

From: Seidman, Ricki (OASG)
Subject: Qs for Prep 10-26-21 update TRACY -- PLEASE PRINT COPIES FOR EVERYONE....
To: Washington, Tracy T (OAG)
Cc: Klapper, Matthew B. (OAG); Heinzelman, Kate (OAG); Goodlander, Margaret V. (OAG); Greenfeld, Helaine A. (OLA); Coley, Anthony D. (PAO); Seidman, Ricki (OASG)
Sent: October 26, 2021 12:44 PM (UTC-04:00)
Attached: Qs for Prep 10-26-21 update.docx

Scoped Out Per Agreement - Also (b)(5)



Grassley KATE

Scoped Out Per Agreement - Also (b)(5)



Scoped Out Per Agreement - Also (b)(5)

- (b) (5)

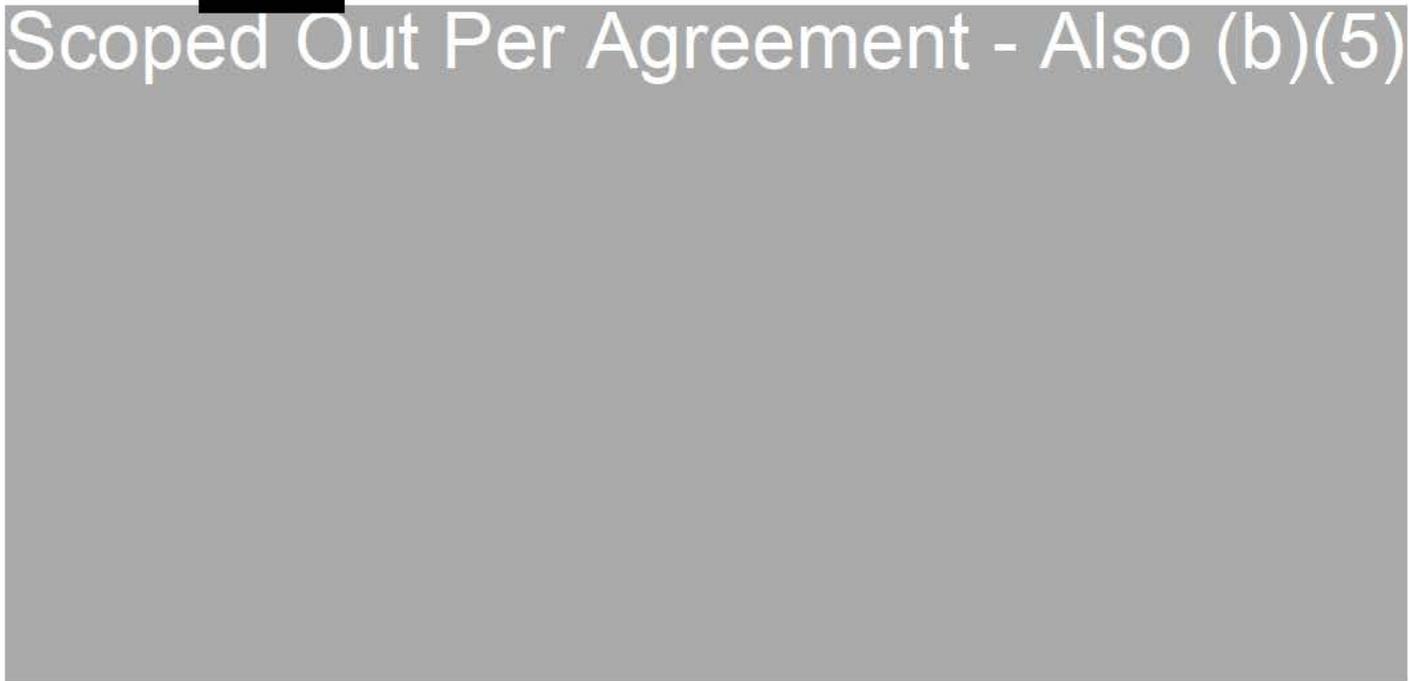
Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)



- (b) (5) [Redacted]
- (b) (5) [Redacted]
- (b) (5) [Redacted]
 - [Redacted]
 - [Redacted]

Scoped Out Per Agreement - Also (b)(5)



Scoped Out Per Agreement - Also (b)(5)

Lee/Cruz Matt

Scoped Out Per Agreement - Also (b)(5)

- (b) (5) [Redacted]
- (b) (5) [Redacted]

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)

Hawley/Cotton **Ricki**

- (b) (5)

Scoped Out Per Agreement - Also (b)(5)

- (b) (5)

- (b) (5)

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)

Sen. John Kennedy, LA / Blackburn/Tillis Anthony

- (b) (5)
- (b) (5)

Scoped Out Per Agreement - Also (b)(5)

From: Lewis, Megan (ODAG)
Subject: DAG Book: OLA Weekly Meeting Agenda
To: Suero, Maya A. (ODAG); Brockman, Audrey (ODAG)
Cc: Lin, Frank (ODAG); Singh, Anita M. (ODAG); Loeb, Emily M. (ODAG); Goodlander, Margaret V. (OAG)
Sent: November 4, 2021 4:49 PM (UTC-04:00)
Attached: 11.5.21 OLA Meeting - Agenda.docx, Draft Response to School Board memo - 11.2.21.docx

Maya, please print the attached agenda for tomorrow, as well as the attached draft relevant to agenda item 1.

Thanks,
Meg

Megan S. Lewis
Senior Counsel
Office of the Deputy Attorney General
U.S. Department of Justice
Cell: (b) (6)
(b) (6)

**AGENDA
FOR THE DEPUTY ATTORNEY GENERAL**

FROM: OLA
SUBJECT: Weekly Meeting
DATE: November 5, 2021

1. Response to School Board Letters

Scoped Out Per Agreement - Also (b)(5)

From: Greenfeld, Helaine A. (OLA)
Subject: RE: School Board memo letters
To: Loeb, Emily M. (ODAG); Gaeta, Joseph (OLA); Lewis, Megan (ODAG)
Cc: Hyun, Peter (OASG); Goodlander, Margaret V. (OAG); Coley, Anthony D. (PAO); Iverson, Dena (PAO); Calce, Christina M. (OLA); Antell, Kira M. (OLA)
Sent: October 25, 2021 12:33 PM (UTC-04:00)

Any movement on this response? The incomings are piling up.

From: Greenfeld, Helaine A. (OLA)
Sent: Friday, October 8, 2021 11:43 AM
To: Loeb, Emily M. (ODAG) (b) (6); Gaeta, Joseph (OLA) (b) (6); Lewis, Megan (ODAG) (b) (6)
Cc: Hyun, Peter (OASG) (b) (6); Goodlander, Margaret V. (OAG); Coley, Anthony D. (PAO) (b) (6); Iverson, Dena (PAO); Calce, Christina M. (OLA) (b) (6); Antell, Kira M. (OLA) (b) (6)
Subject: RE: School Board memo letters

Here's our draft, taken almost word for word from OPA's response and the memo itself. We are now up to 9 letters signed by a total of 150 members, and counting. We would like to get this turned around ASAP.

From: Loeb, Emily M. (ODAG) (b) (6)
Sent: Thursday, October 7, 2021 9:41 PM
To: Gaeta, Joseph (OLA) (b) (6); Lewis, Megan (ODAG) (b) (6)
Cc: Hyun, Peter (OASG) (b) (6); Goodlander, Margaret V. (OAG); Coley, Anthony D. (PAO) (b) (6); Iverson, Dena (PAO); Calce, Christina M. (OLA) (b) (6); Greenfeld, Helaine A. (OLA) (b) (6); Antell, Kira M. (OLA) (b) (6)
Subject: RE: School Board memo letters

Agree. Thanks very much.

From: Gaeta, Joseph (OLA) (b) (6)
Sent: Thursday, October 7, 2021 6:59 PM
To: Loeb, Emily M. (ODAG) (b) (6); Lewis, Megan (ODAG) (b) (6)
Cc: Hyun, Peter (OASG) (b) (6); Goodlander, Margaret V. (OAG); Coley, Anthony D. (PAO) (b) (6); Iverson, Dena (PAO); Calce, Christina M. (OLA) (b) (6); Greenfeld, Helaine A. (OLA) (b) (6); Antell, Kira M. (OLA) (b) (6)
Subject: School Board memo letters

ODAG,

We've received at least eight letters on the school board memorandum and one request, below, from CJS Senate Majority.

For the letters, OLA recommends (b) (5). If people agree with that approach, OLA will take the pen. For the CJS request, I defer to Alan but would suggest (b) (5). I would assume (b) (5).

Good morning—

Noticed this in my DOJ news round up (<https://www.justice.gov/opa/pr/justice-department-addresses-violent-threats-against-school-officials-and-teachers>). The AG memo doesn't have much detail soooo what the plan for outreach? Are FBI FOs and USAOs just issuing press releases to raise awareness? Holding "listening" sessions? Are agents and AUSAs visiting schools?

How are these threats being tracked? As the number for NTOC is being provided, is there now a code to parse out threats against educators, school administrators or school board members?

Theoretically, what types of charges would result for credible threats against those working for/with schools (civil rights violations, terrorism changes, etc)? Approximately how many cases like this (individuals threatening public K-12 school staff) are currently being investigated and prosecuted by DOJ?

Thanks.

From: Seidman, Ricki (OASG)
Subject: Response to congressional letters re: threats to educators
To: Klapper, Matthew B. (OAG); Coley, Anthony D. (PAO)
Sent: October 12, 2021 5:23 PM (UTC-04:00)
Attached: Draft Response to Oct 4 Letters (EL +kac).rls.docx

(b) (5)

. My goal, as much as possible, was to

(b) (5)

Ricki Seidman
Deputy Associate Attorney General
U.S. Department of Justice

(b) (6)

She/her

From: Iverson, Dena (PAO)
Subject: Re: Letter to AG Garland from Senator Cruz
To: Seidman, Ricki (OASG)
Sent: October 9, 2021 2:42 PM (UTC-04:00)

Haven't heard from Matt yet but my guess is (b) (5)

. Will let you know if (b) (5)

Sent from my iPhone

On Oct 9, 2021, at 2:38 PM, Seidman, Ricki (OASG) (b) (6) wrote:

Dena, (b) (5)

(b) (5)

Can't talk now but would love to talk with you about this one to one.

Sent from my iPhone

On Oct 9, 2021, at 1:04 PM, Iverson, Dena (PAO) (b) (6) wrote:

Good afternoon,

Flagging that McConnell put out a press release this morning about his Thursday letter. CNN has reached out asking whether we have a reaction. (b) (5)

Thanks,
Dena

- (b) (5). There has been misinformation circulated that the Attorney General's directive is an effort to silence those with particular views about COVID-related policies, school curricula, or other topics of public discussion. This is simply not true. As stated clearly in the Attorney General's guidance to the FBI and United States Attorney's Offices, the Department's efforts are about rooting out criminal threats of violence, not about any particular ideology.
- (b) (5)

Sent from my iPhone

On Oct 8, 2021, at 5:31 PM, Klapper, Matthew B. (OAG)

(b) (6) wrote:

Thanks all. We're going to evaluate this flurry of incoming in the context of the approaching hearings and respond accordingly. Will have some one-off conversations and get back to the group soon.

From: Greenfeld, Helaine A. (OLA) (b) (6)
Sent: Friday, October 8, 2021 3:41 PM
To: Goodlander, Margaret V. (OAG) (b) (6);
Klapper, Matthew B. (OAG) (b) (6); Loeb, Emily M.
(ODAG) (b) (6); Coley, Anthony D. (PAO)
(b) (6); Iverson, Dena (PAO)
(b) (6); Heinzelman, Kate (OAG)
(b) (6); Seidman, Ricki (OASG)
(b) (6); Matthews-Johnson, Tamarra D. (OAG)
(b) (6)
Cc: Gaeta, Joseph (OLA) (b) (6); Calce, Christina M. (OLA)
(b) (6)
Subject: RE: Letter to AG Garland from Senator Cruz

And we've gotten a few more today.

From: Goodlander, Margaret V. (OAG) (b) (6)
Sent: Friday, October 8, 2021 3:26 PM
To: Greenfeld, Helaine A. (OLA) (b) (6); Klapper,
Matthew B. (OAG) (b) (6); Loeb, Emily M. (ODAG)
(b) (6); Coley, Anthony D. (PAO)
(b) (6); Iverson, Dena (PAO)
(b) (6); Heinzelman, Kate (OAG)
(b) (6); Seidman, Ricki (OASG)
(b) (6); Matthews-Johnson, Tamarra D. (OAG)
(b) (6)
Cc: Gaeta, Joseph (OLA) (b) (6); Calce, Christina M. (OLA)
(b) (6)
Subject: RE: Letter to AG Garland from Senator Cruz

Thanks, Helaine. Adding Kate, Tamarra, and Ricki here and also attaching the other incoming letters on this topic that OLA has shared + the draft response (with ODAG edits) that was circulated this afternoon.

From: Greenfeld, Helaine A. (OLA) (b) (6)
Sent: Friday, October 8, 2021 3:14 PM
To: Klapper, Matthew B. (OAG) (b) (6); Goodlander,
Margaret V. (OAG) (b) (6); Loeb, Emily M.
(ODAG) (b) (6); Coley, Anthony D. (PAO)
(b) (6); Iverson, Dena (PAO)
(b) (6)
Cc: Gaeta, Joseph (OLA) (b) (6); Calce, Christina M. (OLA)
(b) (6)
Subject: FW: Letter to AG Garland from Senator Cruz

FYI – we have gotten about 10 letters over the last 2 days, signed by about 120 different members, on the AG’s memo about threats against school boards. This one asks questions about the AG’s family, so I thought it was worth pointing out in particular.

From: Davis, Andrew (Judiciary-Rep) (b) (6)

Sent: Friday, October 8, 2021 2:34 PM

To: Greenfeld, Helaine A. (OLA) (b) (6)

Subject: [EXTERNAL] Letter to AG Garland from Senator Cruz

Helaine:

Please find attached a letter from Senators Cruz, Lee, and Blackburn to Attorney General Garland.

Regards,

Andrew Davis

Chief Counsel, U.S. Senator Ted Cruz (R-Texas)

U.S. Senate Committee on the Judiciary

(b) (6)

From: Klapper, Matthew B. (OAG)
Subject: Re: Letter to AG Garland from Senator Cruz
To: Greenfeld, Helaine A. (OLA)
Cc: Iverson, Dena (PAO); Goodlander, Margaret V. (OAG); Loeb, Emily M. (ODAG); Coley, Anthony D. (PAO); Heinzelman, Kate (OAG); Seidman, Ricki (OASG); Matthews-Johnson, Tamarra D. (OAG); Gaeta, Joseph (OLA); Calce, Christina M. (OLA)
Sent: October 9, 2021 1:57 PM (UTC-04:00)

Will call you shortly Dena.

Sent from my iPhone

On Oct 9, 2021, at 1:10 PM, Greenfeld, Helaine A. (OLA) (b) (6) wrote:

I defer to Matt on this.

From: Iverson, Dena (PAO) (b) (6)
Sent: Saturday, October 9, 2021 1:05 PM
To: Klapper, Matthew B. (OAG) (b) (6)
Cc: Greenfeld, Helaine A. (OLA) (b) (6); Goodlander, Margaret V. (OAG) (b) (6); Loeb, Emily M. (ODAG) (b) (6) Coley, Anthony D. (PAO) (b) (6); Heinzelman, Kate (OAG) (b) (6); Seidman, Ricki (OASG) (b) (6); Matthews-Johnson, Tamarra D. (OAG) (b) (6); Gaeta, Joseph (OLA) (b) (6); Calce, Christina M. (OLA) (b) (6)
Subject: Re: Letter to AG Garland from Senator Cruz

Duplicative Material, Document ID: 0.7.1451.28629

From: Hornbuckle, Wyn (PAO)
Subject: Re: CNN Query: McConnell Letter to AG Garland on DOJ Targeting Concerned Parents
To: Iverson, Dena (PAO)
Cc: Coley, Anthony D. (PAO)
Sent: October 9, 2021 1:02 PM (UTC-04:00)

Super thanks

Sent from my iPhone

On Oct 9, 2021, at 12:53 PM, Iverson, Dena (PAO) (b) (6) wrote:

Thanks Wyn,

I'll flag for OLA, I believe (b) (5). I can respond to CNN.

Dena

Sent from my iPhone

On Oct 9, 2021, at 12:19 PM, Hornbuckle, Wyn (PAO) (b) (6) wrote:

Drawing on the statement we've already given, bolded below, and attached TPS, how about the following response? I'm happy for OLA/Dena to take over with this now if that seems more appropriate. But also am comfortable continuing to handle.

- (b) (5). There has been **misinformation circulated that the Attorney General's directive is an effort to silence those with particular views about COVID-related policies, school curricula, or other topics of public discussion. This is simply not true. As stated clearly in the Attorney General's guidance to the FBI and United States Attorney's Offices, the Department's efforts are about rooting out criminal threats of violence, not about any particular ideology.**
- (b) (5).

From: Crawford, Jamie (b) (6)
Sent: Saturday, October 9, 2021 12:03 PM
To: Hornbuckle, Wyn (PAO) (b) (6)
Subject: [EXTERNAL] CNN Query: McConnell Letter to AG Garland on DOJ Targeting Concerned Parents

Good afternoon Wyn,

So sorry to bother you during the weekend but just wanted to check if the Justice Department had any comment on this letter from Sen. McConnell to Attorney General Garland. If there is

anything you are able to provide for our reporting on this we will of course include.

Many thanks as always for your assistance.

Best regards,

Jamie Crawford

CNN Senior Producer

From: "Leader McConnell Press (McConnell)"
<Leader_Mcconnell@mcconnell.senate.gov>

Date: October 9, 2021 at 10:55:19 AM EDT

Subject: McConnell Letter to AG Garland on DOJ Targeting Concerned Parents

<image002.png>

For Immediate Release, Saturday, October 9, 2021

Contacts: David Popp, Doug Andres

Robert Steurer, Stephanie Penn

Press release link: <https://bit.ly/2Yz2g9z>

McConnell Letter to AG Garland on DOJ Targeting Concerned Parents

WASHINGTON D.C. — *U.S. Senate Republican Leader Mitch McConnell (R-KY) wrote a letter today to Attorney General Merrick Garland concerning his announcement that the Department of Justice will scrutinize and target parents who express concern about their children's public educations.*

The full letter is available [here](#).

Excerpts from the letter are below:

- "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."
- "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... It's exactly this kind of intimidation of private citizens by government officials that our federal civil rights laws were designed to prevent. "
- "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?"

The full letter is available [here](#).

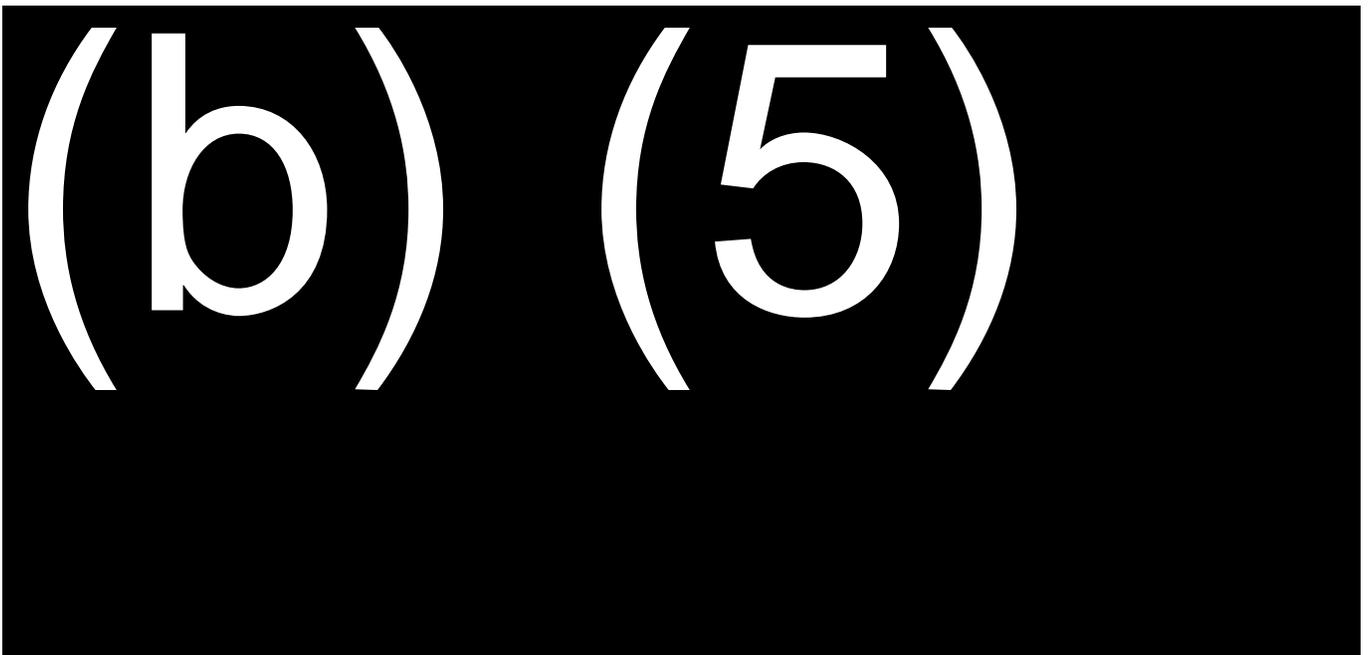
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<Draft TPs to USAs (10.6.21) FINAL.docx>

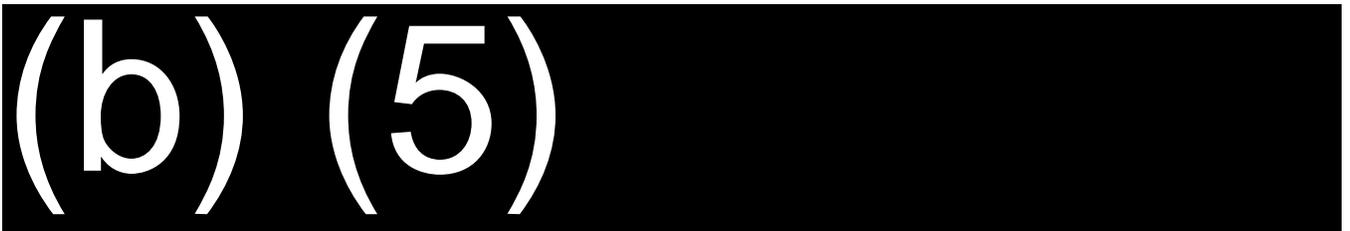
Justice Department Addresses Violent Threats Against School Officials and Teachers

On October 4, 2021, citing an increase in harassment, intimidation and threats of violence against school board members, teachers and workers in our nation's public schools, today Attorney General Merrick B. Garland directed the FBI and U.S. Attorneys' Offices to meet in the next 30 days with federal, state, Tribal, territorial and local law enforcement leaders to discuss strategies for addressing this disturbing trend. These sessions will open dedicated lines of communication for threat reporting, assessment and response by law enforcement.

Below are talking points for use by U.S. Attorneys and other Department officials in speaking with law enforcement partners, community stakeholders or the press:



- There has been misinformation circulated that the Attorney General's directive is an effort to silence those with particular views about COVID-related policies, school curricula, or other topics of public discussion.
- This is simply not true. As stated clearly in the Attorney General's guidance to the FBI and United States Attorney's Offices, the Department's efforts are about rooting out criminal threats of violence, not about any particular ideology.



(b) (5)

From: Catherine Milhoan
Subject: Re: TP's on Threats Against School Officials
To: Pietranton, Kelsey (PAO); (b)(6), (b)(7)(C) per FBI (OPA) (FBI)
Cc: Coley, Anthony D. (PAO); Hornbuckle, Wyn (PAO); Iverson, Dena (PAO)
Sent: October 13, 2021 9:40 PM (UTC-04:00)

Thanks Kelsey.

Cathy Milhoan
Assistant Director
FBI Office of Public Affairs
(b)(6), (b)(7)(E) per FBI

From: Pietranton, Kelsey (PAO) (b) (6)
Sent: Wednesday, October 13, 2021 3:47:39 PM
To: Milhoan, Catherine L. (OPA) (FBI) (b)(6), (b)(7)(C), (b)(7)(E) per FBI; (b)(6), (b)(7)(C), (b)(7)(E) per FBI
Cc: Coley, Anthony D. (PAO) (JMD) (b) (6); Hornbuckle, Wyn (PAO) (JMD)
(b) (6); Iverson, Dena (PAO) (JMD) (b) (6)
Subject: [EXTERNAL EMAIL] - TP's on Threats Against School Officials

Hi Cathy (and (b)(6), (b)(7)(C)),

Attached as requested please find some draft talking points for the Director to use tomorrow, should the topic of threats to school officials come up. These are based off some TP's that Wyn prepared for USAOs, and that I added to with language I know the D has used in the past re: dual/simultaneous mission.

Please let me know what else you need from us.

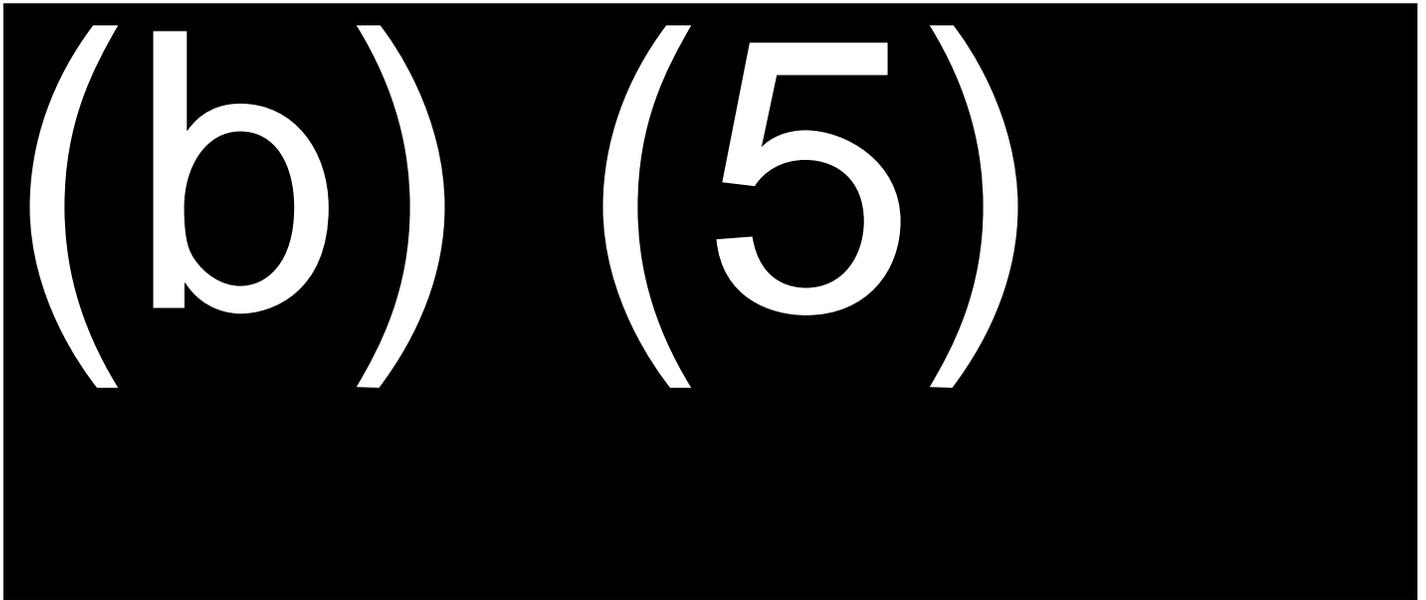
Thanks very much,
Kelsey

Kelsey Pietranton
Office of Public Affairs
Department of Justice
(o) (b) (6)
(m) (b) (6)

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Potential Questions

(b) (5)

The AG's announcement referred to the creation of a task force. Has that task force been stood up already and who all is part of it? Did the FBI set it up or is it a Joint Task Force with other law enforcement entities?¹

(b) (5)

¹ Exact question from FOX News.

(b) (5)

From: Pietranton, Kelsey (PAO)
Subject: RE: FBI Follow-up
To: Coley, Anthony D. (PAO); Iverson, Dena (PAO); Hornbuckle, Wyn (PAO)
Sent: October 13, 2021 2:32 PM (UTC-04:00)
Attached: Draft TPs to USAs (10.6.21) FINAL.docx (KLP FBI).docx

Apologies for the delay here, I got pulled into some other matters. Cathy just followed up on this which reminded me to circle back.

Wyn, attached for your review is some additional Q&A that I drafted on top of the TP's you worked on this. (b) (5)

Anthony, I know Cathy is eager to speak with you on this. Please let me know what you need from me.

Dena, may I defer to you to add your question?

Thanks!
Kelsey

Kelsey Pietranton
Office of Public Affairs
Department of Justice
(o) (b) (6)
(m) (b) (6)

From: Pietranton, Kelsey (PAO)
Sent: Wednesday, October 13, 2021 11:24 AM
To: Coley, Anthony D. (PAO) (b) (6); Iverson, Dena (PAO) (b) (6);
Hornbuckle, Wyn (PAO) (b) (6)
Subject: FBI Follow-up

Anthony, I can work on pulling together some draft TP's for you all to review.

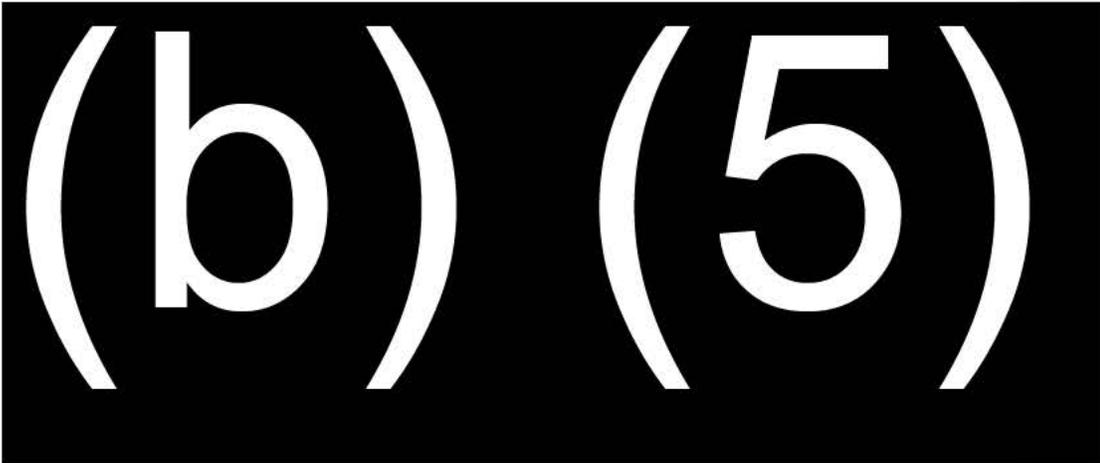
Is there anything else you need to follow up with the FBI?

Kelsey Pietranton
Office of Public Affairs
Department of Justice
(o) (b) (6)
(m) (b) (6)

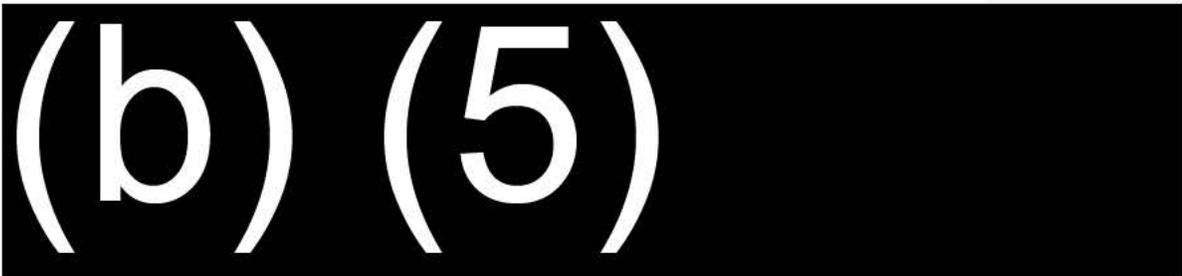
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Potential Questions

The AG's announcement referred to the creation of a task force. Has that task force been stood up already and who all is part of it? Did the FBI set it up or is it a Joint Task Force with other law enforcement entities?

Commented [PK(1)]: FOX asked this exact question.

(b) (5)

(b) (5)

From: (b)(6) Anthony Coley (PAO)
Subject: McConnell Letter to AG
To: Klapper, Matthew B. (OAG); Greenfeld, Helaine A. (OLA); Gaeta, Joseph (OLA)
Sent: October 9, 2021 12:54 PM (UTC-04:00)
Attached: image002.png, Draft TPs to USAs (10.6.21) FINAL.docx

New letter from McConnell. CNN's the first to ask for comment.

Previously cleared/used language in bold. Think we should (b) (5).

Im on my cell, if anyone wants to discuss.

- **There has been misinformation circulated that the Attorney General's directive is an effort to silence those with particular views about COVID-related policies, school curricula, or other topics of public discussion. This is simply not true. As stated clearly in the Attorney General's guidance to the FBI and United States Attorney's Offices, the Department's efforts are about rooting out criminal threats of violence, not about any particular ideology.**
- (b) (5)

From: "Leader McConnell Press (McConnell)" <Leader_Mcconnell@mcconnell.senate.gov>
Date: October 9, 2021 at 10:55:19 AM EDT
Subject: McConnell Letter to AG Garland on DOJ Targeting Concerned Parents

For Immediate Release, Saturday, October 9, 2021
Contacts: David Popp, Doug Andres
Robert Steurer, Stephanie Penn
Press release link: <https://bit.ly/2Yz2g9z>

McConnell Letter to AG Garland on DOJ Targeting Concerned Parents

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- “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.”
- “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... It's exactly this kind of intimidation of private citizens by government officials that our federal civil rights laws were designed to prevent. ”
- “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?”

The full letter is available [here](#).

###

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Helaine Greenfeld
Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Senate Judiciary Committee Oversight Hearing on October 27, 2021

DATE: October 19, 2021

On October 27, 2021 at 10:00 am, you are scheduled to testify before the Senate Judiciary Committee for its annual oversight hearing of the Department of Justice. There is no more specific agenda for the hearing. Members can question you on any topic. We expect the hearing to be mostly in-person, with the possibility that a few members will use the remote option.

TIMING AND SCHEDULE OF OCTOBER 21 HEARING

The Senate Judiciary Committee has 22 members – 11 in the majority and 11 in the minority – and each gets 7 minutes to question you. The hearing should be about 3 hours long, provided there is no break for votes.

A rough estimate of the hearing cadence is as follows:

5 min - Opening Statement by Committee Chair Durbin
5 min - Opening Statement by Ranking Member Grassley
5 min – Attorney General’s Opening Statement
2.6 hours – First Round of Q and A (*22 members x 7-min per member*)

We will work with Committee staff to work in breaks at regular intervals. The hearing could be interrupted by votes or a lunch break.

TOPICS FOR OCTOBER 27 HEARING

This is a general oversight hearing which could cover any topic in the jurisdiction of the Department and then some. While the majority on the Committee will want to give you time to talk about the Department’s achievements and the work that you are proud of, they will not hold back on asking you tougher, more politically-pointed questions. We expect (b) (5)



(b) (5)

[REDACTED]

(b) (5)

[REDACTED]. We expect (b) (5)
[REDACTED]. We will hear about (b) (5)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]”.

WHAT WE EXPECT FROM INDIVIDUAL MEMBERS

What follows are brief bios of each of the Committee’s 22 members and OLA’s general understanding of the topics each will likely cover. As we get closer to the hearing, we will learn more about the particular areas in which each member may question you.

Senate Committee on the Judiciary
11 Members of the Minority



Ranking Member Chuck Grassley, IA

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)

October 4 School Board Memo

- (b) (5)

Scoped Out Per Agreement - Also (b)(5)



Sen. John Cornyn, TX

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)

October 4 School Board Memo

- (b) (5)

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)



Sen. Mike Lee, UT

October 4 School Board Memo

- (b) (5)

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)



Sen. Ted Cruz, TX

October 4 School Board Memo

- (b) (5)

Scoped Out Per Agreement - Also (b)(5)



Sen. Ben Sasse, NE
October 4 School Board Memo

- (b) (5) [Redacted]

Scoped Out Per Agreement - Also (b)(5)



Sen. Josh Hawley, MO

October 4 School Board Memo

- (b) (5) [Redacted]
- (b) (5) [Redacted]

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)



Sen. Tom Cotton, AR
October 4 School Board Memo

- (b) (5) [REDACTED]
 - (b) (5) [REDACTED]
- [REDACTED]

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)



Sen. John Kennedy, LA
October 4 School Board Memo

- (b) (5) [REDACTED]
 - (b) (5) [REDACTED]
- [REDACTED]

Scoped Out Per Agreement - Also (b)(5)



Sen. Marsha Blackburn, TN
October 4 School Board Memo

- (b) (5) [REDACTED]
 - (b) (5) [REDACTED]
- [REDACTED]

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)

From: Greenfeld, Helaine A. (OLA)
Subject: RE: your memo
To: Heinzelman, Kate (OAG)
Sent: October 22, 2021 5:41 PM (UTC-04:00)
Attached: Background Memo for the AG from OLA 10.21.2021.docx

Here you go. And it is in the one drive Maggie set up as well.

From: Heinzelman, Kate (OAG) (b) (6)

Sent: Friday, October 22, 2021 5:40 PM

To: Greenfeld, Helaine A. (OLA) (b) (6)

Subject: your memo

Helaine –

Would you mind sending me a copy of your hearing prep memo?

Many thanks!

Kate

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Helaine Greenfeld
Deputy Assistant Attorney General for Legislative Affairs

SUBJECT: Senate Judiciary Committee Oversight Hearing on October 27, 2021

DATE: October 22, 2021

On October 27, 2021 at 10:00 am, you are scheduled to testify before the Senate Judiciary Committee for its annual oversight hearing of the Department of Justice. There is no more specific agenda for the hearing. Members can question you on any topic. We expect the hearing to be mostly in-person, with the possibility that a few members will use the remote option.

TIMING AND SCHEDULE OF OCTOBER 27 HEARING

The Senate Judiciary Committee has 22 members – 11 in the majority and 11 in the minority – and each gets 7 minutes to question you. If there are requests for a second round, the Chair may grant 3 minute second rounds. The hearing should be about 3 hours long, provided there is no break for votes.

A rough estimate of the hearing cadence is as follows:

5 min - Opening Statement by Committee Chair Durbin
5 min - Opening Statement by Ranking Member Grassley
5 min – Attorney General’s Opening Statement
2.6 hours – First Round of questions (*22 members x 7-min per member*)
15 min – Second Round of question (*5 members x 3-min per member*)

3 hours

We will work with Committee staff to work in breaks at regular intervals. The hearing could be interrupted by votes or a lunch break.

TOPICS FOR OCTOBER 27 HEARING

This is a general oversight hearing which could cover any topic in the jurisdiction of the Department and then some. (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]. We expect (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

(b) (5)

[REDACTED]. We expect (b) (5)

[REDACTED]. We will hear about (b) (5)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

WHAT WE EXPECT FROM INDIVIDUAL MEMBERS

What follows are OLA's general understanding of the topics each will likely cover. As we get closer to the hearing, we will learn more about the particular areas in which each member may question you.

Senate Committee on the Judiciary
11 Members of the Majority



Committee Chair – Senator Dick Durbin, IL
School Boards Memo

- (b) (5) [REDACTED]
- (b) (5) [REDACTED]

Scoped Out Per Agreement - Also (b)(5)

Senate Committee on the Judiciary
11 Members of the Minority



Ranking Member Chuck Grassley, IA

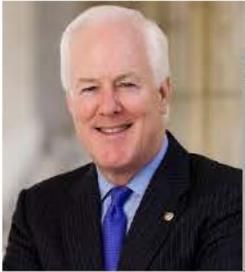
Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)

October 4 School Board Memo

- (b) (5)

Scoped Out Per Agreement - Also (b)(5)



Sen. John Cornyn, TX

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)

October 4 School Board Memo

- (b) (5)

Scoped Out Per Agreement - Also (b)(5)



Sen. Mike Lee, UT
October 4 School Board Memo

- (b) (5)

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)



Sen. Ted Cruz, TX

October 4 School Board Memo

- (b) (5) [REDACTED]?

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)



Sen. Ben Sasse, NE
October 4 School Board Memo

- (b) (5)

Scoped Out Per Agreement - Also (b)(5)





Sen. Josh Hawley, MO

October 4 School Board Memo

- (b) (5) [REDACTED]
 - (b) (5) [REDACTED]
- [REDACTED]

Scoped Out Per Agreement - Also (b)(5)



Sen. Tom Cotton, AR
October 4 School Board Memo

- (b) (5) [Redacted]
 - (b) (5) [Redacted]
- [Redacted]

Scoped Out Per Agreement - Also (b)(5)



Sen. John Kennedy, LA
October 4 School Board Memo

- (b) (5) [Redacted]
 - (b) (5) [Redacted]
- [Redacted]

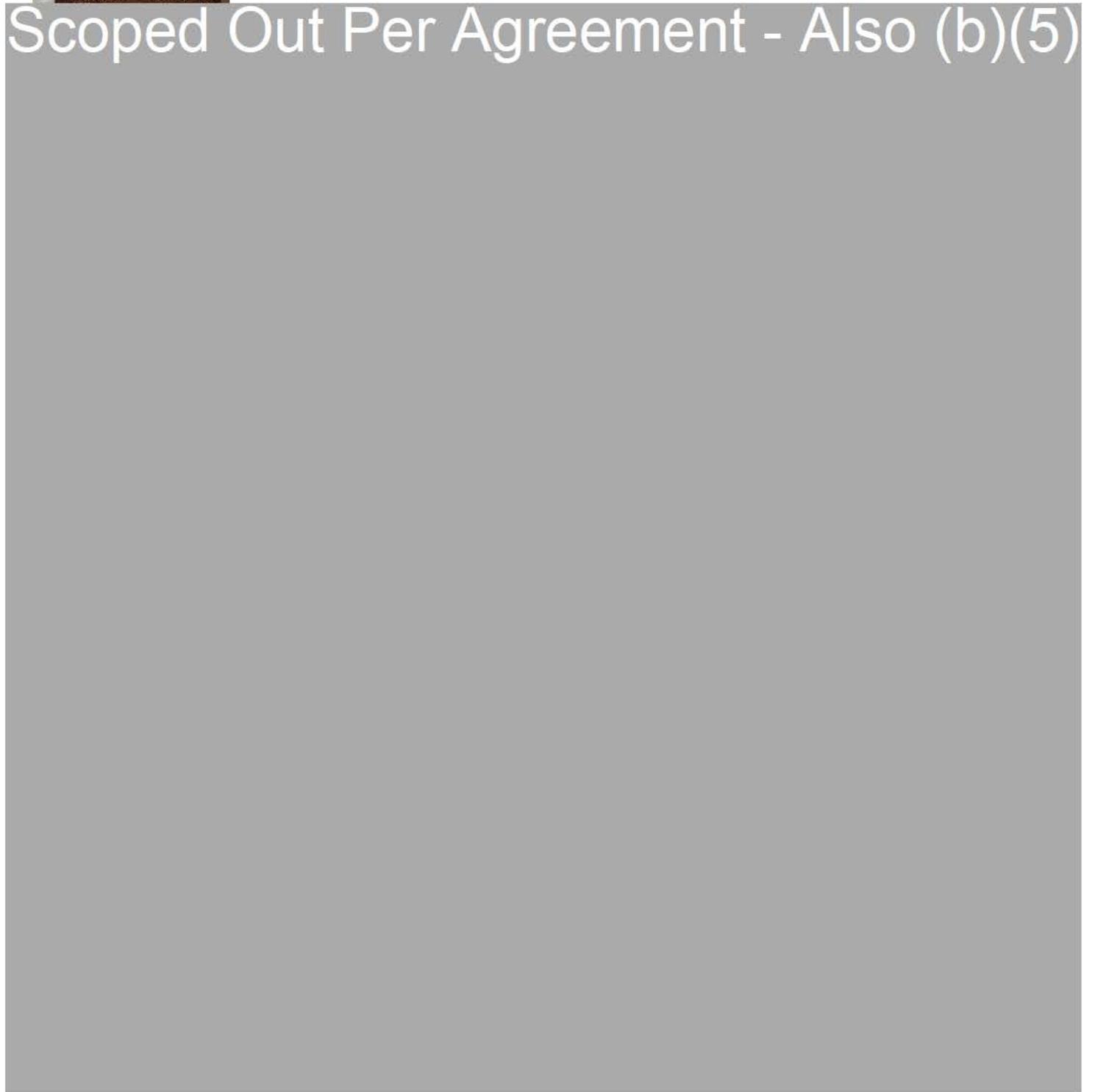
Scoped Out Per Agreement - Also (b)(5)



Sen. Marsha Blackburn, TN
October 4 School Board Memo

- (b) (5) [Redacted]
 - (b) (5) [Redacted]
- [Redacted]

Scoped Out Per Agreement - Also (b)(5)



Questions for the Record
"Oversight of the Department of Justice"
Ranking Member Charles Grassley
November 3, 2021

Scoped Out Per Agreement

18. Regarding your October 4, 2021, memo discussing, “Partnership, among federal, state, local, tribal, and territorial law enforcement to address threats against school administrators, board members, teachers, and staff” (October 4 memo), how many U.S. Attorneys have convened meetings with federal, state, local, Tribal, or territorial leaders to discuss the subject matter of that memo?
19. Prior to issuing your October 4 memo, what analysis did you conduct, if any, to determine how that memo might chill the speech of those who wish to communicate with school officials throughout the United States?
20. What instructions, if any, did you provide the various U.S. Attorneys, or any other Department of Justice personnel, about protecting the First Amendment rights of parents and other citizens who contact their local school officials to express their concerns about school administration when executing your October 4 memo’s directions?
21. Since issuing your October 4 memo, how many reports to federal law enforcement have local officials made about communications or other contacts with citizens? What is the Department of Justice’s protocol for storing information provided in such reports that involve activity not reasonably suspected of rising to the level of federal criminal activity, including but not limited to the following matters:
 - a. Who stores that information?
 - b. How is it stored?
 - c. How long is it stored for?
 - d. What are the standards for sharing that information with other Department of Justice personnel?
 - e. What are the standards for sharing that information with personnel outside of the Department of Justice?

Scoped Out Per Agreement

Senator Lindsey Graham
Questions for the Record for Attorney General Merrick Garland
Attorney General of the United States
U.S. Department of Justice (DOJ) Oversight Hearing - October 27, 2021

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement

8. What evidence do you have to support the claim that there has been a disturbing uptick in violence and threats of violence directed at teachers, school board members and school administrators? Please cite specific examples.
9. Was anyone at the Department of Justice a collaborator with the National School Board Association (NSBA) and/or the White House regarding NSBA's letter to President Biden, dated September 29, 2021?
10. Now that the NSBA has apologized for their letter to President Biden, will you retract the memo that was based on that letter?

Scoped Out Per Agreement

Senator Mike Lee
Questions for the Record for Attorney General Merrick Garland
Attorney General of the United States
U.S. Department of Justice (DOJ) Oversight Hearing - October 27, 2021

1. General Garland, under what jurisdictional authority is the Department of Justice tasked with protecting local school board members from being annoyed by their neighbors—parents of children who attend the neighborhood schools?
2. Did you intend for ninety-four US Attorneys to be prosecuting parents who annoy or harass school board members by calling them too many times?
 - a. Did you intend for ninety-four US Attorneys to be prosecuting parents who annoy or harass School Board members by letting their unanswered phone calls continuously ring?
 - b. Did you intend for ninety-four US Attorneys to be prosecuting parents who annoy or harass school board members over the phone?
 - c. If you answered “no” to any subpart of question 2, can you please explain why the acting United States Attorney of Montana sent a letter to the Montana Attorney General, all Montana County Attorneys, All Montana Sheriffs, Montana Office of Public Instruction, and the Montana School Boards Association, suggesting these as possible avenues for prosecuting annoying parents upset with decisions made by their local school boards?
3. In the recent Department of Justice oversight hearing, you claimed to have no knowledge of the memo sent by Acting United States Attorney for Montana, Leif Johnson. Have any other US Attorneys or Acting US Attorneys issued similar memos? If so, please provide copies of these communications to this committee.
4. Other than the memo you published on October 4th, what other direction did you give to US Attorneys relative to how they should pursue cases against annoying parents at school board meetings? If you did not intend for US Attorneys to be prosecuting parents for calling their school boards too many times, what additional direction did you give your US Attorneys to make sure they understood the scope of your direction?
5. In the oversight hearing, you clarified to me that while you specifically mentioned “harassment, intimidation, and threats of violence” in your October 4th memo, you only meant for statues regarding “intimidation” and “harassment” to be pursued by Federal Law Enforcement Officers if the “intimidation” was “made with the intent of placing the victim in fear of bodily harm or death.” Did you make that same clarification in additional communications to your US Attorneys? If so, would you please provide the committee with a copy of those communications?

6. I was alarmed in the recent oversight hearing when I realized you could not—or would not—give the committee any concrete examples of threats of death or bodily harm which formed the basis of your reasoning for sending the October 4th memo. Please list here the “news reports” you relied on to make the decision on October 4th to involve the Department of Justice in what is a purely state matter—acts of unrest and violence at school board meetings.
7. Who brought the examples you listed in question 6 to your attention? What indication did you have that these instances were beyond the ability of local law enforcement to handle?
8. Please provide the most thorough answers possible to the following questions. None of the information requested should be privileged.
 - a. Did you or any member of your staff meet with the National School Boards Association before you issued the October 4th memo?
 - b. Did you or any member of your staff meet with any other interested outside groups before issuing the October 4th memo?
 - c. Can you describe in detail what steps you took personally, or your staff took, to verify the contents of the National School Boards Association letter?
 - d. What specific death threats were mentioned in the letter? Please provide us the details of the examples you relied upon in issuing your memo.
 - e. What specific, independent investigative efforts did you or your staff undertake—outside of reading the examples cited in the National School Boards memo—to determine whether a legitimate, multi-state, coordinated effort to threaten school board members actually exists? Please be specific.
9. In your October 4th memo, you wrote, “[i]n the coming days, the Department will announce a series of measures designed to address the rise in criminal conduct directed toward school personnel.” Please provide this committee with the details of those pending measures.
10. One of the sources cited by the NSBA in their letter to you is a study done by the Armed Conflict Location & Event Data Project about demonstrations over Critical Race Theory (CRT) in the United States.²⁴ The NSBA’s purpose in citing this study is to demonstrate that anti-CRT demonstrations pose a threat to school board members. Notably, however, this study concludes that “despite its prominence within mainstream media and in state legislatures, CRT’s effect on demonstration trends within the United States has been limited compared to movements such as Black Lives Matter, Stop Asian Hate, and Cancel the Rents.” Do you agree with this statement? Is the general rise in demonstrations this past year as concerning to you as the rise in demonstrations at school board meetings?

²⁴ The Armed Conflict Location & Event Data Project (ACLED), “Fact Sheet: Demonstrations over Critical Race Theory in the United States,” July 14, 2021, https://acleddata.com/acleddatanew/wp-content/uploads/2021/07/ACLED_Fact-Sheet_CRT-Demos_2021.pdf.

11. If there are credible instances of violence or threats of violence at school board meetings, why is Department “[c]oordination and partnership with local law enforcement” so “critical” (per the language of your memo) to handling these instances? Has state law enforcement expressed an inability to handle them?

12. Given the National School Board Association’s apology for incendiary language in its letter, and given the fact that local law enforcement has not apparently expressed a need for help in managing school board meetings, why is federal “coordination”—rather intervention—needed at all?

a. Why would federal law enforcement be needed to “discuss[] . . . strategies for addressing threats”? Don’t state and local law enforcement already have strategies in place to do so?

b. You stated in the hearing that federal law enforcement assists state and local law enforcement “every day.” If this kind of assistance occurs routinely, why was the issuance of this memo needed in the first place? Why do federal, state and local law enforcement need to meet to formulate new strategies to address potential violence if they are already doing so on such a regular basis? Isn’t there already a structure in place for federal law enforcement to assist state and local—if needed?

13. The National Security Division was created after the attacks of September 11th to mirror changes made in the FBI to better address external threats against the nation. It combined two sections from the Criminal division – the counterterrorism section and counterespionage section with the Office of Intelligence and Policy Review, the lawyers who submit FISA applications to the FISA Court.

a. Isn’t it true that, among other things, 28 C.F.R. § 0.72(a)(2) provides that the Assistant Attorney General for National Security (AAG/NS) shall “[d]evelop, enforce, and supervise the application of all federal criminal laws related to the national counterterrorism and counterespionage enforcement programs”?

b. Why then, in the October 4, 2021 press release accompanying the memorandum, did you include the NSD on a task force to review school violence?

14. Is there evidence of terrorism, espionage, or other intelligence matters involving protests by parents at local school board meetings that would require the attention of the National Security Division? Do you expect to file applications for warrants under the Foreign Intelligence Surveillance Act to surveil these parents?

Scoped Out Per Agreement

**Hearing Entitled, "Oversight of the Department of Justice"
Questions for the Record for the Honorable Merrick Garland
Submitted November 3, 2021**

QUESTIONS FROM SENATOR COTTON

1. On what date did you first begin working on your October 4 memorandum?
2. On what date did the Department first begin drafting your October 4 memorandum?
3. Did the Department provide the White House with any drafts or copies of the October 4 memorandum before it was issued?
4. Please provide the Committee with copies of all public reports on which you relied when crafting your October 4 memorandum.
5. You stated during your testimony that you did not intend for your October 4 memorandum to have a chilling effect on free speech. The Department of Justice regularly issues directives and memoranda without accompanying press releases. If your only purpose was to ask the FBI and U.S. Attorneys to convene meetings and find out more about the alleged school board issues, why did the Department issue a press release on the topic and tout additional forthcoming measures?
6. Please provide a list of all meetings or phone calls that staff of the Department of Justice attended with representatives of the National School Boards Association or the National Education Association since June 1, 2021.
7. Please provide a list of all meetings or phone calls that staff of the Department of Justice attended with anyone outside of the Department of Justice regarding your October 4 memorandum prior to your issuing that memorandum.
8. Did you meet with senior leadership of the FBI about your October 4 memorandum before it was issued?

Commented [G(62)]: OAG

Scoped Out Per Agreement

Questions from Senator Thom Tillis for Attorney General Merrick Garland
on Department of Justice Oversight

School Board Memo

1. I share the concerns raised by my colleagues about the actions taken by the Justice Department and the Biden Administration to intimidate parents and discourage them from exercising their First Amendment rights. This entire episode is beneath the dignity the Justice Department, and is an affront to the freedom of speech. It is absolutely critical that those responsible for this travesty are held accountable for their actions.
 - a. Who in the Department made the decision to draft this inflammatory memorandum?
 - b. Which individuals signed off on this memorandum before it was issued?
 - c. Did you direct individuals under your supervision to draft this memorandum? If so, when did you direct individuals to draft this memorandum?
 - d. If you did not direct your staff to draft this memorandum, who in the Department was responsible for first proposing this memorandum?
 - e. Who was primarily responsible for drafting this memorandum?
 - f. If you did not direct your staff to draft this memorandum, when did you become aware that it was being drafted? Did you provide any guidance or edits during the drafting of this memorandum?
 - g. Did the Department follow its usual policies and procedures when drafting and approving this memorandum? If not, in which ways did the Department depart from its policies and procedures?
 - h. Has the Department opened any investigations based on this memorandum? Have any arrests been made as a result of this memorandum? If so, what specific criminal statutes were used to charge individuals based on this memorandum?

2. It has been established that the National School Board Association was “in talks over the last several weeks with White House staff” before sending a letter to President Biden regarding threats against school board members. This admission raises many questions about the political nature and motivations behind this memorandum.
 - a. Did any White House staff contact any Department of Justice staff regarding this memo at any time before, during, or after it was drafted? If so, which Department officials were contacted by which White House officials?
 - b. Did the White House direct the Department of Justice to issue this memorandum? Did the White House exert any influence over the Department of Justice to issue this memorandum?
 - c. Did the White House play any role in the drafting of this memorandum? Did the White House offer any suggested language for this memorandum? Was the White House provided a copy of this memorandum before it was issued, and if so, did the White House provide any edits to the memorandum? If so, which edits were made at the suggestion or direction of the White House?

3. On October 13, Secretary of Education Miguel Cardona appointed Viola Garcia to the National Assessment Governing Board. Ms. Garcia is the President of the National School Boards Association, and was a signed author of the now infamous letter which compared parents to “domestic terrorists.” She wrote to the NSBA Board that the NSBA had “been engaged with the White House and the Department of Education on these and other issues . . .”
 - a. Is there any connection between the NSBA letter, the DOJ memorandum, and Ms. Garcia’s appointment to the National Assessment Governing Board?
 - b. Was Ms. Garcia’s nomination predicated on pushing the political agenda against parents, as shown in the DOJ memorandum?
4. As you now know, the Acting U.S. Attorney for the District of Montana issued a memorandum to state and local officials outlining a list of “Federal Crimes Involving Harassment, Intimidation, and Threats of Violence.”
 - a. Have any other U.S. Attorney offices in any other district issued similar guidance related to the DOJ memorandum? Please provide copies of any additional guidance issued by other U.S. Attorneys.
 - b. How did the Acting U.S. Attorney for the District of Montana identify these specific statutes to prosecute parents?
 - c. Are these the statutes DOJ intends to use nationwide to prosecute parents for exercising their First Amendment rights?

Commented [G(65)]: OAG

Scoped Out Per Agreement

Questions for the Record
"Oversight of the Department of Justice"
Ranking Member Charles Grassley
November 3, 2021

Scoped Out Per Agreement

Scoped Out Per Agreement

18. Regarding your October 4, 2021, memo discussing, “Partnership, among federal, state, local, tribal, and territorial law enforcement to address threats against school administrators, board members, teachers, and staff” (October 4 memo), how many U.S. Attorneys have convened meetings with federal, state, local, Tribal, or territorial leaders to discuss the subject matter of that memo?
19. Prior to issuing your October 4 memo, what analysis did you conduct, if any, to determine how that memo might chill the speech of those who wish to communicate with school officials throughout the United States?
20. What instructions, if any, did you provide the various U.S. Attorneys, or any other Department of Justice personnel, about protecting the First Amendment rights of parents and other citizens who contact their local school officials to express their concerns about school administration when executing your October 4 memo’s directions?
21. Since issuing your October 4 memo, how many reports to federal law enforcement have local officials made about communications or other contacts with citizens? What is the Department of Justice’s protocol for storing information provided in such reports that involve activity not reasonably suspected of rising to the level of federal criminal activity, including but not limited to the following matters:
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Scoped Out Per Agreement

Senator Lindsey Graham
Questions for the Record for Attorney General Merrick Garland
Attorney General of the United States
U.S. Department of Justice (DOJ) Oversight Hearing - October 27, 2021

Scoped Out Per Agreement

Scoped Out Per Agreement

8. What evidence do you have to support the claim that there has been a disturbing uptick in violence and threats of violence directed at teachers, school board members and school administrators? Please cite specific examples.
9. Was anyone at the Department of Justice a collaborator with the National School Board Association (NSBA) and/or the White House regarding NSBA's letter to President Biden, dated September 29, 2021?
10. Now that the NSBA has apologized for their letter to President Biden, will you retract the memo that was based on that letter?

Scoped Out Per Agreement

Senator Mike Lee
Questions for the Record for Attorney General Merrick Garland
Attorney General of the United States
U.S. Department of Justice (DOJ) Oversight Hearing - October 27, 2021

1. General Garland, under what jurisdictional authority is the Department of Justice tasked with protecting local school board members from being annoyed by their neighbors—parents of children who attend the neighborhood schools?
2. Did you intend for ninety-four US Attorneys to be prosecuting parents who annoy or harass school board members by calling them too many times?
 - a. Did you intend for ninety-four US Attorneys to be prosecuting parents who annoy or harass School Board members by letting their unanswered phone calls continuously ring?
 - b. Did you intend for ninety-four US Attorneys to be prosecuting parents who annoy or harass school board members over the phone?
 - c. If you answered “no” to any subpart of question 2, can you please explain why the acting United States Attorney of Montana sent a letter to the Montana Attorney General, all Montana County Attorneys, All Montana Sheriffs, Montana Office of Public Instruction, and the Montana School Boards Association, suggesting these as possible avenues for prosecuting annoying parents upset with decisions made by their local school boards?
3. In the recent Department of Justice oversight hearing, you claimed to have no knowledge of the memo sent by Acting United States Attorney for Montana, Leif Johnson. Have any other US Attorneys or Acting US Attorneys issued similar memos? If so, please provide copies of these communications to this committee.
4. Other than the memo you published on October 4th, what other direction did you give to US Attorneys relative to how they should pursue cases against annoying parents at school board meetings? If you did not intend for US Attorneys to be prosecuting parents for calling their school boards too many times, what additional direction did you give your US Attorneys to make sure they understood the scope of your direction?
5. In the oversight hearing, you clarified to me that while you specifically mentioned “harassment, intimidation, and threats of violence” in your October 4th memo, you only meant for statues regarding “intimidation” and “harassment” to be pursued by Federal Law Enforcement Officers if the “intimidation” was “made with the intent of placing the victim in fear of bodily harm or death.” Did you make that same clarification in additional communications to your US Attorneys? If so, would you please provide the committee with a copy of those communications?

6. I was alarmed in the recent oversight hearing when I realized you could not—or would not—give the committee any concrete examples of threats of death or bodily harm which formed the basis of your reasoning for sending the October 4th memo. Please list here the “news reports” you relied on to make the decision on October 4th to involve the Department of Justice in what is a purely state matter—acts of unrest and violence at school board meetings.
7. Who brought the examples you listed in question 6 to your attention? What indication did you have that these instances were beyond the ability of local law enforcement to handle?
8. Please provide the most thorough answers possible to the following questions. None of the information requested should be privileged.
 - a. Did you or any member of your staff meet with the National School Boards Association before you issued the October 4th memo?
 - b. Did you or any member of your staff meet with any other interested outside groups before issuing the October 4th memo?
 - c. Can you describe in detail what steps you took personally, or your staff took, to verify the contents of the National School Boards Association letter?
 - d. What specific death threats were mentioned in the letter? Please provide us the details of the examples you relied upon in issuing your memo.
 - e. What specific, independent investigative efforts did you or your staff undertake—outside of reading the examples cited in the National School Boards memo—to determine whether a legitimate, multi-state, coordinated effort to threaten school board members actually exists? Please be specific.
9. In your October 4th memo, you wrote, “[i]n the coming days, the Department will announce a series of measures designed to address the rise in criminal conduct directed toward school personnel.” Please provide this committee with the details of those pending measures.
10. One of the sources cited by the NSBA in their letter to you is a study done by the Armed Conflict Location & Event Data Project about demonstrations over Critical Race Theory (CRT) in the United States.²⁴ The NSBA’s purpose in citing this study is to demonstrate that anti-CRT demonstrations pose a threat to school board members. Notably, however, this study concludes that “despite its prominence within mainstream media and in state legislatures, CRT’s effect on demonstration trends within the United States has been limited compared to movements such as Black Lives Matter, Stop Asian Hate, and Cancel the Rents.” Do you agree with this statement? Is the general rise in demonstrations this past year as concerning to you as the rise in demonstrations at school board meetings?

²⁴ The Armed Conflict Location & Event Data Project (ACLED), “Fact Sheet: Demonstrations over Critical Race Theory in the United States,” July 14, 2021, https://acleddata.com/acleddatanew/wp-content/uploads/2021/07/ACLED_Fact-Sheet_CRT-Demos_2021.pdf.

11. If there are credible instances of violence or threats of violence at school board meetings, why is Department “[c]oordination and partnership with local law enforcement” so “critical” (per the language of your memo) to handling these instances? Has state law enforcement expressed an inability to handle them?

12. Given the National School Board Association’s apology for incendiary language in its letter, and given the fact that local law enforcement has not apparently expressed a need for help in managing school board meetings, why is federal “coordination”—rather intervention—needed at all?

a. Why would federal law enforcement be needed to “discuss[] . . . strategies for addressing threats”? Don’t state and local law enforcement already have strategies in place to do so?

b. You stated in the hearing that federal law enforcement assists state and local law enforcement “every day.” If this kind of assistance occurs routinely, why was the issuance of this memo needed in the first place? Why do federal, state and local law enforcement need to meet to formulate new strategies to address potential violence if they are already doing so on such a regular basis? Isn’t there already a structure in place for federal law enforcement to assist state and local—if needed?

13. The National Security Division was created after the attacks of September 11th to mirror changes made in the FBI to better address external threats against the nation. It combined two sections from the Criminal division – the counterterrorism section and counterespionage section with the Office of Intelligence and Policy Review, the lawyers who submit FISA applications to the FISA Court.

a. Isn’t it true that, among other things, 28 C.F.R. § 0.72(a)(2) provides that the Assistant Attorney General for National Security (AAG/NS) shall “[d]evelop, enforce, and supervise the application of all federal criminal laws related to the national counterterrorism and counterespionage enforcement programs”?

b. Why then, in the October 4, 2021 press release accompanying the memorandum, did you include the NSD on a task force to review school violence?

14. Is there evidence of terrorism, espionage, or other intelligence matters involving protests by parents at local school board meetings that would require the attention of the National Security Division? Do you expect to file applications for warrants under the Foreign Intelligence Surveillance Act to surveil these parents?

Scoped Out Per Agreement

**Hearing Entitled, “Oversight of the Department of Justice”
Questions for the Record for the Honorable Merrick Garland
Submitted November 3, 2021**

QUESTIONS FROM SENATOR COTTON

1. On what date did you first begin working on your October 4 memorandum?
2. On what date did the Department first begin drafting your October 4 memorandum?
3. Did the Department provide the White House with any drafts or copies of the October 4 memorandum before it was issued?
4. Please provide the Committee with copies of all public reports on which you relied when crafting your October 4 memorandum.
5. You stated during your testimony that you did not intend for your October 4 memorandum to have a chilling effect on free speech. The Department of Justice regularly issues directives and memoranda without accompanying press releases. If your only purpose was to ask the FBI and U.S. Attorneys to convene meetings and find out more about the alleged school board issues, why did the Department issue a press release on the topic and tout additional forthcoming measures?
6. Please provide a list of all meetings or phone calls that staff of the Department of Justice attended with representatives of the National School Boards Association or the National Education Association since June 1, 2021.
7. Please provide a list of all meetings or phone calls that staff of the Department of Justice attended with anyone outside of the Department of Justice regarding your October 4 memorandum prior to your issuing that memorandum.
8. Did you meet with senior leadership of the FBI about your October 4 memorandum before it was issued?

Scoped Out Per Agreement

Questions from Senator Thom Tillis for Attorney General Merrick Garland
on Department of Justice Oversight

School Board Memo

1. I share the concerns raised by my colleagues about the actions taken by the Justice Department and the Biden Administration to intimidate parents and discourage them from exercising their First Amendment rights. This entire episode is beneath the dignity the Justice Department, and is an affront to the freedom of speech. It is absolutely critical that those responsible for this travesty are held accountable for their actions.
 - a. Who in the Department made the decision to draft this inflammatory memorandum?
 - b. Which individuals signed off on this memorandum before it was issued?
 - c. Did you direct individuals under your supervision to draft this memorandum? If so, when did you direct individuals to draft this memorandum?
 - d. If you did not direct your staff to draft this memorandum, who in the Department was responsible for first proposing this memorandum?
 - e. Who was primarily responsible for drafting this memorandum?
 - f. If you did not direct your staff to draft this memorandum, when did you become aware that it was being drafted? Did you provide any guidance or edits during the drafting of this memorandum?
 - g. Did the Department follow its usual policies and procedures when drafting and approving this memorandum? If not, in which ways did the Department depart from its policies and procedures?
 - h. Has the Department opened any investigations based on this memorandum? Have any arrests been made as a result of this memorandum? If so, what specific criminal statutes were used to charge individuals based on this memorandum?

2. It has been established that the National School Board Association was “in talks over the last several weeks with White House staff” before sending a letter to President Biden regarding threats against school board members. This admission raises many questions about the political nature and motivations behind this memorandum.
 - a. Did any White House staff contact any Department of Justice staff regarding this memo at any time before, during, or after it was drafted? If so, which Department officials were contacted by which White House officials?
 - b. Did the White House direct the Department of Justice to issue this memorandum? Did the White House exert any influence over the Department of Justice to issue this memorandum?
 - c. Did the White House play any role in the drafting of this memorandum? Did the White House offer any suggested language for this memorandum? Was the White House provided a copy of this memorandum before it was issued, and if so, did the White House provide any edits to the memorandum? If so, which edits were made at the suggestion or direction of the White House?

3. On October 13, Secretary of Education Miguel Cardona appointed Viola Garcia to the National Assessment Governing Board. Ms. Garcia is the President of the National School Boards Association, and was a signed author of the now infamous letter which compared parents to “domestic terrorists.” She wrote to the NSBA Board that the NSBA had “been engaged with the White House and the Department of Education on these and other issues . . .”
 - a. Is there any connection between the NSBA letter, the DOJ memorandum, and Ms. Garcia’s appointment to the National Assessment Governing Board?
 - b. Was Ms. Garcia’s nomination predicated on pushing the political agenda against parents, as shown in the DOJ memorandum?
4. As you now know, the Acting U.S. Attorney for the District of Montana issued a memorandum to state and local officials outlining a list of “Federal Crimes Involving Harassment, Intimidation, and Threats of Violence.”
 - a. Have any other U.S. Attorney offices in any other district issued similar guidance related to the DOJ memorandum? Please provide copies of any additional guidance issued by other U.S. Attorneys.
 - b. How did the Acting U.S. Attorney for the District of Montana identify these specific statutes to prosecute parents?
 - c. Are these the statutes DOJ intends to use nationwide to prosecute parents for exercising their First Amendment rights?

Scoped Out Per Agreement

Senator Marsha Blackburn
Questions for the Record to Hon. Merrick Garland
Attorney General

1. Please identify all individuals who played a role in drafting, reviewing, and approving the October 4th DOJ memorandum concerning “harassment, intimidation, and threats of violence” at school board meetings.
2. You testified that the October 4th DOJ memorandum was based on the NSBA letter and news reports. Please submit, for the record, the news reports you are referencing.
3. In the NSBA letter that you used as justification for the October 4th directive, NSBA noted that “in Virginia, an individual was arrested.” You have previously stated that this was justification for calling in the FBI. Is it standard practice at DOJ to take such dramatic actions based on mere accusations from special interest groups?
4. Will you guarantee to the Judiciary Committee, and make clear to the American people, that the DOJ under your leadership will not interfere with the rights of parents to attend school board meetings and express their concerns?

Scoped Out Per Agreement

From: Goodlander, Margaret V. (OAG)
Subject: DRAFT House QFRs - Due Nov 15
To: Goodlander, Margaret V. (OAG)
Sent: November 17, 2021 1:56 PM (UTC-05:00)
Attached: DRAFT House QFRs - Due Nov 15.docx

OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE
ATTORNEY GENERAL MERRICK B. GARLAND

OCTOBER 21, 2021

Questions for the Record from Representative Sheila Jackson Lee

Scoped Out Per Agreement

On October 4, 2021, citing an increase in harassment, intimidation and threats of violence against school board members, teachers and workers in our nation's public schools, you directed the FBI and U.S. Attorneys' Offices to meet with federal, state, Tribal, territorial and local law enforcement leaders to discuss strategies for addressing this disturbing trend. I applaud your concern for school boards nationwide and the increasingly uncivil interactions between school boards and their constituents.

2. *What was the intent behind the issuing of the memorandum directing these meetings? Why does the Department believe that these efforts will be helpful in creating a safe atmosphere for school boards and their constituents to continue to meet?*

Commented [A56]: OAG

Scoped Out Per Agreement

OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE
ATTORNEY GENERAL MERRICK B. GARLAND

OCTOBER 21, 2021

Questions for the Record from Ranking Member Victoria Spartz

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)

2. In your memorandum dated October 4, 2021, and titled "Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff," you directed the Federal Bureau of Investigation (FBI) and United States Attorneys to "convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days" of your memorandum to facilitate the discussion of strategies for addressing threats against school administrators, board members, teachers, and staff. What plan of action are you planning to pursue based on these meetings?

Commented [A114]: OAG

Scoped Out Per Agreement

OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE
ATTORNEY GENERAL MERRICK B. GARLAND

OCTOBER 21, 2021

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(b) (5)

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Scoped Out Per Agreement - Also (b)(5)



OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE
ATTORNEY GENERAL MERRICK B. GARLAND

OCTOBER 21, 2021

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Scoped Out Per Agreement - Also (b)(5)

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(b) (5)

Scoped Out Per Agreement

From: Greenfeld, Helaine A. (OLA)
Subject: RE: AG's HJC QFRs
To: Lewis, Megan (ODAG); Goodlander, Margaret V. (OAG)
Cc: Gaeta, Joseph (OLA)
Sent: November 5, 2021 5:47 PM (UTC-04:00)
Attached: POCs for QFRs from October 21 HJC Hearing OAG assignments OLA notes 1256 11.5.21.docx

Indeed – OLA put together a quick annotation of the House QFRs, pulling already prepared responses from the Q and A and transcripts for Maggie earlier this week.

From: Lewis, Megan (ODAG) (b) (6)
Sent: Friday, November 5, 2021 5:45 PM
To: Goodlander, Margaret V. (OAG) (b) (6)
Cc: Greenfeld, Helaine A. (OLA) (b) (6); Gaeta, Joseph (OLA) (b) (6)
Subject: RE: AG's HJC QFRs

Maggie, here are a few suggestions from me with regard to the ODAG suggestions. On a few of them, (b) (5)

(b) (5) With regard to the items that I think may fall to ODAG (b) (5), I can reach out to the ODAG POCs. If they do not feel equipped or have bandwidth to draft responses, I'll ask them to let me know a best POC in a component, and I can pass those suggestions back to OLA to coordinate getting the draft.

Does that work for everyone?

From: Goodlander, Margaret V. (OAG) (b) (6)
Sent: Friday, November 5, 2021 1:27 PM
To: Lewis, Megan (ODAG) (b) (6)
Cc: Greenfeld, Helaine A. (OLA) (b) (6); Gaeta, Joseph (OLA) (b) (6)
Subject: AG's HJC QFRs
Importance: High

Meg: Good talking earlier. Following up on the AG's HJC QFRs. Helaine and I have worked through the attached questions and identified POCs in OLA and components for the majority of draft QFR responses, which are due on Monday, November 15. Helaine has already notified the relevant component POCs of those assignments.

As we discussed, for some of the responses the easiest course may be (b) (5) (b) (5) ? We're hoping to assign the remaining QFR responses today if possible.

Thanks and best,
Maggie

P.S. We're also working through the SJC QFRs that came in this morning and will circle back with those asap.

Deadlines for AG's QFR Responses -- October 21 HJC Hearing

- Friday, November 5 – POCs/components notified of assignments for QFR responses
- **Monday, November 15 by COB – Draft QFRs responses due for AG review (see shared folder here)**
- Wednesday, December 1 at 12 pm – OLA submits AG-approved QFR responses to OMB for review
- Wednesday, December 8 by 12 pm – OMB replies to OLA/OAG with any comments on QFR responses
- Friday, December 10 at 12 pm – OLA submits final AG-approved responses to QFRs to HJC

OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE
ATTORNEY GENERAL MERRICK B. GARLAND

OCTOBER 21, 2021

Questions for the Record from Representative Sheila Jackson Lee

Scoped Out Per Agreement

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Scoped Out Per Agreement - Also (b)(5)

Commented [A80]: OAG

Scoped Out Per Agreement

OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE
ATTORNEY GENERAL MERRICK B. GARLAND

OCTOBER 21, 2021

Questions for the Record from Ranking Member Victoria Spartz

Scoped Out Per Agreement

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Commented [A162]: OAG

Scoped Out Per Agreement

OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE
ATTORNEY GENERAL MERRICK B. GARLAND

OCTOBER 21, 2021

Questions for the Record from Representative Sheila Jackson Lee

Scoped Out Per Agreement

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Scoped Out Per Agreement

OVERSIGHT OF THE UNITED STATES DEPARTMENT OF JUSTICE
ATTORNEY GENERAL MERRICK B. GARLAND

OCTOBER 21, 2021

Questions for the Record from Ranking Member Victoria Spartz

Scoped Out Per Agreement

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Scoped Out Per Agreement

From: Goodlander, Margaret V. (OAG)
Subject: FW: 10-27-21 Senate Judiciary Committee Hearing entitled "Oversight of the Department of Justice" - Questions for the Record
To: Jackson, Wykema C. (OAG)
Sent: November 5, 2021 12:43 PM (UTC-04:00)
Attached: Graham - QFR's for AG Garland final.docx, Grassley - QFRs.docx, Leahy - QFR's.docx, Lee - QFR.docx, Tillis - QFR.docx, Blackburn - QFR - Garland.docx, Booker - QFR's.docx, Cotton - QFR's.docx, Garland QFR Letter.pdf

Wykema – Could you please print the attached documents and put them in a binder? Thank you! The order should be:

1. Garland QFR Letter
2. Leahy
3. Grassley
4. Graham
5. Lee
6. Cotton
7. Tillis
8. Booker
9. Blackburn

From: Greenfeld, Helaine A. (OLA) (b) (6)
Sent: Friday, November 5, 2021 9:23 AM
To: Goodlander, Margaret V. (OAG) (b) (6); Gaeta, Joseph (OLA) (b) (6)
Subject: FW: 10-27-21 Senate Judiciary Committee Hearing entitled "Oversight of the Department of Justice" - Questions for the Record

Maggie and Joe,

Attached are the Senate oversight qfrs. No idea of a deadline.

Maggie – we have got to get any House QFRs going to components out to them today, as early as we can. Is there anything I can do to move this along?

H

From: Palmer, Bryan (Judiciary) (b) (6)
Sent: Friday, November 5, 2021 7:04 AM
To: Greenfeld, Helaine A. (OLA) (b) (6)
Subject: [EXTERNAL] 10-27-21 Senate Judiciary Committee Hearing entitled "Oversight of the Department of Justice" - Questions for the Record

Good Morning,

Please find the attached questions for the record for the Honorable Merrick Garland following the October 27, 2021 hearing. Please let me know if you have any questions.

P.S. If these should go to someone else, please let me know. THANKS!

Bryan Palmer
Hearing Clerk | Senate Judiciary Committee
(b) (6)
(b) (6)

Questions for the Record from the Honorable Mike Lee

1. General Garland, under what jurisdictional authority is the Department of Justice tasked with protecting local school board members from being annoyed by their neighbors—parents of children who attend the neighborhood schools?
2. Did you intend for ninety-four US Attorneys to be prosecuting parents who annoy or harass school board members by calling them too many times?
 - a. Did you intend for ninety-four US Attorneys to be prosecuting parents who annoy or harass School Board members by letting their unanswered phone calls continuously ring?
 - b. Did you intend for ninety-four US Attorneys to be prosecuting parents who annoy or harass school board members over the phone?
 - c. If you answered “no” to any subpart of question 2, can you please explain why the acting United States Attorney of Montana sent a letter to the Montana Attorney General, all Montana County Attorneys, All Montana Sheriffs, Montana Office of Public Instruction, and the Montana School Boards Association, suggesting these as possible avenues for prosecuting annoying parents upset with decisions made by their local school boards?
3. In the recent Department of Justice oversight hearing, you claimed to have no knowledge of the memo sent by Acting United States Attorney for Montana, Leif Johnson. Have any other US Attorneys or Acting US Attorneys issued similar memos? If so, please provide copies of these communications to this committee.
4. Other than the memo you published on October 4th, what other direction did you give to US Attorneys relative to how they should pursue cases against annoying parents at school board meetings? If you did not intend for US Attorneys to be prosecuting parents for calling their school boards too many times, what additional direction did you give your US Attorneys to make sure they understood the scope of your direction?

5. In the oversight hearing, you clarified to me that while you specifically mentioned “harassment, intimidation, and threats of violence” in your October 4th memo, you only meant for statues regarding “intimidation” and “harassment” to be pursued by Federal Law Enforcement Officers if the “intimidation” was “made with the intent of placing the victim in fear of bodily harm or death.” Did you make that same clarification in additional communications to your US Attorneys? If so, would you please provide the committee with a copy of those communications?
6. I was alarmed in the recent oversight hearing when I realized you could not—or would not—give the committee any concrete examples of threats of death or bodily harm which formed the basis of your reasoning for sending the October 4th memo. Please list here the “news reports” you relied on to make the decision on October 4th to involve the Department of Justice in what is a purely state matter—acts of unrest and violence at school board meetings.
7. Who brought the examples you listed in question 6 to your attention? What indication did you have that these instances were beyond the ability of local law enforcement to handle?
8. Please provide the most thorough answers possible to the following questions. None of the information requested should be privileged.
 - a. Did you or any member of your staff meet with the National School Boards Association before you issued the October 4th memo?
 - b. Did you or any member of your staff meet with any other interested outside groups before issuing the October 4th memo?
 - c. Can you describe in detail what steps you took personally, or your staff took, to verify the contents of the National School Boards Association letter?
 - d. What specific death threats were mentioned in the letter? Please provide us the details of the examples you relied upon in issuing your memo.
 - e. What specific, independent investigative efforts did you or your staff undertake—outside of reading the examples cited in the National School Boards memo—to determine whether a legitimate, multi-state, coordinated effort to threaten school board members actually exists? Please be specific.

9. In your October 4th memo, you wrote, “[i]n the coming days, the Department will announce a series of measures designed to address the rise in criminal conduct directed toward school personnel.” Please provide this committee with the details of those pending measures.

10. One of the sources cited by the NSBA in their letter to you is a study done by the Armed Conflict Location & Event Data Project about demonstrations over Critical Race Theory (CRT) in the United States.¹ The NSBA’s purpose in citing this study is to demonstrate that anti-CRT demonstrations pose a threat to school board members. Notably, however, this study concludes that “despite its prominence within mainstream media and in state legislatures, CRT’s effect on demonstration trends within the United States has been limited compared to movements such as Black Lives Matter, Stop Asian Hate, and Cancel the Rents.” Do you agree with this statement? Is the general rise in demonstrations this past year as concerning to you as the rise in demonstrations at school board meetings?

11. If there are credible instances of violence or threats of violence at school board meetings, why is Department “[c]oordination and partnership with local law enforcement” so “critical” (per the language of your memo) to handling these instances? Has state law enforcement expressed an inability to handle them?

12. Given the National School Board Association’s apology for incendiary language in its letter, and given the fact that local law enforcement has not apparently expressed a need for help in managing school board meetings, why is federal “coordination”—rather intervention—needed at all?

a. Why would federal law enforcement be needed to “discuss[] . . . strategies for addressing threats”? Don’t state and local law enforcement already have strategies in place to do so?

¹ The Armed Conflict Location & Event Data Project (ACLED), “Fact Sheet: Demonstrations over Critical Race Theory in the United States,” July 14, 2021, https://acleddata.com/acleddatanew/wp-content/uploads/2021/07/ACLED_Fact-Sheet_CRT-Demos_2021.pdf.

b. You stated in the hearing that federal law enforcement assists state and local law enforcement “every day.” If this kind of assistance occurs routinely, why was the issuance of this memo needed in the first place? Why do federal, state and local law enforcement need to meet to formulate new strategies to address potential violence if they are already doing so on such a regular basis? Isn’t there already a structure in place for federal law enforcement to assist state and local—if needed?

13. The National Security Division was created after the attacks of September 11th to mirror changes made in the FBI to better address external threats against the nation. It combined two sections from the Criminal division – the counterterrorism section and counterespionage section with the Office of Intelligence and Policy Review, the lawyers who submit FISA applications to the FISA Court.

- a. Isn’t it true that, among other things, 28 C.F.R. § 0.72(a)(2) provides that the Assistant Attorney General for National Security (AAG/NS) shall “[d]evelop, enforce, and supervise the application of all federal criminal laws related to the national counterterrorism and counterespionage enforcement programs”?
- b. Why then, in the October 4, 2021 press release accompanying the memorandum, did you include the NSD on a task force to review school violence?

14. Is there evidence of terrorism, espionage, or other intelligence matters involving protests by parents at local school board meetings that would require the attention of the National Security Division? Do you expect to file applications for warrants under the Foreign Intelligence Surveillance Act to surveil these parents?

Scoped Out Per Agreement

Questions from Senator Thom Tillis
for Attorney General Merrick Garland
on Department of Justice Oversight

School Board Memo

1. I share the concerns raised by my colleagues about the actions taken by the Justice Department and the Biden Administration to intimidate parents and discourage them from exercising their First Amendment rights. This entire episode is beneath the dignity the Justice Department, and is an affront to the freedom of speech. It is absolutely critical that those responsible for this travesty are held accountable for their actions.

- a. Who in the Department made the decision to draft this inflammatory memorandum?
- b. Which individuals signed off on this memorandum before it was issued?
- c. Did you direct individuals under your supervision to draft this memorandum? If so, when did you direct individuals to draft this memorandum?
- d. If you did not direct your staff to draft this

memorandum, who in the Department was responsible for first proposing this memorandum?

- e. Who was primarily responsible for drafting this memorandum?

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- g. Did the Department follow its usual policies and procedures when drafting and approving this memorandum? If not, in which ways did the Department depart from its policies and procedures?

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2. It has been established that the National School Board Association was “in talks over the last several weeks with White House staff” before sending a letter to President Biden regarding threats against school board members. This admission raises many questions about the political nature and motivations behind this memorandum.

- a. Did any White House staff contact any Department of Justice staff regarding this memo at any time before, during, or after it was drafted? If so, which Department officials were contacted by which White House officials?
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- a. Is there any connection between the NSBA letter, the DOJ memorandum, and Ms. Garcia's appointment to the National Assessment Governing Board?
 - b. Was Ms. Garcia's nomination predicated on pushing the political agenda against parents, as shown in the DOJ memorandum?
4. As you now know, the Acting U.S. Attorney for the District of Montana issued a memorandum to state and local officials outlining a list of "Federal Crimes Involving Harassment, Intimidation, and Threats of Violence."
 - a. Have any other U.S. Attorney offices in any other district issued similar guidance related to the DOJ memorandum? Please provide copies of any additional guidance issued by other U.S. Attorneys.
 - b. How did the Acting U.S. Attorney for the District of Montana identify these specific statutes to prosecute parents?

c. Are these the statutes DOJ intends to use nationwide to prosecute parents for exercising their First Amendment rights?

Scoped Out Per Agreement

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for Attorney General Merrick Garland
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School Board Memo

Commented [G(1): OAG

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4. As you now know, the Acting U.S. Attorney for the District of Montana issued a memorandum to state and local officials outlining a list of "Federal Crimes Involving Harassment, Intimidation, and Threats of Violence."
- a. Have any other U.S. Attorney offices in any other district issued similar guidance related to the DOJ memorandum? Please provide copies of any additional guidance issued by other U.S. Attorneys.
 - b. How did the Acting U.S. Attorney for the District of Montana identify these specific statutes to prosecute parents?

c. Are these the statutes DOJ intends to use nationwide to prosecute parents for exercising their First Amendment rights?

Scoped Out Per Agreement - Also (b)(5)

Senator Marsha Blackburn
Questions for the Record to Hon. Merrick Garland
Attorney General

Commented [G(1)]: OAG

1. Please identify all individuals who played a role in drafting, reviewing, and approving the October 4th DOJ memorandum concerning “harassment, intimidation, and threats of violence” at school board meetings.
2. You testified that the October 4th DOJ memorandum was based on the NSBA letter and news reports. Please submit, for the record, the news reports you are referencing.
3. In the NSBA letter that you used as justification for the October 4th directive, NSBA noted that “in Virginia, an individual was arrested.” You have previously stated that this was justification for calling in the FBI. Is it standard practice at DOJ to take such dramatic actions based on mere accusations from special interest groups?
4. Will you guarantee to the Judiciary Committee, and make clear to the American people, that the DOJ under your leadership will not interfere with the rights of parents to attend school board meetings and express their concerns?

Scoped Out Per Agreement

Questions for the Record from the Honorable Mike Lee

1. General Garland, under what jurisdictional authority is the Department of Justice tasked with protecting local school board members from being annoyed by their neighbors—parents of children who attend the neighborhood schools?
2. Did you intend for ninety-four US Attorneys to be prosecuting parents who annoy or harass school board members by calling them too many times?
 - a. Did you intend for ninety-four US Attorneys to be prosecuting parents who annoy or harass School Board members by letting their unanswered phone calls continuously ring?
 - b. Did you intend for ninety-four US Attorneys to be prosecuting parents who annoy or harass school board members over the phone?
 - c. If you answered “no” to any subpart of question 2, can you please explain why the acting United States Attorney of Montana sent a letter to the Montana Attorney General, all Montana County Attorneys, All Montana Sheriffs, Montana Office of Public Instruction, and the Montana School Boards Association, suggesting these as possible avenues for prosecuting annoying parents upset with decisions made by their local school boards?
3. In the recent Department of Justice oversight hearing, you claimed to have no knowledge of the memo sent by Acting United States Attorney for Montana, Leif Johnson. Have any other US Attorneys or Acting US Attorneys issued similar memos? If so, please provide copies of these communications to this committee.
4. Other than the memo you published on October 4th, what other direction did you give to US Attorneys relative to how they should pursue cases against annoying parents at school board meetings? If you did not intend for US Attorneys to be prosecuting parents for calling their school boards too many times, what additional direction did you give your US Attorneys to make sure they understood the scope of your direction?

5. In the oversight hearing, you clarified to me that while you specifically mentioned “harassment, intimidation, and threats of violence” in your October 4th memo, you only meant for statues regarding “intimidation” and “harassment” to be pursued by Federal Law Enforcement Officers if the “intimidation” was “made with the intent of placing the victim in fear of bodily harm or death.” Did you make that same clarification in additional communications to your US Attorneys? If so, would you please provide the committee with a copy of those communications?
6. I was alarmed in the recent oversight hearing when I realized you could not—or would not—give the committee any concrete examples of threats of death or bodily harm which formed the basis of your reasoning for sending the October 4th memo. Please list here the “news reports” you relied on to make the decision on October 4th to involve the Department of Justice in what is a purely state matter—acts of unrest and violence at school board meetings.
7. Who brought the examples you listed in question 6 to your attention? What indication did you have that these instances were beyond the ability of local law enforcement to handle?
8. Please provide the most thorough answers possible to the following questions. None of the information requested should be privileged.
 - a. Did you or any member of your staff meet with the National School Boards Association before you issued the October 4th memo?
 - b. Did you or any member of your staff meet with any other interested outside groups before issuing the October 4th memo?
 - c. Can you describe in detail what steps you took personally, or your staff took, to verify the contents of the National School Boards Association letter?
 - d. What specific death threats were mentioned in the letter? Please provide us the details of the examples you relied upon in issuing your memo.
 - e. What specific, independent investigative efforts did you or your staff undertake—outside of reading the examples cited in the National School Boards memo—to determine whether a legitimate, multi-state, coordinated effort to threaten school board members actually exists? Please be specific.

9. In your October 4th memo, you wrote, “[i]n the coming days, the Department will announce a series of measures designed to address the rise in criminal conduct directed toward school personnel.” Please provide this committee with the details of those pending measures.

10. One of the sources cited by the NSBA in their letter to you is a study done by the Armed Conflict Location & Event Data Project about demonstrations over Critical Race Theory (CRT) in the United States.¹ The NSBA’s purpose in citing this study is to demonstrate that anti-CRT demonstrations pose a threat to school board members. Notably, however, this study concludes that “despite its prominence within mainstream media and in state legislatures, CRT’s effect on demonstration trends within the United States has been limited compared to movements such as Black Lives Matter, Stop Asian Hate, and Cancel the Rents.” Do you agree with this statement? Is the general rise in demonstrations this past year as concerning to you as the rise in demonstrations at school board meetings?

11. If there are credible instances of violence or threats of violence at school board meetings, why is Department “[c]oordination and partnership with local law enforcement” so “critical” (per the language of your memo) to handling these instances? Has state law enforcement expressed an inability to handle them?

12. Given the National School Board Association’s apology for incendiary language in its letter, and given the fact that local law enforcement has not apparently expressed a need for help in managing school board meetings, why is federal “coordination”—rather intervention—needed at all?

a. Why would federal law enforcement be needed to “discuss[] . . . strategies for addressing threats”? Don’t state and local law enforcement already have strategies in place to do so?

¹ The Armed Conflict Location & Event Data Project (ACLED), “Fact Sheet: Demonstrations over Critical Race Theory in the United States,” July 14, 2021, https://acleddata.com/acleddatanew/wp-content/uploads/2021/07/ACLED_Fact-Sheet_CRT-Demos_2021.pdf.

b. You stated in the hearing that federal law enforcement assists state and local law enforcement “every day.” If this kind of assistance occurs routinely, why was the issuance of this memo needed in the first place? Why do federal, state and local law enforcement need to meet to formulate new strategies to address potential violence if they are already doing so on such a regular basis? Isn’t there already a structure in place for federal law enforcement to assist state and local—if needed?

Commented [G(1): OAG

13. The National Security Division was created after the attacks of September 11th to mirror changes made in the FBI to better address external threats against the nation. It combined two sections from the Criminal division – the counterterrorism section and counterespionage section with the Office of Intelligence and Policy Review, the lawyers who submit FISA applications to the FISA Court.

- a. Isn’t it true that, among other things, 28 C.F.R. § 0.72(a)(2) provides that the Assistant Attorney General for National Security (AAG/NS) shall “[d]evelop, enforce, and supervise the application of all federal criminal laws related to the national counterterrorism and counterespionage enforcement programs”?
- b. Why then, in the October 4, 2021 press release accompanying the memorandum, did you include the NSD on a task force to review school violence?

14. Is there evidence of terrorism, espionage, or other intelligence matters involving protests by parents at local school board meetings that would require the attention of the National Security Division? Do you expect to file applications for warrants under the Foreign Intelligence Surveillance Act to surveil these parents?

Scoped Out Per Agreement

From: Gelber, Sophie (PAO)
Subject: RE: AG Judiciary Hearing Monitoring
To: Coley, Anthony D. (PAO); Iverson, Dena (PAO); Hornbuckle, Wyn (PAO); Klapper, Matthew B. (OAG); Heinzelman, Kate (OAG); Loeb, Emily M. (ODAG); Seidman, Ricki (OASG); Goodlander, Margaret V. (OAG); Greenfeld, Helaine A. (OLA); Gaeta, Joseph (OLA); Calce, Christina M. (OLA); Carlin, John P. (ODAG); Singh, Anita M. (ODAG); Colangelo, Matthew (OASG)
Cc: Mitchell, Kendall M. (PAO); Li, Kaei (PAO); Shevlin, Shannon (PAO); Zhai, George (PAO); Mermel, Benjamin (PAO)
Sent: October 21, 2021 10:22 AM (UTC-04:00)

Hi all,

Specifically flagging these clips tweeted by Jim Jordan and Mike Johnson of their appearances on Fox this morning. The full clips are in the tweets and here are rough transcripts:

[Rep. Jim Jordan](#)



FBN 10/21/2021 8:32:50 AM: ..maria: what about conflicts potential conflicts around this a health from washington examiner editorial merrick garland should really resign but the least he can do is recuse himself goes into how his son-in-law found produces a company that produces -- surveys, for entire school districts pretty much curbed critical race theory theory should ag be sicking the fbi on parents when his son-in-law is being paid for surveys around critical race theory in schools? >> JORDAN: of course not. this is i think curriculum panorama company - - yeah son-in-law has interest in this, so, are there is that issue but also the fundamental issue what is the fbi doing involving themselves in local school board matters that is local law enforcement issue, if there is a concern, if some kind of threat as local school board meeting that is something local law enforcement can handle frankly has been handling but instead we have a memo specifically talks about open line of communication, that o open line of communication for threat reporting, on parents, they switched line on parents is what this memo is about, again if that isn't something else going to i think chill first amendment are free speech of parents moms and dads at school board meetings demanding to know what is going on with kids curriculum, kids education i don't know what is i think this is a critical issue maybe something i think that has become a catalyst for more people to get divorced push back against socialist movement we see from biden administration. >> our viewers are very concerned it goes beyond socialism it hits on totalitarianism you are talking about vaccine mandates as i mentioned censorship of free speech with a are we doing about it. >> keep going what you are doing they want in our bank act any transaction over 600 dollars every liberty under first assessment assaulted last year you are right to practice your faith to assemble to petition government freedom of press, of course, freedom of speech what we've been talking about we have to continue to talk about it then we went back to house next year i think going to happen joe biden approval ..

[Rep. Mike Johnson](#)



FNC 10/21/2021 9:04:48 AM: ...judiciary committee has the responsibility of the jurisdiction to make sure d.o.j. is doing its job and it's not. millions of americans and republicans on this committee deeply concerned that president joe biden and Merrick garland have weaponized the justice department. not doing the job they're supposed to do. instead of addressing the major issues they insert the d.o.j. into culture war matters and attack republican led state initiatives and eroding constitutional norms while trying to push far left policies. we have many important questions for the attorney general this

deliberate attempt to chill parents from showing up at school board meetings for their elected school board, i don't know what is. >> i have to respectfully disagree. the attorney general's memorandum made quite clear that violent is not appropriate. >> dana: high on the top of the minds of many parents across the country. how do you thing **Garland** will answer this today? unlikely he would rescind the memo. what short of that could be satisfactory? >> we want to know what his personal interest in the matter is. widely reported, fox broke the news, we sent a letter to the attorney general several days ago asking about his apparent conflict of interest. there seems to be an issue about his impartiality. he sent the directive to the f.b.i. and u.s. attorney's offices telling them to insert themselves into these local and state matters because parents were getting too rowdy at school board meetings expressing their first amendment right and their concern about their kids' curriculum. one of the big questions i have for him today is about his family's interest in the matter. it has been reported his son-in-law was a founder - - co-founder and has a big interest in the company the panorama education group. they survey students in a bid to advance really controversial ideas about race and identity and sexuality. if his son-in-law has a financial interest in the groups that many of these parents are protesting, that raises a lot of questions. and the attorney general should not be inserting himself in this area at all. >> i would just talk about the son-in-law's involvement there.

From: Gelber, Sophie (PAO)

Sent: Thursday, October 21, 2021 9:59 AM

To: Coley, Anthony D. (PAO) (b) (6); Iverson, Dena (PAO) (b) (6); Hornbuckle, Wyn (PAO) (b) (6); Klapper, Matthew B. (OAG) (b) (6); Heinzelman, Kate (OAG) (b) (6); Loeb, Emily M. (ODAG) (b) (6); Seidman, Ricki (OASG) (b) (6); Goodlander, Margaret V. (OAG) (b) (6); Greenfeld, Helaine A. (OLA) (b) (6); Gaeta, Joseph (OLA) (b) (6); Calce, Christina M. (OLA) (b) (6); Carlin, John P. (ODAG) (b) (6); Singh, Anita M. (ODAG) (b) (6); Colangelo, Matthew (OASG) (b) (6);
Cc: Mitchell, Kendall M. (PAO) (b) (6); Li, Kaei (PAO) (b) (6); Shevlin, Shannon (PAO) (b) (6); Zhai, George (PAO) (b) (6); Mermel, Benjamin (PAO) (b) (6)

Subject: AG Judiciary Hearing Monitoring

Morning all,

See an initial scan of clips below from this morning.

AG Judiciary Hearing Clips Monitoring

Print

Wall Street Journal: [Merrick Garland to Face Lawmakers' Questions on Steve Bannon, Abortion, Voting Rights](#), by Sadie Gurman

CNN: [Garland to tout DOJ's work on Jan. 6 investigation and voting rights in testimony to House](#), by Tierney Sneed

Fox News: [Garland set to testify at House hearing with DOJ mired in controversies](#), by Ronn Blitzer

Politico: [Jan. 6 contempt fight headed for the Justice Department](#), by Kyle Cheney and Olivia beavers

Tweets

[Rep. Val Demings](#)



[Rep. Jim Jordan](#)



(Fox Business clip on hearing today)

Full articles

Wall Street Journal: [Merrick Garland to Face Lawmakers' Questions on Steve Bannon, Abortion, Voting Rights](#), by Sadie Gurman

Attorney General Merrick Garland faces his first oversight hearing before the House Judiciary Committee on Thursday, where Democrats and Republicans are expected to press him on issues including the Justice Department's approach to abortion rights, voting rights, mask mandates and the Jan. 6 attack on the U.S. Capitol.

He will also likely be questioned on whether one-time Trump aide Steve Bannon will face charges for defying a congressional subpoena. The House is expected to vote later Thursday to hold Mr. Bannon in contempt for refusing to comply with a subpoena from congressional investigators probing the Capitol riot, an action that would hand the case to the Justice Department for potential prosecution.

Democrats are urging the Justice Department to charge Mr. Bannon. President Biden said last Friday that he thought those who refuse to comply with the committee should be prosecuted. Mr. Garland's spokesman quickly countered that the department would make its own decisions independently. While the White House repeatedly said Mr. Biden concurred, Mr. Garland will likely be pressed about whether he can approach the case fairly.

Democrats will also seek answers about the Justice Department's broader strategy for prosecuting more than 650 people in connection with the riot, when a pro-Trump mob stormed the Capitol in an effort to stop certification of Mr. Biden's election victory. Some on the left have complained prosecutors aren't doing enough to hold former President Donald Trump and his associates accountable for inciting the violence, which some Republicans have sought to play down.

Republicans have signaled they will focus on a memo Mr. Garland issued earlier this month directing the Federal Bureau of Investigation to work with local leaders and federal prosecutors to address what he called a "disturbing spike in harassment, intimidation and threats of violence" against teachers and school board members over politically charged issues. While Mr. Garland didn't specify the issues in his single-page memo to FBI Director Christopher Wray, school

boards across the country have asked for federal help in dealing with threats to educators by people opposed to face mask mandates for stemming Covid-19 and to the teaching of critical race theory.

Mr. Garland's memo said the Justice Department would soon "announce a series of measures designed to address the rise in criminal conduct directed toward school personnel."

Republicans have said that the department is using the FBI to scare parents out of voicing their opinions at school board meetings and that the memo amounts to a violation of free speech, claims other department officials have disputed.

Mr. Garland, who has focused on combating violent extremism and bolstering enforcement of civil-rights law in his seven months on the job, has recently faced criticism from fellow Democrats who say he isn't moving quickly enough to reverse Trump administration policies.

A group of House Democrats wrote to Mr. Garland in June to "express deep concern regarding your apparent reluctance to correct the weaponization and politicization of the Department of Justice by the Trump Administration." The lawmakers cited, among other examples, the department's request to dismiss lawsuits filed against former Attorney General William Barr and others over the forceful removal of protesters from Lafayette Square last year and the Justice Department's continued defense of Mr. Trump in a defamation suit stemming from a decades-old rape allegation by journalist E. Jean Carroll.

The Justice Department this week asked the Supreme Court to block Texas' law banning most abortions, but some Democrats want to know what else the agency is doing to protect abortion rights and reduce violence and threats at clinics.

The department in June sued the state of Georgia, alleging its new GOP-led voting law aims to restrict the rights of Black voters. Mr. Garland will likely be asked if the Justice Department intends to intervene in other states that have moved to alter their voting laws.

The attorney general could also be pressed on why the Justice Department hasn't rescinded a Trump-era legal memo that says thousands of federal inmates released to home confinement during the coronavirus pandemic will have to return to prison after the official state of emergency ends. The White House has said it is considering granting clemency to some inmates now at home, but the memo has left many of them uncertain about their futures.

CNN: [Garland to tout DOJ's work on Jan. 6 investigation and voting rights in testimony to House](#), by Tierney Sneed

In House testimony Thursday, Attorney General Merrick Garland will defend the Justice Department's Jan. 6 investigation, while emphasizing the risk of extremism and stressing the "urgent priority" of protecting civil rights.

[Garland](#) will appear before the House Judiciary Committee Thursday for a what should be a contentious hearing before a panel known for drama. According to [a prepared opening statement](#), Garland will tell the lawmakers that the "essence of the rule of law is that like cases are treated alike."

"That there not be one rule for Democrats and another for Republicans; one rule for friends, another for foes; one rule for the rich and another for the poor; or different rules depending on one's race or ethnicity," Garland's opening statement says.

Lawmakers will be questioning Garland at the same time the full House prepares to approve a criminal contempt resolution for Steve Bannon. The move that will put before [the department a decision](#) on whether to prosecute the adviser to former President Donald Trump for his refusal to cooperate in the House's January 6 insurrection investigation.

In addition to the Bannon contempt referral, lawmakers may seek to question Garland about the department's broader response to the Capitol attack, as it has charged more than 600 people who allegedly participated in the mob.

Garland's opening statement calls the Capitol breach an "intolerable assault, not only on the Capitol and the brave law enforcement personnel who sought to protect it, but also on a fundamental element of our democracy: the peaceful transfer of power."

"I have great confidence in the prosecutors who are undertaking these cases. They are doing exactly what they are expected to do: make careful determinations about the facts and the applicable law in each individual case," the statement reads. Enter your email to sign up for CNN's "What Matters" Newsletter. Bottom of Form

Committee Chairman Jerry Nadler, according to excerpts of his prepared opening statement shared with CNN, will commend the department "for doing the important work of bringing those responsible for the violence of January 6 to justice."

"I ask only that you continue to follow the facts and the law where they lead -- because although you have rightly brought hundreds of charges against those who physically trespassed in the Capitol, the evidence suggests that you will soon have some hard decisions to make about those who organized and incited the attack in the first place," the New York Democrat will say.

In addition to the department's work on the January 6 prosecutions, committee's Democrats [are also supportive](#) of the DOJ's decision to bring a lawsuit [challenging](#) Texas' six-week abortion ban, as well as [its moves on police reform](#) and hate crimes. But Garland has not entirely escaped Democratic skepticism. Earlier this year, the committee's majority [questioned](#) the department's move to keep alive a Trump-era effort to shield the former president from a defamation lawsuit.

As both the congressional and Justice Department investigations into the Capitol breach roll along, Republicans have sought to focus attention on DOJ's handling of antifa-related violence, which some GOP lawmakers have equated to the attack on Congress's election certification vote. They've also critiqued legal guidance put out by the department related to restrictive state election rules.

Garland's prepared opening statement lays out the work the department has done "reinvigorating civil rights enforcement" as he highlights the department's focus on voting rights in particular -- a subject that could cause a clash with the committee's Republicans who have defended restrictive election laws that have been passed recently by states.

"We are scrutinizing new laws that seek to curb voter access, and where we see violations, we will not hesitate to act," Garland's prepared opening statement says. "We are also scrutinizing current laws and practices to determine whether they discriminate against Black voters and other voters of color."

Garland, a former appellate judge, has in the past pledged his commitment to keep partisanship out of the department's decisions.

"I have grown pretty immune to any kind of pressure, other than the pressure to do what I think is the right thing, given the facts and the law," Garland said during his February Senate confirmation hearing. "That is what I intend to do as the attorney general, I don't care who pressures me in whatever direction."

Fox News: [Garland set to testify at House hearing with DOJ mired in controversies](#), by Ronn Blitzer

Attorney General Merrick Garland will testify at a [House](#) committee hearing Thursday dedicated to oversight of the [Justice Department](#) at a time when the agency is in the middle of several high-profile cases and controversies.

House Judiciary Committee ranking member Rep. Jim Jordan, R-Ohio, gave a preview of what is to come, specifically questions over Garland's recent memo regarding federal intervention in matters of violence or intimidation targeting state and local school board members. The memo drew concerns that the federal government was overstepping by getting involved in local matters, and could be chilling free speech following incidents where parents vocally opposed policies regarding mask mandates and the teaching of critical race theory.

"Who cares more about a kid? The federal government -- Joe Biden and Merrick Garland -- or moms and dads?" Jordan asked in an appearance on Newsmax. "He will get a lot of questions on that issue tomorrow from Republican members of the Judiciary Committee."

Another issue that Garland could face is the ongoing surge of migrants crossing the southern border. The attorney general was among administration leaders who traveled to Mexico earlier this month to discuss border security.

Garland's Justice Department is also dealing with the issue of abortion, asking the Supreme Court to block enforcement of a Texas law that bans most abortions after doctors have detected a fetal heartbeat. This typically occurs around six weeks into a pregnancy -- before some women are aware that they are pregnant and well before the established standard of fetal viability.

The attorney general could also face questions regarding the FBI's failures in investigating claims against convicted sex offender and former USA Gymnastics doctor Larry Nassar. Athletes including Olympic champions Simone Biles, Aly Raisman and McKayla Maroney testified before the Senate Judiciary Committee in September, discussing how officials failed to act upon their allegations. Nassar was ultimately convicted in multiple state trials, and Deputy Attorney General Lisa Monaco revealed that the DOJ was reviewing their decision not to charge FBI agents for their conduct during their investigation.

Garland's testimony also comes the same day that the full House will be voting on whether to hold former Trump administration adviser Steve Bannon in contempt of Congress for ignoring a subpoena from a House panel investigating the Jan. 6 Capitol riot. If the House passes the resolution, the matter will be referred to the DOJ to determine whether or not to prosecute Bannon.

President Biden had weighed in on the matter, stating that the DOJ should prosecute those who do not comply with subpoenas. A DOJ spokesperson responded by stating that the Department will make that determination for themselves.

"The Department of Justice will make its own independent decisions in all prosecutions based solely on the facts and the law," the spokesperson said. "Period. Full stop."

Politico: [Jan. 6 contempt fight headed for the Justice Department](#), by Kyle Cheney and Olivia beavers

The congressional push for firsthand details of Donald Trump's effort to overturn the 2020 elections is about to land in the lap of the Biden administration.

The House is set to vote Thursday afternoon to hold Trump ally Steve Bannon in criminal contempt for defying a subpoena to testify to the select committee investigating the Jan. 6 Capitol attack. The vote is expected to fall largely along party lines and will result in a criminal referral to the U.S. attorney's office in Washington D.C., which then must decide whether to prosecute Bannon.

Attorney General Merrick Garland is certain to be asked about his intentions for the Bannon prosecution when he delivers slated testimony Thursday in the House Judiciary Committee. But so far the Justice Department has vowed the decision will be by the book and have given no hint as to whether Trump's former senior adviser — indicted last year [on conspiracy charges](#) that were later dismissed following a presidential pardon — will face another federal prosecution for contempt.

"If the House of Representatives certifies a criminal contempt citation, the Department of Justice, as with all criminal referrals, will evaluate the matter based on the facts and the law, consistent with the Principles of Federal Prosecution," said Bill Miller, a spokesperson for the U.S. attorney's office in D.C.

House investigators view Bannon's testimony as crucial to understanding Trump's intense focus on Congress' Jan. 6 session to certify Joe Biden's electoral college victory. In particular, they're betting a Bannon-Trump conversation on Dec. 30 and Bannon's Jan. 5 meeting with other figures of interest at D.C.'s Willard Hotel hold clues to Trump's awareness of the prospect for Jan. 6 violence.

"Every insurrection needs a headquarters," said Rep. Jamie Raskin (D-Md.), a member of the Jan. 6 select committee, when asked about the significance of the Willard meeting.

Raskin declined to predict whether DOJ would take up the criminal contempt citation, expressing confidence that Garland and the U.S. attorney would "make a reasoned judgment" about Bannon's defiance. Rep. Adam Schiff (D-Calif.) said he was optimistic that DOJ would act in alignment with the select committee's urgency.

"I'm very confident that they will pursue" a contempt prosecution, he said.

The contempt vote also ratchets up the political heat surrounding the Jan. 6 investigation, putting the full House on the record as the select panel begins to look inward at the roles several GOP lawmakers played in Trump's bid to overturn the 2020 election results. Given that Trump's election challenge helped provoke the violent assault that overtook the Capitol, it's become a centerpiece of the investigation.

Rep. Liz Cheney (R-Wyo.), the vice chair of the select committee who lost her GOP leadership post thanks to her criticism of Trump, urged fellow Republicans on Wednesday "to step back from the brink." Cheney further alleged during a House Rules Committee meeting on contempt that some of her party colleagues are "just trying to keep their heads down" about Jan. 6 because "they don't want to anger" House Minority Leader Kevin McCarthy.

McCarthy, for his part, said Tuesday that he doesn't see the select panel "as a real committee, since Pelosi has never let us participate." Speaker Nancy Pelosi earlier this year rejected two of McCarthy's picks to serve on the panel — including Rep. Jim Jordan (R-Ohio), a figure of particular interest in the investigation — prompting the California Republican to withdraw his entire slate of proposed GOP members.

The House GOP's counterargument to the Jan. 6 panel began to take shape during Wednesday's Rules panel meeting. Jordan and Matt Gaetz (R-Fla.) accused Democrats of leaning into the Jan. 6 investigation to distract from their domestic agenda's woes and suggested the probe was encroaching on the First Amendment rights of pro-Trump rallygoers on Jan. 6.

Jordan is considered a pivotal figure by investigators because he's among the GOP lawmakers who met with Trump in the weeks prior to Jan. 6 to discuss their plans for objecting to certification of the election. Democrats used his Rules Committee testimony as a chance to press for more details about his interactions with Trump, especially on the day of the attack.

"My understanding is, from my memory, I talked to [Trump] after the attack happened and we were removed from the chamber," Jordan said on Wednesday, adding: "I had nothing to do with any of this."

POLITICO [reported in August](#) that Jordan spoke to Trump more than once on Jan. 6 but contended he doesn't "recall the times" of those conversations. According to a source with knowledge of one of those conversations, Jordan and Gaetz called Trump from a safe room that day after evacuating from the House floor, where they implored him to tell his supporters to stand down. The source declined to say how the outgoing president responded.

"I don't get into the content of the conversation, but we, like everyone, wanted the National Guard to go," Jordan said in August.

Rules panel Democrats described Jordan's characterization of his conversations with Trump as strained. Raskin told reporters Jordan seemed "twitchy" while describing those conversations.

Republicans defended Jordan during the Rules hearing, saying he shouldn't have faced questions about his talks with Trump during a hearing on holding Bannon in contempt.

"If somebody wants to talk to you, they can charge you with something," Rep. Tom Cole (R-Okla.) told Jordan.

Jordan and Gaetz, both close Trump allies, declined to say they thought Biden legitimately won the 2020 election. (Trump's former attorney general, Bill Barr, has said DOJ did not have evidence of fraud that would have affected the outcome, and numerous post-election reviews and audits have affirmed the results, turning up no hint of wrongdoing.)

Democrats rejected the counterarguments lodged by Jordan and Gaetz, in part by pointing to Republicans' own use of criminal contempt citations to punish recalcitrant witnesses in the past. Chief among those past witnesses are former Attorney General Eric Holder in 2012 and former Internal Revenue Service official Lois Lerner in 2014. In both of those cases, the officials made voluminous documents available or provided testimony to the committees before Republicans went forward with contempt.

Bannon has done neither, instead leaning on a claim of executive privilege that most legal experts see as bogus — even if it touches on issues that may require lengthy litigation to resolve.

And this is not the first time Bannon has defied Congress.

The then-GOP-controlled House Intelligence Committee subpoenaed Bannon to testify as part of its Russia investigation in early 2018. Bannon refused to cooperate — first refusing to answer questions in two separate interviews — prompting Republicans to raise the possibility of holding him in contempt of Congress. They warned at the time that failing to do so would set a dangerous precedent for enforcing the power of a congressional subpoena.

GOP members, however, ultimately chose not to go after an ally of the president, fearing blowback from Trump.

Republicans argue that this time is different, because the Jan. 6 panel is led by Pelosi-picked members in what they argue is a hyper-partisan pursuit of Democrats' political enemies. The GOP further warns that, if Democrats keep taking a hard line in the insurrection probe, they may face new investigations of their own if they lose control of the House in 2022.

"It's a terrible precedent that's being set," said Rep. Rodney Davis (R-Ill.), one of the original members McCarthy had tapped to serve on the panel before withdrawing his picks. "And unfortunately, what's going to happen is we're going to see the impacts of some of the bad decisions that Democrats have made in the majority over the last two Congresses perpetuate into Republican majorities."

Sophie Gelber
Press Assistant, Office of Public Affairs
U.S. Department of Justice

(b) (6) – work
(b) (6)

From: Loeb, Emily M. (ODAG)
Subject: RE: Sunday TV
To: Coley, Anthony D. (PAO)
Sent: October 10, 2021 12:55 PM (UTC-04:00)

Thank you

From: Coley, Anthony D. (PAO) (b) (6)
Sent: Sunday, October 10, 2021 12:05 PM
To: Klapper, Matthew B. (OAG) (b) (6); Heinzelman, Kate (OAG)
(b) (6); Singh, Anita M. (ODAG) (b) (6); Carlin, John P. (ODAG)
(b) (6); Greenfeld, Helaine A. (OLA) (b) (6); Gaeta, Joseph (OLA)
(b) (6); Loeb, Emily M. (ODAG) (b) (6); Seidman, Ricki (OASG)
(b) (6)
Cc: Iverson, Dena (PAO) (b) (6)
Subject: Sunday TV

Only one *broadcast* morning show mention [on 1/6 committee subpoenas and AG memo] this Sunday



[Merrick Garland on KWYB \(ABC\) - Butte, MT](#)

This Week With George Stephanopoulos

10/10/2021 7:43:48 AM

[Play](#)

i don't think that's necessarily true. but that's how he's going to see it. >> it is going to be a real test for merrik garland. he's been resistant to inject the justice department into a lot of these battles. they made it clear they would not abide by the executive privilege claims. is it conceivable to you that merrik garland would act on a criminal referral of this? >> yeah, it is.

Cable mentions below

On January 6, Steven Bannon

10/10: [MSNBC Kendis Gibson and Linsey Reiser Report](#) at 7:08 am

10/10: [CNN Inside Politics with Abby Phillip](#) at 8:08 am

10/10: [MSNBC – Velshi](#) at 8:05 am, 9:04 am

10/10: [NPR](#) at 9:09 am

10/10: [CNN International – State of the Union with Jake Tapper](#) at 9:25 am

Texas SB8

10/10: [MSNBC Kendis Gibson and Linsey Reiser Report](#) at 6:21 am, 7:18 am

School Boards threats

10/10: [Fox News – Unfiltered with Dan Bongino](#) at 4:04 am

10/10: [Fox News – Watters' World](#) at 5:08 am

10/10: [Fox Business Network – WSJ at Large with Gerry Baker](#) at 9:50 am

10/10: [One America News Network](#) at 9:11 am

From: Gaeta, Joseph (OLA)
Subject: FW: FBI/School Board memo letters
To: Coley, Anthony D. (PAO); Iverson, Dena (PAO)
Cc: Greenfeld, Helaine A. (OLA); Calce, Christina M. (OLA)
Sent: October 7, 2021 3:16 PM (UTC-04:00)
Attached: SJC to DOJ re Schools (21.10.07).pdf, Buck.incoming.ltr.10.5.2021.pdf, Hawley.incoming.ltr.10.5.2021.pdf, Letter to Attorney General Garland regarding the recent DOJ memo.pdf

So you have all the incoming in one place. JMD/ALO also has a request from appropriators

From: Schwartz, Leah F. (OLA) (b) (6)
Sent: Thursday, October 7, 2021 2:59 PM
To: Gaeta, Joseph (OLA) (b) (6)
Subject: FW: FBI/School Board memo letters

Plus the new Sasse one from today.

From: Schwartz, Leah F. (OLA)
Sent: Thursday, October 7, 2021 1:53 PM
To: Gaeta, Joseph (OLA) (b) (6)
Subject: FBI/School Board memo letters

Hi Joe,

FBI/School board incoming letters attached. I'll update this chain if more come in.

Thanks,
-Leah

From: Colangelo, Matthew (OASG)
Subject: FW: OLA incoming congressional correspondence 10/13/2021
To: Vanita Gupta (OASG) (b) (6)
Sent: October 13, 2021 6:36 PM (UTC-04:00)
Attached: Johnson.Mike.incoming.ltr.10.13.2021.pdf, Diaz.Balart.incoming.ltr.10.13.2021.pdf, Scott.Rick.incoming.ltr.10.13.2021.pdf

fyi re school boards

From: Schwartz, Leah F. (OLA) (b) (6)
Sent: Wednesday, October 13, 2021 6:14 PM
To: Goodlander, Margaret V. (OAG) (b) (6); Klapper, Matthew B. (OAG)
(b) (6); Heinzelman, Kate (OAG) (b) (6); Hyun, Peter (OASG)
(b) (6); Loeb, Emily M. (ODAG) (b) (6); Lewis, Megan (ODAG)
(b) (6); Colangelo, Matthew (OASG) (b) (6)
Cc: Gaeta, Joseph (OLA) (b) (6); Greenfeld, Helaine A. (OLA) (b) (6);
Woldemariam, Wintta (OLA) (b) (6); Calce, Christina M. (OLA)
(b) (6); Antell, Kira M. (OLA) (b) (6)
Subject: OLA incoming congressional correspondence 10/13/2021

Duplicative Material, Document ID: 0.7.1451.9655

From: Lin, Frank (ODAG)
Subject: Fwd: Letter
To: (b)(6) Deputy AG Lisa Monaco
Sent: October 8, 2021 5:28 PM (UTC-04:00)
Attached: 2021.10.08 -- Letter -- Re Oct. 4 Memorandum.pdf

FYI, this should also be in your weekend book.

Sent from my iPhone

Begin forwarded message:

From: "Loeb, Emily M. (ODAG)" (b) (6)
Date: October 8, 2021 at 12:36:10 PM MST
To: "Singh, Anita M. (ODAG)" (b) (6), "Lin, Frank (ODAG)"
(b) (6), "Brockman, Audrey (ODAG)" (b) (6)
Cc: "Lewis, Megan (ODAG)" (b) (6)
Subject: Letter

HI - the DAG will want to see this Cruz/Lee/Blackburn letter that discusses the AG's family. Audrey, please give to John.

Emily M. Loeb
Associate Deputy Attorney General
Office of the Deputy Attorney General
c: (b) (6)
(b) (6)

United States Senate

Washington, DC 20510

October 8, 2021

The Honorable Merrick Garland
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Attorney General Garland:

On October 4, you issued a memorandum directing the Federal Bureau of Investigations (“FBI”) and United States Attorneys’ Offices to address purported harassment, intimidation, and threats of violence against school board members.¹ Actual violence, harassment, and threats are criminal activities and must be condemned. Yet your directive to the FBI runs a serious risk of conflating legitimate and meritorious protest by concerned parents with criminal conduct. The memorandum implies that parents who protest school boards, including those who oppose the inclusion of critical race theory in elementary, junior high, and high school curricula, may pose a public safety threat. In doing so, the memorandum appears intended to intimidate parents across the country into silence.

As a matter of policy, this memorandum is extraordinarily concerning, which is why we joined Senator Grassley’s letter on behalf of the 11 Republican members of the Senate Judiciary Committee in writing to you about this policy. Equally concerning, however, is reporting about an alleged connection between your family members and controversial curricula that will directly benefit from this memorandum and the chilling of speech.²

Your daughter, Rebecca Garland, married Alexander (“Xan”) Newman Tanner in 2018.³ Mr. Tanner is a co-founder of Panorama Education (“Panorama”), a “social learning” provider that provides consultancy services that reportedly aids schools in teaching critical race theory under the guise of “equity and inclusion” to America’s children.⁴ According to a recent report from the

¹ Memorandum, *Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff*, Dep’t of Justice (Oct. 4, 2021), <https://www.justice.gov/ag/page/file/1438986/download>.

² See, e.g., Luke Rosiak, *AG Linked to Firm That Stores ‘Psychological Profiles’ of Students, Avoids Parental Consent*, Daily Wire (Oct. 7, 2021), <https://www.dailywire.com/news/garland-panorama-parental-consent>; Mark Moore, *Parents group: AG Garland has conflict of interest with Facebook, critical race theory*, N.Y. Post (Oct. 6, 2021), <https://nypost.com/2021/10/06/parents-group-garland-has-conflict-of-interest-with-facebook/>; Sam Dorman, *AG Garland faces scrutiny over ties to Zuckerberg-backed ed consultancy amid critical race theory battles*, Fox News (Oct. 6, 2021), <https://www.foxnews.com/politics/merrick-garland-son-in-law-panorama-zuckerberg>.

³ *Rebecca Garland, Xan Tanner*, N.Y. Times (June 17, 2018), <https://www.nytimes.com/2018/06/17/fashion/weddings/rebecca-garland-xan-tanner.html>.

⁴ *About Us*, Panorama Education (last accessed October 7, 2021), <https://www.panoramaed.com/about>. Notably, Facebook CEO Mark Zuckerberg’s foundation, Chan-Zuckerberg Initiative, gave \$16 million to Panorama Education in 2017. Sam Dorman, *AG Garland faces scrutiny over ties to Zuckerberg-backed ed consultancy amid*

Daily Wire, Panorama holds contracts with at least 22 school districts across the country, which have paid Panorama a combined \$12 million in recent years.⁵

These reports outline allegations that parents and advocacy groups have recently raised about Panorama's contracts, curriculum, data collection practices, and student surveys. In early September, Parents Defending Education (PDE) released an article detailing parents' concerns about data collection and student surveys implemented in Fairfax County, Virginia, under the local school district's contract with Panorama.⁶ On September 29, the National School Boards Association sent a letter to the Biden administration raising complaints about parents' protests at school board meetings.⁷ Then, less than a week later, you issued the memorandum, which will benefit companies like Panorama, whose contracts may be in jeopardy as parents stand up to school boards and demand that their children not be indoctrinated with critical race theory.⁸

According to the Department of Justice's ("DOJ") Conflict of Interest Policy, "*An employee may not participate, without authorization, in a particular matter having specific parties that could affect the financial interests of members of her household.*"⁹ This policy is to prevent both actual conflicts of interests, as well as the appearance of a conflict of interest. In light of the allegations that your son-in-law's company may benefit directly from your memorandum, we request that you respond to the following questions no later than October 21, 2021:

- Does your son-in-law, Xan Tanner, currently work for Panorama? If not, when did he leave Panorama's employ?
- Has Panorama provided any consulting services to DOJ since January 20, 2021, or is Panorama under contract to provide any consulting services to DOJ in the future?
- Has Panorama provided consulting services or curriculum to any federal agency?
- Has there been any communication between Panorama and DOJ since January 20, 2021?
- Has any school district, teachers' union, or other trade organization contacted DOJ regarding Panorama since January 20, 2021?
- Have any school districts that hold or have held a contract with Panorama contacted DOJ regarding Panorama since January 20, 2021?
- Did you seek advice from an ethics official or attorney regarding Panorama before issuing the October 4, 2021 memoranda titled "*Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff*"?

critical race theory battles, Fox News (Oct. 6, 2021), <https://www.foxnews.com/politics/merrick-garland-son-in-law-panorama-zuckerberg>.

⁵ Luke Rosiak, *AG Linked to Firm That Stores 'Psychological Profiles' of Students, Avoids Parental Consent*, Daily Wire (Oct. 7, 2021), <https://www.dailywire.com/news/garland-panorama-parental-consent>.

⁶ *Fairfax County signs five-year contract to pay \$2.4 million in COVID emergency funds to a Boston-based consultant to administer intrusive "social and emotional" screening*, Parents Defending Education (Sept. 7, 2021), <https://defendinged.org/incidents/test/>.

⁷ Letter, Federal Assistance to Stop Threats and Acts of Violence Against Public Schoolchildren, Public School Board Members, and Other Public School District Officials and Educators, Nat'l Sch. Bd. Ass'n (Sept. 29, 2021), <https://nsba.org/-/media/NSBA/File/nsba-letter-to-president-biden-concerning-threats-to-public-schools-and-school-board-members-92921.pdf>.

⁸ See *supra* fn. 1.

⁹ *Conflicts*, Dep't of Justice (Aug. 13, 2021), <https://www.justice.gov/jmd/conflicts> (emphasis added).

- Did you or your staff have any communications with the White House regarding this memorandum or any of the issues discussed therein prior to October 4?

The American people have a strong interest in ensuring that the Department of Justice is acting in their best interests, and not in the financial interest of its officials or their families.

Sincerely,



Ted Cruz
Member, Senate Judiciary Committee



Mike Lee
Member, Senate Judiciary Committee



Marsha Blackburn
Member, Senate Judiciary Committee

From: Gaeta, Joseph (OLA)
Subject: FW: FBI/School Board memo letters
To: Coley, Anthony D. (PAO); Iverson, Dena (PAO)
Cc: Greenfeld, Helaine A. (OLA); Calce, Christina M. (OLA)
Sent: October 7, 2021 3:16 PM (UTC-04:00)
Attached: SJC to DOJ re Schools (21.10.07).pdf, Buck.incoming.ltr.10.5.2021.pdf, Hawley.incoming.ltr.10.5.2021.pdf, Letter to Attorney General Garland regarding the recent DOJ memo.pdf

So you have all the incoming in one place. JMD/ALO also has a request from appropriators

From: Schwartz, Leah F. (OLA) (b) (6)
Sent: Thursday, October 7, 2021 2:59 PM
To: Gaeta, Joseph (OLA) (b) (6)
Subject: FW: FBI/School Board memo letters

Plus the new Sasse one from today.

From: Schwartz, Leah F. (OLA)
Sent: Thursday, October 7, 2021 1:53 PM
To: Gaeta, Joseph (OLA) (b) (6)
Subject: FBI/School Board memo letters

Hi Joe,

FBI/School board incoming letters attached. I'll update this chain if more come in.

Thanks,
-Leah

From: [DOJ Correspondence \(SMO\)](#)
To: [DOJExecSec \(JMD\)](#)
Cc: [Tolson, Kimberly G \(JMD\)](#)
Subject: FW: Letter to AG Merrick Garland from Rep. Dan Bishop & 30 Members of Congress
Date: Friday, October 8, 2021 12:03:11 PM
Attachments: [image001.png](#)
[Attorney General Garland 10.7.21 DOJ Letter.pdf](#)
Importance: High

Pls log & assign to OLA for appropriate handling. OLA (Greenfeld) is handling this matter. Thanks.

From: Michos, Abigail (b) (6)
Sent: Thursday, October 7, 2021 6:24 PM
To: DOJ Correspondence (SMO)(b) (6)
Cc: Hampson, James (b) (6); Wynne, John
(b) (6)
Subject: [EXTERNAL] Letter to AG Merrick Garland from Rep. Dan Bishop & 30 Members of Congress

Good evening,

On behalf of Congressman Bishop and 30 other members of the House of Representatives, I write to convey the attached letter to Attorney General Merrick Garland asking he justify the recent directive branding American parents as domestic terrorists for opposing Critical Race Theory and mask mandates in schools and provide all documentation and communications related to this order.

Sincerely,

Abigail Michos
Legislative Correspondent
Congressman Dan Bishop (NC-09)
1207 Longworth House Office Building
Washington, D.C. 20515



From: [DOJ Correspondence \(SMO\)](#)
To: [DOJExecSec \(JMD\)](#)
Cc: [Tolson, Kimberly G \(JMD\)](#); [Greenfeld, Helaine A. \(OLA\)](#); [Greenfeld, Helaine A. \(OLA\)](#)
Subject: FW: Letter to Attorney General Garland regarding the DOJ's October 4th memo - TIME SENSITIVE
Date: Thursday, October 28, 2021 2:43:37 PM
Attachments: [Letter to Attorney General Garland regarding the DOJ's October 4th memo.pdf](#)
Importance: High

Pls log & assign to OLA for appropriate handling. Note; response is requested by 11/1/2021. OLA (Greenfeld) is handling this matter. Thanks.

From: Calandra, Adam (Sasse) (b) (6)
Sent: Wednesday, October 27, 2021 11:55 PM
To: DOJ Correspondence (SMO) <Ex_DOJCorrespondence@jmd.usdoj.gov>
Cc: Lehman, Patrick (Sasse) (b) (6)
Subject: [EXTERNAL] Letter to Attorney General Garland regarding the DOJ's October 4th memo

Dear Joe Gaeta,

I have enclosed a letter for Attorney General Garland from Senators Sasse, Grassley, Lee, Cotton, Tillis, Graham, Blackburn, and Kennedy.

Sincerely,

Adam Calandra

October 27, 2021

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

Dear Attorney General Garland,

At the Senate Judiciary Committee hearing today, you committed to providing the relevant data that impacted your decision-making behind the Department of Justice's (DOJ) memo, dated October 4, 2021.

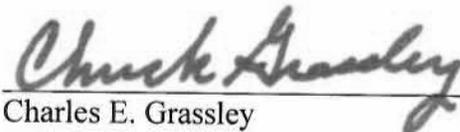
Pursuant to this commitment, please provide all evidence you personally used or relied on between Wednesday, September 29, 2021, and Monday, October 4, 2021 - other than the content of the NSBA letter dated Wednesday, September 29 - that formed the basis for the memo issued by the DOJ dated Monday, October 4th that addressed "...harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff...".

Please respond in writing by Monday, November 1, 2021 (five days from today). Because you were able to distill your evidence and craft a memo that fixed the gaze of the FBI directly on concerned parents across this country in just four days, you should be able to share that evidence with us in the same period of time.

Sincerely,



Ben Sasse
Member, Senate Judiciary Committee



Charles E. Grassley
Ranking Member, Senate Judiciary Committee



Mike Lee
Member, Senate Judiciary Committee



Tom Cotton
Member, Senate Judiciary Committee



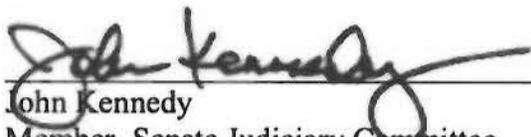
Thom Tillis
Member, Senate Judiciary Committee



Lindsey Graham
Member, Senate Judiciary Committee



Marsha Blackburn
Member, Senate Judiciary Committee



John Kennedy
Member, Senate Judiciary Committee

Congress of the United States
House of Representatives
Washington, DC 20515-3801

OFFICIAL BUSINESS

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Brian K. Fitzpatrick

M.C.

INSPECTED 21
NOV 02 2021
X-RAYED
DOJ MAILROOM



AFLF Litigation - OIP Referral Clean (March 2023)

JOBLAM3 20530



BRIAN K. FITZPATRICK
1ST DISTRICT, PENNSYLVANIA

SELECT COMMITTEE ON
INTELLIGENCE

COMMITTEE ON FOREIGN AFFAIRS

COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE



Congress of the United States

House of Representatives

Washington, DC 20515

21-028330
271 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
Page 38 of 66276

1717 LANGHORNE-NEWTOWN RD.
SUITE 225
LANGHORNE, PA 19047
(215) 579-8102

October 6th, 2021

DOJ EXECSEC RECEIVED
02 NOV 2021 PM03:33

The Honorable Merrick Garland
United States Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland,

I am writing today regarding the recent memo your office released on October 4th, 2021 about the spike in harassment, intimidation, and threats of violence against school administrators, teachers, board members, and staff. This memo implies that expressing one's opinions are not protected under the Constitution—which is false.

Furthermore, the measures and strategies you speak about that the FBI needs to create with other federal, state, local, tribal, and territorial leaders is vague. What standard will there be to assess threats and harassment? Who is going to be looked at specifically? As a former FBI agent, I have a personal interest and concern in this matter. If there is a clear violation of the law, there should be an enforcement mechanism and consequences of such violation. However, in this case, parents expressing their opinions about what their children should be taught is not a violation of the law and should not be looked at as such.

I fear that this move is politically motivated and unfair to parents who have a right to free speech over what they believe is best for their kids. I am specifically concerned about the rhetoric used by the National School Boards Association (NSBA) around this issue when they claim that differences of opinion between school boards and parents may amount to "domestic terrorism." Using the word terrorism in any sense is extremely strong, especially when speaking about threats. To use such language when discussing parents' interest in their child's education seems not only farfetched, but wrong.

My constituents deserve to know and understand why they are being blocked of freedoms protected by the US Constitution. I look forward to a receiving a response from you on the above concerns.

Sincerely,

Brian Fitzpatrick
Member of Congress

From: [DOJ Correspondence \(SMO\)](#)
To: [DOJExecSec \(JMD\)](#)
Cc: [Tolson, Kimberly G \(JMD\)](#); [Greenfeld, Helaine A. \(OLA\)](#)
Subject: FW: Letter for Attorney General Garland
Date: Monday, October 25, 2021 5:20:38 PM
Attachments: [2021-10-25 HJC GOP to Garland re school memo.pdf](#)
Importance: High

Pls log & assign to OPLA for appropriate handling. OLA (Greenfeld) is handling this matter. Thanks.

From: Bidelman, Kiley (b) (6)
Sent: Monday, October 25, 2021 1:00 PM
To: Pings, Anne (OLA) (b) (6) DOJ Correspondence (SMO)
(b) (6)
Cc: Castor, Stephen (b) (6)
Subject: [EXTERNAL] Letter for Attorney General Garland

Good afternoon – please see attached a letter addressed to Attorney General Garland.

Please confirm receipt of this letter.

Thanks,
Kiley

Kiley N. Bidelman
Clerk
Committee on the Judiciary
Rep. Jim Jordan, Ranking Member
2226 Rayburn HOB, Washington, DC 20515
(b) (6)

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

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)).

The Honorable Merrick B. Garland

October 25, 2021

Page 2

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).

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

The Honorable Vanessa R. Waldref
U.S. Attorney
Eastern District of Washington
P.O. Box 1494
Spokane, WA 99210

Dear Ms. Waldref:

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).

The Honorable Vanessa R. Waldref

November 1, 2021

Page 2

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).

From: Goodlander, Margaret V. (OAG)
Subject: Letters from SJC to DOJ for OAG
To: Seidman, Ricki (OASG)
Sent: October 22, 2021 3:15 PM (UTC-04:00)
Attached: Letters from SJC to DOJ for OAG.docx

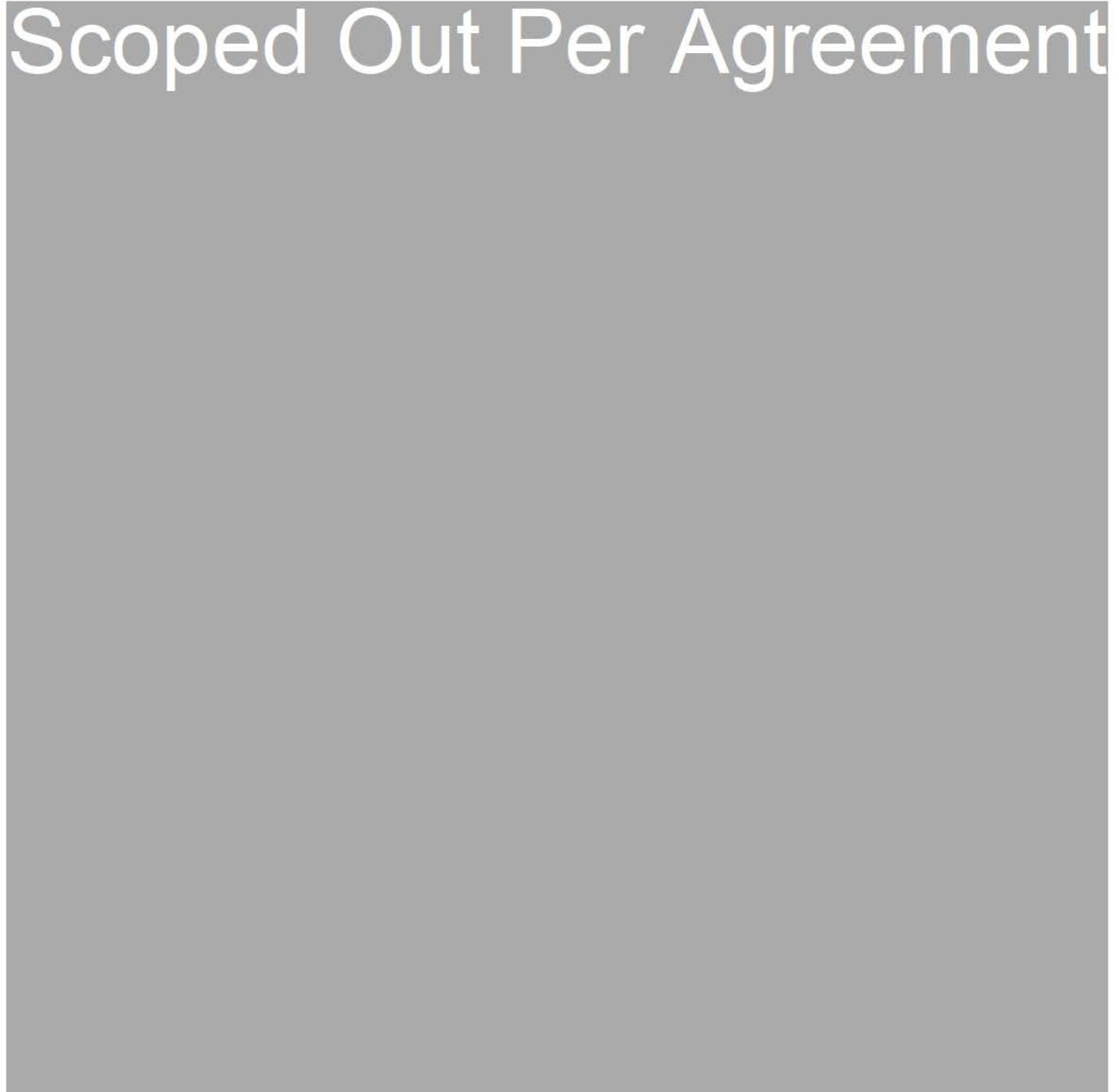
SJC LETTERS TO DOJ BRIEF SUMMARIES

Senator Grassley

October 4 School Board Memo

We are concerned about the appearance of the Department of Justice policing the speech of citizens and concerned parents in the October 4 Memo. (10/7/21 letter)

Scoped Out Per Agreement



Senator Graham

October 4 School Board Memo

We are concerned about the appearance of the Department of Justice policing the speech of citizens and concerned parents in the October 4 Memo. (10/7/21 letter)

Scoped Out Per Agreement

Senator Cornyn

October 4 School Board Memo

We are concerned about the appearance of the Department of Justice policing the speech of citizens and concerned parents in the October 4 Memo.
(10/7/21 letter)

Scoped Out Per Agreement

Senator Lee

October 4 School Board Memo – Panorama

Writing regarding October 4, 2021, memorandum issued directing the FBI and United States Attorneys' Offices to address purported harassment, intimidation, and threats of violence against school board members.

Equally concerning, however, is reporting about an alleged connection between your family members and controversial curricula that will directly benefit from this memorandum and the chilling of speech. (10/08/21 letter)

October 4 School Board Memo

We are concerned about the appearance of the Department of Justice policing the speech of citizens and concerned parents in the October 4 Memo. (10/7/21 letter)

Scoped Out Per Agreement

Senator Cruz

October 4 School Board Memo – Panorama

Writing regarding October 4, 2021, memorandum issued directing the FBI and United States Attorneys' Offices to address purported harassment, intimidation, and threats of violence against school board members.

Equally concerning, however, is reporting about an alleged connection between your family members and controversial curricula that will directly benefit from this memorandum and the chilling of speech. (10/08/21 letter)

October 4 School Board Memo

We are concerned about the appearance of the Department of Justice policing the speech of citizens and concerned parents in the October 4 Memo. (10/7/21 letter)

Scoped Out Per Agreement

Senator Sasse

October 4 School Board Memo

Asks the AG to answer questions about the memo without which the memo threatens to undermine basic civic trust. (10/7/21 letter)

October 4 School Board Memo

We are concerned about the appearance of the Department of Justice policing the speech of citizens and concerned parents in the October 4 Memo. (10/7/21 letter)

Scoped Out Per Agreement

Senator Hawley

October 4 School Board Memo

Expressing concern that all around the country, Americans are speaking out against critical race theory, yet your memo yesterday to the FBI and local U.S. Attorneys ignored all of this and warned of an insurgence of “threats of violence” and “efforts to intimidate individuals based on their views.”

(10/5/21 letter)

October 4 School Board Memo

We are concerned about the appearance of the Department of Justice policing the speech of citizens and concerned parents in the October 4 Memo.

(10/7/21 letter)

Scoped Out Per Agreement

Senator Cotton

October 4 School Board Memo

We are concerned about the appearance of the Department of Justice policing the speech of citizens and concerned parents in the October 4 Memo.
(10/7/21 letter)

Scoped Out Per Agreement

Senator Kennedy

October 4 School Board Memo

We are concerned about the appearance of the Department of Justice policing the speech of citizens and concerned parents in the October 4 Memo. (10/7/21 letter)

Scoped Out Per Agreement

Senator Tillis

October 4 School Board Memo

We are concerned about the appearance of the Department of Justice policing the speech of citizens and concerned parents in the October 4 Memo. (10/7/21 letter)

Scoped Out Per Agreement

Senator Blackburn

October 4 School Board Memo – Panorama

Writing regarding October 4, 2021, memorandum issued directing the FBI and United States Attorneys' Offices to address purported harassment, intimidation, and threats of violence against school board members.

Equally concerning, however, is reporting about an alleged connection between your family members and controversial curricula that will directly benefit from this memorandum and the chilling of speech. (10/08/21 letter)

October 4 School Board Memo

We are concerned about the appearance of the Department of Justice policing the speech of citizens and concerned parents in the October 4 Memo. (10/7/21 letter)

Scoped Out Per Agreement

From: Greenfeld, Helaine A. (OLA)
Subject: The shortened version of the letter descriptions
To: Goodlander, Margaret V. (OAG); Klapper, Matthew B. (OAG); Heinzelman, Kate (OAG)
Sent: October 22, 2021 6:26 PM (UTC-04:00)
Attached: Letters from SJC to DOJ for OAG shortened.docx

I repeated when there was a D and an R on the same letter.

Helaine Greenfeld

Deputy Assistant Attorney General

Office of Legislative Affairs

U.S. Department of Justice

(b) (6)

TOPICS FROM LETTERS TO DOJ – MEMBER BY MEMBER
Senate Judiciary Committee

Scoped Out Per Agreement

Scoped Out Per Agreement

Senator Charles Grassley

October 4 School Board Memo

We are concerned about the appearance of the Department of Justice policing the speech of citizens and concerned parents in the October 4 Memo. (10/7/21 letter)

Scoped Out Per Agreement

Scoped Out Per Agreement

Senator Mike Lee

October 4 School Board Memo – Panorama

Writing regarding October 4, 2021, memorandum issued directing the FBI and United States Attorneys' Offices to address purported harassment, intimidation, and threats of violence against school board members.

Equally concerning, however, is reporting about an alleged connection between your family members and controversial curricula that will directly benefit from this memorandum and the chilling of speech. (10/08/21 letter)

Scoped Out Per Agreement

Scoped Out Per Agreement

Senator Josh Hawley

October 4 School Board Memo

Expressing concern that all around the country, Americans are speaking out against critical race theory, yet your memo yesterday to the FBI and local U.S. Attorneys ignored all of this and warned of an insurgence of “threats of violence” and “efforts to intimidate individuals based on their views.” (10/5/21 letter)

Scoped Out Per Agreement

From: Goodlander, Margaret V. (OAG)
Subject: FW: BINDER #1 - AG'S "BACKGROUND BINDER"
To: Jackson, Wykema C. (OAG); Washington, Tracy T (OAG)
Sent: October 18, 2021 8:41 AM (UTC-04:00)
Attached: 01. TAB 1 - OLA Memo for the AG.docx, 02. TAB 2 - OLA Summary for the AG.docx, 03. TAB 3 - Key Letters from HJC Members.pdf, Tab 4. AG MEMORANDA - COMBINED.pdf, 05. TAB 5.pdf, 00. TOC for Background Binder - UPDATED.docx

Good morning, Wykema and Tracy: Thank you so much for your help printing binders for the AG on Friday – I am very grateful!! Two quick things: (1) I'm back in the office this morning and look forward to seeing you both! (2) Would it be possible to print 2 additional copies of the attached background binder this morning?

BACKGROUND FOR OCTOBER 21 HEARING TABLE OF CONTENTS

- 1. OLA Memo for the Attorney General**
- 2. OLA Summary of HJC Letters to DOJ**
- 3. Key Letters from HJC Members**
- 4. Key Attorney General Memoranda**
- 5. Miscellaneous**

HJC LETTERS TO DOJ

OLA'S MEMBER-BY-MEMBER SUMMARY

Rep. Jim Jordan (OH – 04) (Ranking Member)

School Board Memo

This letter is to express our serious concerns about your recent decision to involve federal law enforcement entities in local school board debates and to stifle First Amendment-protected political speech. Your actions are not just inappropriate, but also appear to have been improperly influenced by politics and by your family's interest in the matter. We request you promptly consult with the designated agency ethics official to determine if your actions in this matter have resulted in an ethics violation for a breach of impartiality. (10/13/2021 letter)

Scoped Out Per Agreement

Rep. Louis Gohmert (TX – 01)

School Board Memo

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School Board Memo

We are deeply concerned by your recent announcement that you intend to mobilize the Department of Justice to address the threat of violence against school administrators. (10/7/21 letter)

Scoped Out Per Agreement

Rep. Ken Buck (CO – 04)

School Board Memo

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School Board Memo

I write to express my grave concern regarding your recent decision to mobilize federal law enforcement resources to monitor local school board meetings. More engagement from parents who are concerned about what their children are being taught does not give rise to a federal crime. In fact, there appears to be no federal nexus sufficient to justify the directives outlined in your October 4th memorandum and your decision to direct federal law enforcement resources to confront parents who oppose the views of the Biden Administration and its socialist agenda. Your memorandum is a politically motivated abuse of power and displays a lack of reasoned, sound judgment. (10/5/21 letter)

Rep. Matt Gaetz (FL – 01)

School Board Memo

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Scoped Out Per Agreement

Rep. Mike Johnson (LA – 04)

School Board Memo

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School Board Memo

Although we have observed through this year a growing movement of parents speaking and protesting in local school board meetings against racist Critical Race Theory-based (CRT) indoctrination and specious mask mandates for students, we are not aware of any significant or widespread acts or threats of violence or property damage associated with this First Amendment-protected activity, and certainly no apparent federal crime. (10/7/21 letter)

Scoped Out Per Agreement

Rep. Andy Biggs (AZ – 05)

School Board Memo

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School Board Memo

No government official has the right to claim that a citizen may not peacefully speak out against government policies. We have grave concerns about your announcement. (10/7/21 letter)

School Board Memo

We are deeply concerned by your recent announcement that you intend to mobilize the Department of Justice to address the threat of violence against school administrators. (10/7/21 letter)

Scoped Out Per Agreement

Rep. W. Gregory Steube (FL – 17)

School Board Memo

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School Board Memo

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Scoped Out Per Agreement

Rep. Tom Tiffany (WI – 07)

School Board Memo

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School Board Memo

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Rep. Thomas Massie (KY – 04)

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Rep. Chip Roy (TX – 21)

School Board Memo

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Scoped Out Per Agreement

Rep. Michelle Fischbach (MN – 07)

School Board Memo

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Scoped Out Per Agreement

Rep. Victoria Spartz (IN – 05)

School Board Memo

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School Board Memo

October 4 memorandum is alarming. The creation of task forces is meant to threaten families and quash their right to speak to their elected officials. (10/7/21 letter)

Rep. Scott Fitzgerald (WI – 05)

School Board Memo

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Rep. Burgess Owens (UT – 04)

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Scoped Out Per Agreement

10 KEY LETTERS FROM HJC MEMBERS
TABLE OF CONTENTS

1. **10/13/21**: Jordan et al., *School Board Memo*

2. **10/05/21**: Jordan et al, *School Board Memo*

Scoped Out Per Agreement - Also (b)(5)



From: Lin, Frank (ODAG)
Subject: priority initiative update binders
To: Brockman, Audrey (ODAG); Simms, Donna Y. (ODAG)
Sent: October 15, 2021 3:33 PM (UTC-04:00)
Attached: Scoped Out Per Agreement, Chambers.docx, Scoped Out Per Agreement, Scoped Out Per Agreement

Hi! Here are this week's priority initiative updates. Can you please provide with a front pocket note that (b) (5) [REDACTED], and that (b) (6) [REDACTED]? And can I start getting hard copies of these as well? Thanks!

Frank

ODAG UPDATE MEMORANDUM

FROM: Kevin Andrew Chambers

SUBJECT: Updates on Priority Workstreams

DATE: October 15, 2021

Scoped Out Per Agreement - Also (b)(5)



5. School Boards Threats

Status:

- (1) On October 4, the AG issued a memorandum regarding threats against school board members and school administrators, creating a task force and directing engagement with state and local law enforcement
- (2) Components have been selected to participate in the Task Force and are designating personnel to represent them
- (3) Task Force held first team meeting on Wednesday, October 13
- (4) Task Force (EOUSA/CRM) have drafted guidance to USAOs which is currently under review. Guidance provides information about focus and format of convened meetings
- (5) (b)(5) per Dept. of Ed.
[Redacted]
[Redacted]
[Redacted]

Next Steps:

- (1) (b) (5) [Redacted]
- (2) (b) (5) [Redacted]

From: Stueve, Joshua (PAO)
Subject: Re: [EXTERNAL] Re: [EXTERNAL EMAIL] - Media Inquiry
To: Bradford, Aryele (PAO)
Sent: October 13, 2021 3:10 PM (UTC-04:00)

Gotcha. Will leave it alone then!

Joshua Stueve | Spokesman
U.S. Department of Justice
Cell: (b) (6)

On Oct 13, 2021, at 2:52 PM, Bradford, Aryele (PAO) (b) (6) wrote:

This is Wyn.

From: Stueve, Joshua (PAO) (b) (6)
Sent: Wednesday, October 13, 2021 2:46 PM
To: Bradford, Aryele (PAO) (b) (6)
Subject: Re: [EXTERNAL] Re: [EXTERNAL EMAIL] - Media Inquiry

Hey! Are you handling?

Joshua Stueve | Spokesman
U.S. Department of Justice
Cell: (b) (6)

On Oct 13, 2021, at 1:24 PM, Kendall Tietz (b) (6) wrote:

Hello,

Following up on this request, because I haven't heard anything from anyone at the Justice Department explaining what is constitutes as a "disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff."

Thank you,

Kendall Tietz

Education Reporter
Daily Caller News Foundation

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

On Oct 8, 2021, at 4:30 PM, Kendall Tietz
(b) (6) wrote:

We are about to publish our article if the DOJ would like to make a statement.

Thanks,

Kendall Tietz

On Oct 8, 2021, at 12:55 PM, Bradford, Aryele (PAO)
(b) (6) wrote:

Adding Wyn.

Aryele N. Bradford | Public Affairs Specialist
Office of Public Affairs, Department of Justice

(b) (6)

Desk: (b) (6)

Cell: (b) (6)

On Oct 8, 2021, at 1:48 PM, (b)(6), (b)(7)(C), (b)(7)(E) per FBI
(b)(6), (b)(7)(C), (b)(7)(E) per FBI wrote:

Hello Kendall,
I'm adding in a few PAOs over at DOJ Main to assist with your inquiry as I am no longer on temporary assignment in the Justice press office.

Best,

(b)(6), (b)(7)(C) per FBI

(b)(6), (b)(7)(C) per FBI

FBI National Press Office

(m) (b)(6), (b)(7)(E) per FBI

(d) (b)(6), (b)(7)(E) per FBI

(b)(6), (b)(7)(E) per FBI

[FBI.gov](https://www.fbi.gov) | [@FBI](https://twitter.com/FBI)

All correspondence contained in this e-mail, to include all names and associated contact information, may be subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

Confidentiality Statement: This message is transmitted to you by the Office of Public Affairs National Press Office of the FBI. The message, along with any attachments, may be confidential. If you are *not* the intended recipient of this message, please promptly destroy it without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a *separate* e-mail or by calling (b)(7)(E) per FBI.

From: Kendall Tietz

(b) (6)

Sent: Friday, October 8, 2021 1:23 PM

To: (b)(6), (b)(7)(C), (b)(7)(E) per FBI

Subject: [EXTERNAL EMAIL] - Media Inquiry

Hello,

I am following up on my earlier request to clarify what the DOJ constitutes as a "disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff"? In addition, can the DOJ address what threats of violence the DOJ is concerned of regarding both Texas's SB8 and schools and teachers? Can the DOJ please provide specific examples of the types of violence that the DOJ fears? Also, if the DOJ is focusing in on violent threats from parents and pro-lifers, why isn't the DOJ tracking violent crimes from Antifa members?

<https://www.justice.gov/opa/pr/justice-department-addresses-violent-threats-against-school-officials-and-teachers>
<https://www.justice.gov/opa/pr/statement-attorney-general-merrick-b-garland-regarding-texas-sb8-0>

Thank you,

Kendall Tietz

Education Reporter
Daily Caller News Foundation

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

From: NPO@FBI.GOV
Subject: RE: [EXTERNAL EMAIL] - Media Inquiry
To: Bradford, Aryele (PAO); Press
Cc: (b)(6), (b)(7)(C) per FBI (OPA) (FBI); Stueve, Joshua (PAO); NPO@FBI.GOV; Hornbuckle, Wyn (PAO)
Sent: October 13, 2021 2:04 PM (UTC-04:00)

Hello—

Closing the loop from an NPO standpoint, we defer to DOJ on this inquiry.

Thanks,

(b)(6), (b)(7)(C) per FBI

SSA (b)(6), (b)(7)(C) per FBI
Federal Bureau of Investigation
National Press Office

(b)(6), (b)(7)(E) per FBI

From: Kendall Tietz (b) (6)
Sent: Wednesday, October 13, 2021 1:23 PM
To: Bradford, Aryele (PAO) (JMD) (b) (6)
Cc: (b)(6), (b)(7)(C), (b)(7)(E) per FBI; Stueve, Joshua (PAO) (JMD) (b) (6);
NPO <NPO@FBI.GOV>; Hornbuckle, Wyn (PAO) (JMD) (b) (6)
Subject: Re: [EXTERNAL EMAIL] - Media Inquiry

Duplicative Material, Document ID: 0.7.1451.5518

From: Department of Justice via Department of Justice
Subject: [EXTERNAL] Media Inquiry from Paul Mironov - RT International News Channel
To: Press
Sent: October 10, 2021 6:23 PM (UTC-04:00)
Date Sunday, October 10, 2021 - 6:23pm EDT

Name: Paul Mironov

Email Address: (b) (6)

Topic: Federal Bureau of Investigation (FBI)

Media Outlet: RT International News Channel

Deadline: 10/11/21

Inquiry:

Dear Sir or Madam,

I am writing on behalf of RT International – the global broadcast news network based in Moscow.

We respectfully ask if you could provide a response to the Attorney General's direction to the FBI to discuss strategies to deal with parents who are concerned about Critical Race Theory being taught to their children. The direction was made after the National School Boards Association sent President Joe Biden a letter, comparing the actions of concerned parents to domestic terrorism.

For further information, here is the link to the Attorney General's direction -

<https://www.justice.gov/opa/pr/justice-department-addresses-violent-threats-against-school-officials-and-teachers>

And the link to the NSBA letter -

<https://protect2.fireeye.com/v1/url?k=bdd3840b-e248bcc7-bdd4a0ee-0cc47adca7dc-a03db238e613bfc7&q=1&e=3c5b2442-b23c-488c-b586-8a20011be210&u=https%3A%2F%2Fwww.nsba.org%2F-%2Fmedia%2FNSBA%2Ffile%2Fnsba-federal-assistance-letter-9292021.pdf%3F%3Den%26hash%3D430A3833A52FB1D2B8DF25160BCD8EFFBDE93CC2>

We would very much appreciate it if you could clarify whether dealing with such cases is among the FBI's duties and how the Bureau should react to them.

We would also appreciate if you could tell us if the FBI considers the parents' actions mentioned in the letter to be domestic terrorism.

Thanks in advance for your time and consideration, and I look forward to hearing from you at your earliest convenience.

Best regards,
Paul Mironov
News Producer
RT International
<http://rt.com>
E-mail: (b) (6)

(b) (6)

From:
Subject: RE: [EXTERNAL] Media Inquiry from Pat Cloonan - The Indiana Gazette
To:
Sent: October 7, 2021 12:58 PM (UTC-04:00)

-----Original Message-----

From: Press <Press@jmd.usdoj.gov>
Sent: Thursday, October 7, 2021 9:58 AM
To: Hornbuckle, Wyn (PAO) (b) (6)
Cc: Press <Press@jmd.usdoj.gov>
Subject: FW: [EXTERNAL] Media Inquiry from Pat Cloonan - The Indiana Gazette

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Wednesday, October 6, 2021 1:13 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Pat Cloonan - The Indiana Gazette

Date Wednesday, October 6, 2021 - 1:13pm EDT

Name: Pat Cloonan

Email Address: (b) (6)

Topic: Other (please specify at the top of your message)

Media Outlet: The Indiana Gazette

Deadline: As soon as possible. We are a 6-day-a week newspaper that normally goes to press weeknights around midnight.

Inquiry:

Re: Oct. 4 memorandum from Attorney General Garland regarding "a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools." I was referred to you by the FBI spokeswoman in Pittsburgh regarding this question:

Has there been any complaints to the FBI regarding "criminal conduct directed toward school personnel" in western Pennsylvania? And, in turn, has there been any advisories sent out to local leaders in the Western District (of Pennsylvania)?

Thank you ... Pat Cloonan, The Indiana Gazette, Indiana, PA, (b) (6).

From:
Subject: RE: [EXTERNAL] Media Inquiry from Matthew Fortin - WBTW-TV
To:
Sent: October 7, 2021 12:58 PM (UTC-04:00)

-----Original Message-----

From: Press <Press@jmd.usdoj.gov>
Sent: Thursday, October 7, 2021 9:59 AM
To: Hornbuckle, Wyn (PAO) (b) (6)
Cc: Press <Press@jmd.usdoj.gov>
Subject: FW: [EXTERNAL] Media Inquiry from Matthew Fortin - WBTW-TV

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Wednesday, October 6, 2021 1:52 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Matthew Fortin - WBTW-TV

Date Wednesday, October 6, 2021 - 1:52pm EDT

Name: Matthew Fortin

Email Address: (b) (6)

Topic: Criminal Law

Media Outlet: WBTW-TV

Deadline: 3 pm EST

Inquiry:

Seeking a brief zoom interview on the DOJ's latest push to stop violence against school personnel

From: Press
Subject: FW: [EXTERNAL] Media Inquiry from Zachary Stieber - The Epoch Times
To: Hornbuckle, Wyn (PAO)
Cc: Press
Sent: October 7, 2021 10:09 AM (UTC-04:00)

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Thursday, October 7, 2021 10:08 AM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Zachary Stieber - The Epoch Times

Date Thursday, October 7, 2021 - 10:08am EDT

Name: Zachary Stieber

Email Address: (b) (6)

Topic: Other (please specify at the top of your message)

Media Outlet: The Epoch Times

Deadline: 12:30 p.m. Eastern, Oct. 7

Inquiry:
ATTORNEY GENERAL

Hi there,

Good morning, hope you're doing well.

Activists and members of Congress are calling for a probe into Attorney General Merrick Garland over an alleged conflict of interest.

Garland's daughter is married to a man whose company, Panorama Education, sells products to school districts promoting ideas similar to those found in critical race theory. The attorney general's recent memorandum directs federal law enforcement to act against parents accused of harassing school board members and others involved in education. Many of the protests at school board meetings in recent weeks have involved pushback to CRT ideas and teachings.

"AG Garland's son-in-law is co-founder of a company that sells critical race theory materials to schools (purchased by local school boards). If this is true, Congress needs to hold oversight hearings NOW," Rep. Ken Buck wrote on Twitter.

Does the DOJ have a response?

Thanks,
Zack Stieber
The Epoch Times

(b) (6)

From: Chip Slaven
Subject: Re: [EXTERNAL] RE: Hello from Main Justice
To: Coley, Anthony D. (PAO)
Sent: October 6, 2021 7:11 PM (UTC-04:00)

Thanks so much Anthony, have a great night.

Best,
Chip

From: Coley, Anthony D. (PAO) (b) (6)
Sent: Wednesday, October 6, 2021 6:56 PM
To: Chip Slaven (b) (6)
Subject: RE: [EXTERNAL] RE: Hello from Main Justice

Thanks so much for the feedback, Chip. Your instinct is right: threats of violence may be reported to your local FBI office or to the FBI's National Threat Operations Center (NTOC) via its national tip line (1-800-CALL-FBI) and online through the FBI website (<http://fbi.gov/tips>).

From: Chip Slaven (b) (6)
Sent: Wednesday, October 6, 2021 2:12 PM
To: Coley, Anthony D. (PAO) (b) (6)
Subject: RE: [EXTERNAL] RE: Hello from Main Justice

Hi Anthony,

First thanks again for the call on Monday. I think the Attorney General's announcement is an extremely positive development to help calm down the situation despite how some are mischaracterizing it. This kind of move could help stop an incident and promote more positive interaction among the public when these situations are being discussed.

On another note, I just wanted to get your advice. The phone calls and emails to NSBA are increasing. We have reported several to the Alexandria Police Department, but I wanted to reach out to see who at the FBI you recommend we should be communicating with on this issue just to keep them in the loop if things increase. I am glad to reach out to the local FBI in the Alexandria area but thought I would check with you first since this has risen to such high levels with NSBA's name being out there.

Thanks,
Chip

From: Chambers, Kevin (ODAG)
Subject: Fwd: Calls to NSBA
To: Coley, Anthony D. (PAO)
Sent: October 6, 2021 6:37 PM (UTC-04:00)

I'd have them call the local office but apparently either will work.

Sent from my iPhone

Begin forwarded message:

From: Jay Greenberg (b)(6); (b)(7)(E) per FBI
Date: October 6, 2021 at 6:33:37 PM EDT
To: "Chambers, Kevin (ODAG)" (b) (6)
Subject: RE: Calls to NSBA

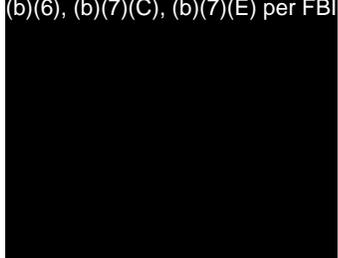
They could call either the local FBI office or the 1-800 number. Both will route into our threat intake system.

Thanks.

Jay

Deputy Assistant Director
Public Corruption and Civil Rights
Financial Crimes

(b)(6), (b)(7)(C), (b)(7)(E) per FBI



From: Chambers, Kevin (ODAG) (b) (6)
Sent: Wednesday, October 6, 2021 4:01 PM
To: Greenberg, Jay (CID) (FBI) (b)(6); (b)(7)(E) per FBI
Subject: [EXTERNAL EMAIL] - Calls to NSBA

Jay,

The National School Board Association reports to us that they are receiving threatening calls and emails since they issued their letter last week, which have increased since the AG's memo. Is protocol when one entity is getting multiple threats (via phone/email) to call the local FBI, the 1-800 number, or something else?

Thanks,
Kevin

From: USAEO-OTD
Subject: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff
Date: Monday, October 4, 2021 5:43:46 PM
Attachments: Attorney General Memorandum - Partnership Among Federal State Local Tribal and Territorial Law Enforcement to Address Threats Against School Administrators Board Mem.pdf

MEMORANDUM - Sent via Electronic Mail

DATE: October 4, 2021

TO: ALL UNITED STATES ATTORNEYS
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS
ALL EXECUTIVE ASSISTANT UNITED STATES ATTORNEYS
ALL CRIMINAL CHIEFS
ALL LAW ENFORCEMENT COORDINATORS

SUBJECT: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal
and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff

Please see the attached memorandum from the Attorney General regarding Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff.

cc: All United States Attorneys' Secretaries

TO: DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
DIRECTOR, EXECUTIVE OFFICE FOR U.S ATTORNEYS
ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION
UNITED STATES ATTORNEYS

FROM: THE ATTORNEY GENERAL

SUBJECT: PARTNERSHIP AMONG FEDERAL, STATE, LOCAL, TRIBAL, AND
TERRITORIAL LAW ENFORCEMENT TO ADDRESS THREATS AGAINST
SCHOOL ADMINISTRATORS, BOARD MEMBERS, TEACHERS, AND
STAFF

In recent months, there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools. While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views.

Threats against public servants are not only illegal, they run counter to our nation's core values. Those who dedicate their time and energy to ensuring that our children receive a proper education in a safe environment deserve to be able to do their work without fear for their safety.

The Department takes these incidents seriously and is committed to using its authority and resources to discourage these threats, identify them when they occur, and prosecute them when appropriate. In the coming days, the Department will announce a series of measures designed to address the rise in criminal conduct directed toward school personnel.

Coordination and partnership with local law enforcement is critical to implementing these measures for the benefit of our nation's nearly 14,000 public school districts. To this end, I am directing the Federal Bureau of Investigation, working with each United States Attorney, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days of the issuance of this memorandum. These meetings will facilitate the discussion of strategies for addressing threats against school administrators, board members, teachers, and staff and will open dedicated lines of communication for threat reporting, assessment, and response.

The Department is steadfast in its commitment to protect all people in the United States from violence, threats of violence, and other forms of intimidation and harassment.



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA
2005 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85004



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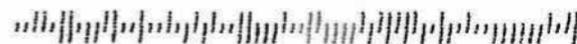
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DOJ MAILROOM

The Honorable Merrick B. Garland
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

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MARK BRNOVICH
Attorney General

Office of the Attorney General
State of Arizona

October 5, 2021

The Honorable Merrick B. Garland
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Garland,

I am extremely concerned about a letter you recently sent out, which lays out the Department of Justice's schemes to prevent and intimidate parents from preventing and impacting their schools' decisions to brainwash our children with Critical Race Theory (CRT). Be advised, as I have previously written, Arizona will not tolerate any incursions on our state sovereignty, especially this latest attempt.

The Biden Administration may find CRT a useful manipulation to support its radical agenda, but many Arizonans and I see it as destructive and un-American. CRT is nothing more than the neo-Marxist idea of how race may have influenced the inception and history of our nation, building upon a misguided utopian dream of creating a new society based on class. Unfortunately, this radical concept is already threatening to consume many of our institutions – from the U.S. military, to our churches, our professional sports leagues, our legislatures, and our schools.

Arizona parents are rightly concerned and outraged by CRT being induced upon our schools and children. As a father of two daughters myself, I am encouraged that thousands of parents have awakened to this infestation of our children's minds and are standing up to school boards and university systems to stop this curriculum. The vast majority of parents are protesting in accordance with their protected constitutional rights; the few who cross the lines into violence are appropriately dealt with by local law enforcement and existing laws.

Your letter promotes a false narrative that most people who are against CRT are running afoul of our laws, and it further attempts to intimidate such parents from exercising their right to protest school board actions. This is a shameful attempt to force CRT upon our impressionable children, against the will of local communities. Parental involvement in our schools and society should be encouraged and commended. Government does not know what is best for our children, nor should it pretend that it does.

Attorney General Garland, it is clear that your Department and the Biden Administration more generally do not respect state sovereignty that was reserved to the states and the people according to our Founders' intentions. Nevertheless, Arizona will not stand by to allow your Department to intimidate parents and strip our state of all sovereignty. We will not tolerate this gross federal overreach and intimidation of Arizona families. I request that you rescind your letter and all plans to intimidate Arizona parents who care about their children's education.

Respectfully,

Mark Brnovich

Mark Brnovich

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UNIT
ADA

(b) (6)

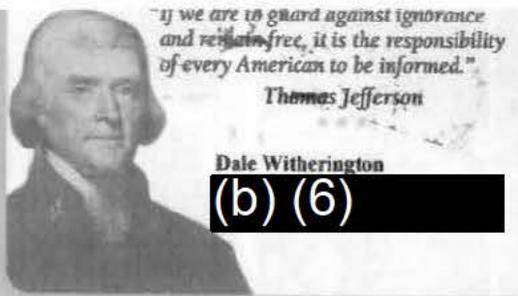


X-RAYED
OCT 15 2021
DOJ MAILROOM

The Honorable Merrick B. Garland, AG
C/o The U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC

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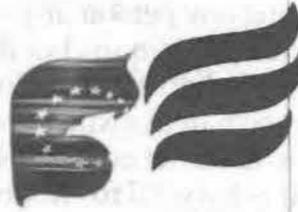


"If we are to guard against ignorance and remain free, it is the responsibility of every American to be informed."

Thomas Jefferson

Dale Witherington

(b) (6)



R E S T O R E M I N N E S O T A

The Honorable Merrick B. Garland, Attorney General
c/o The U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530-0001

Dear Mr. Attorney General:

I am writing in hopes of helping to prevent an escalation in the tensions created by a press release from the Department of Justice. But, based on what I'm reading and texts I'm receiving, I think I may be too late. It's already front page news in the main stream media.

The press release to which I refer, of course, addresses the subject matter as: Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers and Staff.

As you are aware, this press release is meant to assist those "who participate in the vital work of running our nation's public schools" and purported "threats of violence or efforts to intimidate individuals based on their views". The press release is summed up in the statement, "Those who dedicate their time and energy to ensuring that our children receive a proper education in a safe environment deserve to be able to do their work without fear for their safety."

However, the portion of the press release that is particularly inflammatory is your apparent buy-in to the NSBA's request to classify protests as "domestic terrorism" by the forming of a "task force. . .to determine how federal law enforcement tools can be used to prosecute these crimes."

To which harassment, intimidation and threats do you refer? And, why have you already determined crimes worthy of prosecution have been committed? Is not a reasonable investigation to take place before prosecution is adjudicated?

Mr. Attorney General, Sir, which is the greater threat:

The school board member who believes it is right and proper to promote Critical Race *Theory* (italicized for emphasis) and Comprehensive Sex Education, that is,

consensual sexual activity among any person or persons at any time, with one or more partners, including adults with minors, but does not want school children 8 years-old and under taught the Pledge of Allegiance because “we should not indoctrinate our children,” or the parents who know *Critical Race Theory* is false, mask mandates on school-aged children contradict good science and Comprehensive Sex Education is harmful to children?

What exactly is the **real** agenda here?

Could it be that the real agenda here is wrapped up in the written goals of those anti-Americans who believe it is right and necessary to:

1. Do away with all loyalty oaths, including the Pledge of Allegiance?
2. Get control of the schools. Use them as transmission belts for socialism and current Communist propaganda. Soften the curriculum. Get control of teacher’s associations. **Put the party line in textbooks.** (Emphasis mine.)
3. Gain control of all student newspapers.
4. Eliminate all laws governing obscenity by calling them “censorship” and a violation of free speech and free press.
5. Break down cultural standards of morality.
6. Present homosexuality, degeneracy and promiscuity as “normal, natural, healthy”.
7. Eliminate prayer or any phase of religious expression in the schools on the ground it violates the principle of “separation of church and state.”
8. Discredit the American Constitution.
9. Discredit the American Founding Fathers.
10. Belittle all forms of American culture and discourage the teaching of American history.
11. Support any socialist movement to give centralized control over any part of the culture – education, social agencies, welfare programs, mental health clinics, etc.
12. Emphasize the need to raise children away from the negative influence of parents. Attribute prejudices, mental blocks and retarding of children to suppressive influence of parents.
13. Discredit the family as an institution
14. Promote the U.N. as the only hope for mankind.
15. Infiltrate and gain control of more unions.
16. Infiltrate and gain control of big business.
17. Infiltrate the press.

As you know, these are only 17 of your 45 goals.

Mr. Attorney General, the NSBA’s request and your press release have done little more than stir up a hornet’s nest. Your “task force” is likely to be a consummate failure unless your ultimate objective is to create a Nazi-like gestapo hellbent on

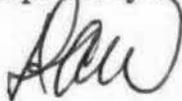
making America's parents the enemies of their children. No, Sir, we will not bend on this.

Therefore, here is what we will continue to do, whether or not you create your "task force of tyranny":

1. We will continue to advocate peacefully for parental rights in school choice.
2. We will continue to advocate peacefully for the rights of community members to speak up at their school board meetings.
3. We will not tolerate or excuse members of our communities from making threats of violence against members of school boards, school districts, teachers or teacher's aides.
4. We will promote with great enthusiasm the movement among parents to remove their children from government-run indoctrination centers, more commonly referred to as the public school system, and assist them where possible to place their children in well-run private, charter, church-based, faith-based and home schools so they can focus more on education and less on government propaganda.
5. We will work diligently to vote out of office school board members, city council members, county commissioners, and all other state and federal officials who continue to violate parental trust in a so-called education system that seems to exist to destroy our children, families and our nation.

Mr. Attorney General, if you want an effective "task force," why not include parents and other community leaders whose primary concern is for the safety, security and education of America's children, instead of giving in to a socialistic association intent on using you and your office for bullying and intimidation tactics so they can carry out their un-American terroristic agenda? Do you *really* want to investigate "domestic terrorism"? Then, we suggest you investigate the NSBA and the NEA. The criminality you will likely find there will keep you and your task force busier than a one-legged man in a butt-kicking contest. It will also allow America's parents provide the quality education they want for their children and that their children deserve.

Respectfully submitted,



Dale Witherington, Chief Steward
Restore Minnesota

Restore Minnesota
Restoring Righteousness. Protecting Liberty. Igniting Hope.
Providing Leadership. Preserving Our Judeo-Christian Heritage.
www.RestoreMN.org



STATE OF INDIANA
OFFICE OF THE ATTORNEY GENERAL
TODD ROKITA

302 West Washington Street
Indiana Government Center South, 5th Floor
Indianapolis, Indiana 46204

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Merrick B. Garland, Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

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STATE OF INDIANA

OFFICE OF THE ATTORNEY GENERAL

TODD ROKITA
INDIANA ATTORNEY GENERAL

INDIANA GOVERNMENT CENTER SOUTH, FIFTH FLOOR
302 WEST WASHINGTON STREET ● INDIANAPOLIS, IN 46204-2770
www.AttorneyGeneral.IN.gov

TELEPHONE: 317.232.6201

FAX: 317.232.7979

October 26, 2021

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Merrick B. Garland, Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: NSBA's Fraud on the American People

Dear President Biden and Attorney General Garland,

One week ago in a letter dated October 18, 2021, my fellow Attorneys General and I laid out the facts surrounding the massive fraud that the National School Boards Association (NSBA) has perpetrated on the American people. In a letter to the Department of Justice (DOJ) dated September 29, 2021, NSBA accused parents throughout the United States of "domestic terrorism and hate crimes" warranting the invocation of "the PATRIOT Act in regards to domestic terrorism."

Our letter objected to Attorney General Garland's Memorandum of October 4, 2021, which attacked dissent by parents during local school board meetings in an effort "to intimidate parents into giving up their constitutional rights to direct the upbringing and education of their children." We surmised that the Attorney General's Memorandum was based on the NSBA's false accusations against parents. The Attorney General confirmed as much during his House Judiciary Committee Testimony on October 21, 2021, when he said that "[w]ell, the National School Board Association, which represents thousands of school boards and school board members, says that there are these kinds of threats. When we read in the newspapers reports of threats of violence—"¹

But in deciding to target parents through its October 4 memorandum, the DOJ did not merely rely on factual allegations voluntarily supplied by private citizens. As Attorney General Garland observed in his testimony before the House Judiciary Committee, in an e-mail to the NSBA Board dated September 29, 2021, the NSBA Executive Director stated that he had been "in talks over the last several weeks with White House staff, they requested additional information on some of the specific threats, so the letter details many of the

¹ A clip of the video of this answer and Attorney General's admission under questioning by Rep. Jim Jordan may be viewed here: <https://thefederalist.com/2021/10/21/ag-merrick-garland-admits-federal-war-on-parents-sprang-from-school-boards-letter-not-evidence>.

incidents that have been occurring.”² In addition, Attorney General Garland admitted that the DOJ officials were involved in discussions with the NSBA and the White House over the now repudiated NSBA letter that formed the factual basis for the October 4, 2021 memorandum as noted above: “I am sure that the communication from the National Association of School Boards was discussed between the White House and the Justice Department and that’s perfectly appropriate.”

Attorney General Garland’s reliance on the NSBA letter is troubling enough, but potential collusion between the White House, the DOJ, and the NSBA in the actual creation of the September 29 letter—as a pretext for threats against parents—raises serious concerns.³ Officials with the awesome power to initiate criminal actions using the USA PATRIOT ACT abuse citizens when they solicit, as an excuse for mobilizing federal law enforcement, complaints against ordinary Americans who merely disagree with local school officials.

Now, in a development that confirms the unfounded and abusive nature of the DOJ’s October 4 memorandum, the NSBA Board of Directors, in a “Message to NSBA Members” dated October 22, 2021, has repudiated the September 29 letter.⁴ The Board said, “we regret and apologize for the letter,” and admitted that “there was no justification for some of the language included in that [September 29] letter.” In addition, nearly half of NSBA’s state affiliates have repudiated the September 29 letter, with many accusing the NSBA of engaging in “partisan” activities with your administration in connection with the development of that letter.⁵ In a letter yesterday, members of congress vigorously requested the revocation of the DOJ’s October 4 memorandum.⁶

² See e.g. “White House in contact with school board group for ‘weeks’ before controversial ‘Patriot Act’ letter: emails: NSBA’s CEO said they were in talks with White House for ‘several weeks’ before sending letter” and “White House Collaborated With School Board Group On Letter Comparing Parents To ‘Domestic Terrorists’.

³ It should be noted that there is a request pending for a DOJ OIG investigation over an allegation that DOJ officials were involved in the genesis and crafting of the NSBA letter. See e.g. <https://protect-us.mimecast.com/s/-jojCqxMARcVo8gPHZgAhj?domain=wordpress.aflegal.org>.

⁴ It is worth noting that the NSBA website includes the September 29 letter to the DOJ and an October 4 statement praising the DOJ for its memo, but the October 22 repudiation letter is nowhere on its website. See <https://www.nsba.org/News>.

⁵ The current list of states includes Alabama, Arkansas, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Montana, New Hampshire, North Carolina, Pennsylvania, Tennessee, Texas, Virginia, and Wyoming. <https://defendinged.org/press-releases/state-school-board-associations-responses-to-the-nsba-letter>.

⁶ “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.” See <https://republicans-judiciary.house.gov/wp-content/uploads/2021/10/2021-10-25-HJC-GOP-to-Garland-re-school-memo.pdf>.

With the NSBA's repudiation of its core allegations, the White House and the DOJ must in turn disavow their own involvement in this offensive episode. Accordingly, the White House and the DOJ should immediately take the following steps:

1. Revoke the October 4, 2021, memorandum and disband the task force mentioned therein;
2. Produce all communications of any federal officials or agencies to or from the NSBA (including its employees, directors, members or affiliated individuals or organizations) relating to "the proceedings leading to the [September 29] letter" as noted in the NSBA's letter of October 22, 2021, including but not limited to the following:
 - A. Correspondence of any kind with the NSBA as defined above, whether text, written or electronic to or from any individual employed by or affiliated with the White House or White House related entities such as the Domestic Policy Council;
 - B. Correspondence of any kind with the NSBA as defined above, whether text, written or electronic to or from any individual employed by or affiliated with the United States Department of Justice, including but not limited to Attorney General Merrick Garland, Deputy Attorney General Lisa Monaco, Associate Attorney General Vanita Gupta, Assistant Attorney General Kristen Clark, or their "front office staff" including but not limited to their deputies, senior advisors, and senior counsel;
 - C. Correspondence of any kind with the NSBA as defined above, whether text, written or electronic to or from any individual employed by or affiliated with the United States Department of Education, including but not limited to Secretary Miguel Cardona, Deputy Secretary Cindy Marten, Acting General Counsel Emma Leheny, Assistant Secretary for the Office of Civil Rights Catherine Lhamon, or their "front office staff" including but not limited to their deputies, senior advisors, and senior counsel;
 - D. All documents, e-mails, memoranda or other materials prepared by any individual employed by or affiliated with the United States government relating to the situation described in Mr. Slavens' e-mail to the NSBA Board dated September 29, 2021, wherein he stated that the NSBA had been "in talks over the last several weeks with White House staff, they requested additional information on some of the specific threats, so the letter details many of the incidents that have been occurring;"
 - E. All drafts, discussion copies, memoranda or other material exchanged with the NSBA as defined above and any federal government employees of what ended up being the September 29, 2021, letter; and,

- F. Notes, memoranda, internal e-mails, or other documents and materials prepared by any individual employed by or affiliated with the United States government discussing, summarizing, or memorializing any of the above referenced communications.

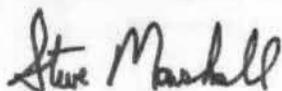
Please be advised that this letter serves as a request under the Freedom of Information Act for the foregoing information. FOIA notes that "[e]xcept with respect to the records made available under paragraphs (1) and (2) of this subsection, and except as provided in subparagraph (E), each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person." 5 U.S.C.A. § 552(a)(3)(A). "FOIA mandates the disclosure of documents held by a federal agency unless the documents fall within one of nine enumerated exemptions." *United States Fish & Wildlife Serv. v. Sierra Club, Inc.*, 141 S. Ct. 777, 785 (2021). Please produce all requested documents in complete and unredacted form, regardless whether to or from federal employees' official government devices and e-mails or personal devices and e-mails.

The response to parental school board protests initiated by NSBA has been reprehensible and offensive. We look forward to your prompt response to these requests so that we may begin the process of accountability.

Sincerely,



Todd Rokita
Indiana Attorney General



Steve Marshall
Alabama Attorney General



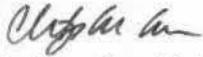
Mark Brnovich
Arizona Attorney General



Treg R. Taylor
Alaska Attorney General



Leslie Rutledge
Arkansas Attorney General



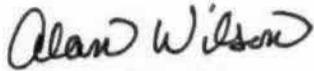
Christopher M. Carr
Georgia Attorney General



Daniel Cameron
Kentucky Attorney General



Austin Knudsen
Montana Attorney General



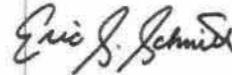
Alan Wilson
South Carolina Attorney General



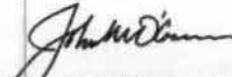
Ken Paxton
Texas Attorney General



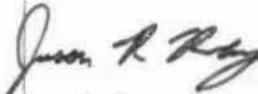
Derek Schmidt
Kansas Attorney General



Eric S. Schmitt
Missouri Attorney General



John M. O'Connor
Oklahoma Attorney General



Jason R. Ravensborg
South Dakota Attorney General