



Ken Buck
Ranking Member
Subcommittee on Antitrust, Commercial
and Administrative Law



Matt Gaetz
Member of Congress



Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties



Andy Biggs
Ranking Member
Subcommittee on Crime, Terrorism
and Homeland Security



Tom McClintock
Ranking Member
Subcommittee on Immigration
and Citizenship

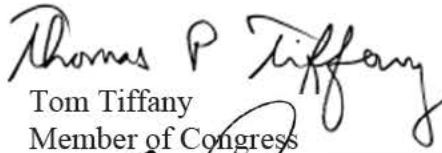


W. Gregory Steube
Member of Congress

The Honorable Christopher A. Wray

November 3, 2021

Page 5



Tom Tiffany
Member of Congress



Chip Roy
Member of Congress



Michelle Fischbach
Member of Congress



Scott Fitzgerald
Member of Congress



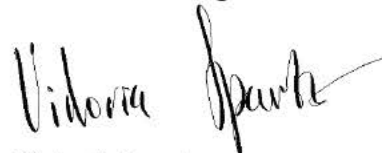
Burgess Owens
Member of Congress



Thomas Massie
Member of Congress



Dan Bishop
Member of Congress



Victoria Spartz
Member of Congress



Cliff Bentz
Member of Congress

cc: The Honorable Jerrold L. Nadler
Chairman



Congress of the United States
House of Representatives
Washington, DC 20515-0605

October 22, 2021

Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Attorney General Garland and Secretary Cardona,

We write today urging you to investigate the Loudoun County School Board and Loudoun County Public Schools (LCPS) for any impropriety regarding the handling of the alleged rape of the daughter of Scott and Jess Smith.

Reportedly, the Smith's daughter was raped in a bathroom on May 28, 2021 by a male student identifying as "gender fluid", who was later arrested and charged with multiple counts of committing violent sexual acts. At a June 22nd LCPS meeting, Scott Smith was arrested while venting his frustration following Superintendent Scott Ziegler's reported assertion, "The predator transgender student or person simply does not exist. We don't have any record of assaults occurring in our restrooms."

Other than public denial, the only action that it seems LCPS Officials took regarding this incident was moving the student charged with being a sexual predator to another school where he was again arrested on October 6th for assaulting another female minor.

These criminal allegations are mortifying and the nightmare of every parent and every girl. As law enforcement works through these charges, the Smith family deserves justice and appropriate oversight regarding how LCPS has handled these tragic events. It is a matter of public record that this student has been charged with multiple violent sexual crimes and that Superintendent Scott Ziegler denied the student's existence. It is further a matter of public record that Scott Smith was not only lied to by LCPS, but also had the police called on him and was arrested simply for voicing the anguish of a broken father.

No parent should ever worry for their child's safety when sending them to school, especially from negligence on behalf of school administration. We are also extremely concerned by reports that LCPS may have failed to disclose additional sexual assault incidents occurring as far back as 2018. Over the last several years, LPCS has abandoned its fundamental responsibility to ensure that our children have a safe environment to learn and grow in. Virginia deserves better.

On behalf of families across Loudoun County and the Commonwealth of Virginia, we urge you to investigate the handling of these incidents and to provide proper recourse for any civil or criminal impropriety committed by Loudoun County School Board or any LCPS Officials.

Sincerely,



Bob Good
Member of Congress



Rob Wittman
Member of Congress



H. Morgan Griffith
Member of Congress



Ben Cline
Member of Congress

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

(202) 225-3951
judiciary.house.gov

October 25, 2021

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Garland:

Your testimony before the Judiciary Committee last week concerning your October 4, 2021, memorandum targeting concerned parents at school board meetings was troubling. You acknowledged that you issued the unusual directive soon after reading about the thinly sourced letter sent by the National School Boards Association (NSBA) to President Biden and not because of any specific request from state or local law enforcement.¹ You appeared to be surprised that the Department's press release publicizing your memorandum noted the involvement of the National Security Division, the Departmental component responsible for prosecuting terrorism cases—despite testifying that concerned parents expressing themselves is protected First Amendment activity.² You admitted to being completely unaware of a widely reported, high-profile case in Loudoun County, Virginia, cited in the NSBA's letter as an example of domestic terrorism, in which a father angrily confronted the local school board about the heinous sexual assault of his daughter.³

During your testimony, you sidestepped the obvious effect of your ill-conceived memorandum and the chilling effect that invoking the full weight of the federal law enforcement apparatus would have on parents' protected First Amendment speech. Parents have an undisputed right to direct the upbringing and education of their children,⁴ especially as school boards attempt to install controversial curricula. Local law enforcement—and not the FBI—are the appropriate authorities to address any local threats or violence.

¹ *Oversight of the United States Department of Justice: Hearing Before the H. comm. on the Judiciary*, 117th Cong. (2021) (testimony from Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice).

² *Id.*

³ *See Id.*; Letter from Ms. Viola M. Garcia, President, Nat'l School Board Assoc. & Mr. Chip Slaven, Chief Exec. Officer, Nat'l School Board Assoc., to President Joseph R. Biden, White House (Sept. 29, 2021); Jessica Chasmar, *Loudoun County father arrested at school board events says school tried to cover up daughter's bathroom assault*, FOX NEWS (Oct. 12, 2021)

⁴ *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (citing *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923)).

On October 22, 2021, the NSBA expressed regret about and formally apologized for its letter to President Biden.⁵ Because the NSBA letter was the basis for your memorandum and given that your memorandum has been and will continue to be read as threatening parents and chilling their protected First Amendment rights, the only responsible course of action is for you to fully and unequivocally withdraw your memorandum immediately.

Sincerely,



Jim Jordan
Ranking Member



Steve Chabot
Member of Congress



Louie Gohmert
Member of Congress



Darrell Issa
Ranking Member
Subcommittee on Courts, Intellectual
Property, and the Internet



Ken Buck
Ranking Member
Subcommittee on Antitrust, Commercial
and Administrative Law



Matt Gaetz
Member of Congress



Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties



Andy Biggs
Ranking Member
Subcommittee on Crime, Terrorism
and Homeland Security

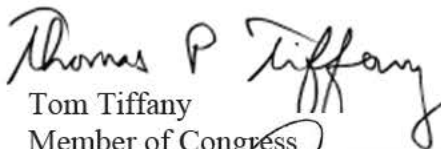
⁵ Memorandum from NSBA Board of Directors, Message to NSBA Members (Oct. 22, 2021).



Tom McClintock
Ranking Member
Subcommittee on Immigration
and Citizenship



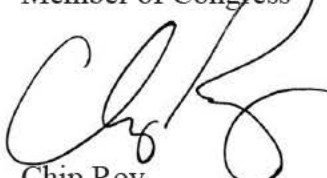
W. Gregory Steube
Member of Congress



Tom Tiffany
Member of Congress



Thomas Massie
Member of Congress



Chip Roy
Member of Congress



Dan Bishop
Member of Congress



Michelle Fischbach
Member of Congress



Victoria Spartz
Member of Congress



Scott Fitzgerald
Member of Congress



Cliff Bentz
Member of Congress



Burgess Owens
Member of Congress

cc: The Honorable Jerrold L. Nadler
Chairman

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951
judiciary.house.gov

November 2, 2021

Mr. Mark Lesko
Acting Assistant Attorney General
National Security Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Lesko:

We are continuing to investigate the troubling attempts by the Department of Justice and the White House to use the heavy hand of federal law enforcement to target concerned parents at local school board meetings and chill their protected First Amendment activity. The Department's actions, including the involvement of the National Security Division, came days after the Biden Administration received a letter from the National School Boards Association (NSBA) equating parents as domestic terrorists and urging the Department to exercise its authorities under the Patriot Act.

The National Security Division was created by the Patriot Act, and its mission is to "protect the United States from threats to our national security."¹ It is organized to "ensure greater coordination and unity of purpose between prosecutors and law enforcement agencies, on the one hand, and intelligence attorneys and the Intelligence Community, on the other."² It is unclear what threat the Department believes American parents pose to our national security, nor why the Department could view any threat posed by parents as requiring coordination with our foreign intelligence agencies. Unfortunately, in testimony before the Committee, Attorney General Garland was unable or unwilling to explain why he directed the National Security Division to participate in this ill-conceived endeavor.³ Thus, we write to request additional information about the Division's role in the Biden Administration's efforts to target concerned parents.

On September 29, 2021, the NSBA sent a letter to President Joe Biden requesting help from the federal government with concerned parents voicing their opinions at school board

¹ *National Security Division: About the Division*, U.S. Dep't of Justice (last updated Apr. 12, 2019), <https://www.justice.gov/nsd/about-division>.

² *Id.*

³ *Oversight of the United States Department of Justice: Hearing Before the H. comm. on the Judiciary*, 117th Cong. at 67 (2021) (testimony from Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice).

meetings.⁴ The NSBA letter stated that “malice, violence, and threats” against school officials “could be the equivalent of a form of domestic terrorism or hate crimes.”⁵ The NSBA letter cited a number of interactions at school board meetings, including one “example” of alleged domestic terrorism in Loudoun County, Virginia, where a father angrily confronted members at a school board meeting about the heinous sexual assault of his daughter.⁶

On October 4, 2021, just five days after the NSBA letter, Attorney General Merrick Garland issued a shocking memorandum that directed the Federal Bureau of Investigation and U.S. Attorneys’ Offices to address a purported “disturbing spike in harassment, intimidation, and threats of violence” at school board meetings.⁷ The memorandum explained that the Department would be “using its authority and resources to discourage these threats, identify them when they occur, and prosecute them when appropriate.”⁸ In a press release announcing the Attorney General’s memorandum, the Justice Department announced that the National Security Division would be part of a Department-wide task force “to determine how federal enforcement tools can be used to prosecute these crimes.”⁹

Following the Attorney General’s testimony, the NSBA Board of Directors, apparently recognizing the ill-conceived consequences of its letter and the resulting Justice Department action, issued a new memorandum to its members apologizing for the letter, stating: “On behalf of NSBA, we regret and apologize for the letter.”¹⁰ (emphasis in original). Although Attorney General Garland testified that the NSBA letter to President Biden was the basis for his October 4 directive to insert federal law enforcement into local school board matters, the Attorney General has yet to rescind his memorandum. His directives to the National Security Division remain in effect.

Concerned parents voicing their strong opposition to controversial curricula at local schools are not domestic terrorists. Parents have an undisputed right to direct the upbringing and education of their children.¹¹ When parents, however, cross the line to commit a violent act or issue a criminal threat,¹² state and local authorities are best-equipped to handle these violations of state law. But we must not tolerate the use of the federal law enforcement apparatus to intimidate and silence parents using their Constitutional rights to advocate for their child’s future.

⁴ Letter from Dr. Viola M. Garcia, President, Nat’l School Board Assoc. & Mr. Chip Slaven, Chief Exec. Officer, Nat’l School Board Assoc., to President Joseph R. Biden, White House (Sept. 29, 2021).

⁵ *Id.*

⁶ *Id.*; see also Jessica Chasmar, *Loudoun County father arrested at school board events says school tried to cover up daughter’s bathroom assault*, FOX NEWS (Oct. 12, 2021); Caroline Downey, *Vast majority of incidents cited by school-board group to justify federal intervention didn’t involve threats*, NAT’L REV. (Oct. 2, 2021).

⁷ Memorandum from Atty Gen. Merrick Garland, U.S. Dep’t of Justice, Partnership Among Federal, State, Local, Tribal, And Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff (Oct. 4, 2021).

⁸ *Id.*

⁹ Press Release, U.S. Dep’t of Justice, Justice Department Addresses Violent Threats Against School Officials and Teachers (Oct. 4, 2021).

¹⁰ Memorandum from NSBA Board of Directors, Message to NSBA Members (Oct. 22, 2021).

¹¹ *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (citing *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923)).

¹² *Merrick Garland’s federal offense*, WALL ST. J. (Oct. 6, 2021).

To assist our investigation, we request that you produce the following documents and information:

1. All documents and communications referring or relating to the establishment of the Department's task force and the National Security Division's role as a member of the task force;
2. All documents and communications between employees of the Department of Justice and U.S. intelligence agencies referring or relating to alleged threats posed by concerned parents at local school board meetings, the NSBA's letter dated September 29, 2021, or the Attorney General's memo dated October 4, 2021;
3. All agendas, minutes, and notes created by or relied upon by National Security Division employees referring or relating to the Department's task force;
4. Please explain the National Security Division's role in the Department's task force, including what federal statutes within the Division's jurisdiction it intends to use in investigating concerned parents at school board meetings;
5. Please identify by name and title all National Security Division employees involved in the Department's task force; and
6. Please provide all recommendations, both formal and informal, that the National Security Division has made to the Department's task force.

Please provide this material as soon as possible but no later than 5:00 p.m. on November 16, 2021.

If you have any questions about this request, please contact Committee staff at (202) 225-6906. Thank you for your attention to this matter.



Jim Jordan
Ranking Member

Sincerely,



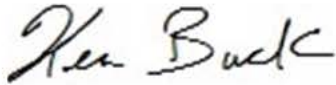
Steve Chabot
Member of Congress



Louie Gohmert
Member of Congress



Darrell Issa
Ranking Member
Subcommittee on Courts, Intellectual
Property, and the Internet



Ken Buck
Ranking Member
Subcommittee on Antitrust, Commercial
and Administrative Law



Matt Gaetz
Member of Congress



Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties




Andy Biggs
Ranking Member
Subcommittee on Crime, Terrorism
and Homeland Security



Tom McClintock
Ranking Member
Subcommittee on Immigration
and Citizenship



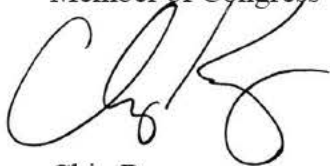
W. Gregory Steube
Member of Congress



Tom Tiffany
Member of Congress



Thomas Massie
Member of Congress



Chip Roy
Member of Congress



Dan Bishop
Member of Congress



Michelle Fischbach
Member of Congress



Victoria Spartz
Member of Congress

Mr. Mark Lesko
November 2, 2021
Page 5



Scott Fitzgerald
Member of Congress



Cliff Bentz
Member of Congress



Burgess Owens
Member of Congress

cc: The Honorable Jerrold L. Nadler
Chairman

MITCH MCCONNELL
KENTUCKY



United States Senate
OFFICE OF THE REPUBLICAN LEADER
WASHINGTON, D.C. 20510

October 7, 2021

Attorney General Merrick Garland
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Attorney General Garland:

I am concerned by your memorandum of October 4, 2021, regarding parental schoolboard protests. In it you directed federal law enforcement to partner with state and local governments to address “threats of violence, and other forms of intimidation and harassment” of “school administrators, board members, teachers, and staff” in public schools. The memorandum purports to respond to a “disturbing spike” in threats and harassment against these officials—although it’s silent as to the supposed perpetrators or any actual predicates for this action.

Your memorandum’s ominous rhetoric doesn’t reflect the reality of what we have seen at schoolboards across the country in recent months.

Parents absolutely should be telling their local schools what to teach. This is the very basis of representative government. They do this both in elections and—as protected by the First Amendment of the Constitution—while petitioning their government for redress of grievance. Telling elected officials they’re wrong is democracy, not intimidation.

I hope you will agree with me that the kind of grassroots interest parents have shown throughout the country in both the methods and substance of their children’s education is to be commended and encouraged. It’s not a Democratic or Republican issue, but a democratic and republican one.

While some schoolboard meetings have involved altercations with the police, they seem to have been isolated and dealt with effectively by local law enforcement. Violence, threats of violence, and other criminal behavior are always wrong.

On the other hand, in your very backyard of Virginia, there have been shocking efforts by public officials to organize for the intimidation and harassment of parents who have the temerity to want a better education for their children. One Loudon County schoolboard member participated in a Facebook group that compiled a list of parents opposed to Critical Race Theory and

discussed hacking their websites.¹ It's a situation where legal accountability is difficult because the Loudon County Prosecutor was also a member of the group seeking to "doxx" concerned parents.² It's exactly this kind of intimidation of *private citizens by government officials* that our federal civil rights laws were designed to prevent.

I would therefore like answers to the following questions before your upcoming hearing in the Senate Judiciary Committee.

1. In your memorandum, what are the operative definitions of the terms "harassment" and "intimidation"?
2. In your view, is an effort to recall a schoolboard member or to challenge her policies publicly ever an instance of an "effort[] to intimidate individuals based on their views"?
3. Why, in your view, are state and local law enforcement not adequately equipped to deal with any violence or threats that may arise from schoolboard protests?
4. As I mentioned earlier, in Loudon County, Virginia, a schoolboard member, the County Prosecutor, current and former teachers, and their political allies banded together to intimidate parents who opposed the teaching of Critical Race Theory.
 - a. In your view could these efforts, if successful, amount to a deprivation of constitutional rights under color of law?
 - b. What, if anything, is the Civil Rights Division doing to investigate this and other efforts by government officials to abridge the free speech of citizens?
5. Prior to issuing this memorandum did you, the Deputy Attorney General, the Associate Attorney General, the Assistant Attorney General for Civil Rights, or anyone on your staffs, communicate with the American Federation of Teachers, the National Education Association, or the National School Boards Association about this memorandum? If so please explain the nature of those conversations and provide to me any such communications.

Sincerely,



MITCH McCONNELL
SENATE REPUBLICAN LEADER

¹ Luke Rosiak, *Victory For Parents As Judge Sides With Loudon Parents, Against Prosecutor On School Board Recall*, The Daily Wire (Oct. 5, 2021), available at <https://www.dailywire.com/news/victory-for-loudoun-parents-as-judge-sides-with-loudoun-parents-against-prosecutor-barts-biberaj>.

² Hayley Milon Bour, *Barts Recall Case Advances; Commonwealth's Attorney Disqualified*, Loudon Now (Oct. 5, 2021), available at <https://loudonnow.com/2021/10/05/barts-recall-case-advances-commonwealths-attorney-disqualified/>.