



The U.S. Department of Justice Report by the Weaponization Working Group

Pursuant to Executive Order 14147

The 2026 Report to Expose the Weaponization of Government Against Parents in Schools

October 5, 2026

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“Freedom is never more than one generation away from extinction. It has to be fought for and defended by each generation.”¹

President Ronald Reagan, July 6, 1987

INTRODUCTION

On January 20, 2025, President Donald J. Trump issued Executive Order 14147, *Ending the Weaponization of the Federal Government*, which established “the policy of the United States to identify and take appropriate action to correct past misconduct by the Federal Government related to the weaponization of law enforcement and . . . the Intelligence Community.”² In response, Attorney General Pamela Bondi established (among other things) the Weaponization Working Group at the Department of Justice to “review [Department] activities” during the Biden Administration and to “identify instances where a department’s or agency’s conduct appears to have been designed to achieve . . . improper aims rather than pursuing justice or legitimate governmental objectives.”³ The Weaponization Working Group’s charge includes examining “[p]rior Justice Department guidance, policy memoranda, and practices concerning the investigation of parents of school children who expressed sincere, good-faith concerns at local government meetings, including the October 4, 2021, memorandum of former Attorney General Merrick Garland regarding these issues” (“Garland Memorandum”).⁴ Attorney General Bondi also, “[f]or the avoidance of doubt,” formally rescinded the Garland Memorandum.”⁵

The importance of protecting the rights of parents to control their children’s education and to speak publicly about school policies was highlighted at a roundtable entitled *Exposing Weaponization Against Parents in School*, which the Weaponization Working Group hosted on June 11, 2026.⁶ Then-Acting Attorney General Todd Blanche, Education Secretary Linda McMahon, FBI Director Kash Patel, House Judiciary Committee Chairman Jim Jordan, Assistant to the President Vince Haley, former Virginia Governor Glenn Youngkin, and Associate Attorney General Stanley Woodward participated in the roundtable.⁷ During this discussion, parents and their advocates discussed how parents were targeted by the Biden Administration for speaking out about policies and practices at their children’s school that harmed their children, educationally, emotionally, or even physically.⁸

In particular, testimony at the Roundtable explained how, in 2021, parents around the country who were lawfully exercising their parental and free-speech rights were targeted by members of

¹ Ronald Reagan Quotes, RONALD REAGAN PRESIDENTIAL FOUNDATION AND INSTITUTE (Jul. 6, 1987), <https://perma.cc/56FZ-RZFE>.

² Exec. Order 14147, *Ending the Weaponization of the Federal Government*, 90 Fed. Reg. 8235 (Jan. 20, 2025).

³ Attorney General Pamela Bondi, Memorandum For All Department Employees, *Restoring the Integrity and Credibility of the Department of Justice* (Feb. 5, 2025), <https://perma.cc/9RZW-Y4TZ>.

⁴ *Id.*, p. 2.

⁵ *Id.*

⁶ *Exposing Weaponization Against Parents in Schools Roundtable Meeting* (transcript) (June 11, 2026) (“Roundtable Transcript”), Appendix A.

⁷ *Id.*

⁸ *Id.*

the educational establishment and its allies in the Biden Administration.⁹ The National School Boards Association (“NSBA”) has admitted that it was coordinating with the Department of Education in July 2021 to provide “talking points and push back on critics regarding critical race theory (“CRT”) and transgender policies that are creating ‘hostile situations for school board members.’”¹⁰ On September 29, 2021, the NSBA sent a letter to President Biden (“NSBA Letter”) describing these parents as participating in “domestic terrorism” and requested that the federal government arrest, prosecute, and incarcerate them.¹¹ Within weeks, and amid substantial public backlash, the NSBA’s Board of Directors apologized “for the letter,” and acknowledged there “was no justification for some of the language included in” it.¹²

The parents that the NSBA described as potential domestic terrorists included Scott Smith, whose disabled daughter was, on May 28, 2021, “attacked, anally raped, and orally sodomized, in a girls’ restroom stall at Stone Bridge [High School], by a male student dressed in female attire.”¹³ The male student, who identified as a female, was allowed to enter the girls’ restroom pursuant to a “bathroom policy” adopted by officials of the Loudoun County Public Schools.¹⁴ That same day, Loudoun County Public Schools Superintendent Scott Ziegler notified the Loudoun County School Board that a female student had reported being sexually assaulted by a male student in a school restroom.¹⁵

After the rape, at a June 22, 2021, meeting of the Loudoun County School Board, Superintendent Ziegler brazenly stated: “To my knowledge, ***we don’t have any record of assaults occurring in our restrooms.*** . . . I think it’s important to keep our perspective on this, we’ve heard it several times tonight from our public speakers, but the predator transgender student or person simply does not exist.”¹⁶ When Mr. Smith challenged this claim at the school board meeting, he was arrested and prosecuted—and his prosecution only ended after he received a gubernatorial pardon.¹⁷ On October 21, 2021, the predator transgender student who had brutally attacked Mr. Smith’s disabled daughter was convicted of sexual battery and forcible sodomy.¹⁸

On October 4, 2021—only five days after the NSBA sent its letter to President Biden—Attorney General Merrick Garland issued the Garland Memorandum, raising the specter of federal prosecution of parents, like Mr. Smith, who chose to speak out about school policies affecting their children’s health, safety, and education. The Garland Memorandum (1) created a dedicated task force to determine federal enforcement options for investigating and prosecuting these parents;

⁹ *Id.*

¹⁰ Final Report on the Events Surrounding the National School Boards Association’s September 29, 2021, Letter to the President (“NSBA After Action Report”), Appendix B, p. 38.

¹¹ Letter from National School Boards Association to President Joseph Biden (“NSBA Letter”) (Sept. 29, 2021), Appendix C, p. 2; See Drew Wilder, Jackie Bensen, Andrea Swalec, *‘The Meeting Has Degenerated’: 1 Arrest, 1 Injury at Loudoun Schools Meeting on Equity* (June 23, 2021), <https://perma.cc/L63Y-CPXL>.

¹² Letter from NSBA Board of Directors to NSBA Members (“Apology Letter”) (Oct. 22, 2021), Appendix D.

¹³ Compl., *Doe v. Loudoun Cnty. Pub. Schs., et al.*, No. 1:25-cv-01862, Dkt. No. 1, ¶ 25 (E.D. Va. Oct. 24, 2025), Appendix E, pp. 6-7.

¹⁴ *Id.*, ¶¶ 28-29.

¹⁵ Neal Augenstein, *Email from Loudoun Co. superintendent alerted school board on day of bathroom assault*, WTOP NEWS (Oct. 21, 2021), <https://perma.cc/VCH9-SSW6>.

¹⁶ Appendix E at ¶ 96 (emphasis in original).

¹⁷ Anders Hagstron, *Gov. Glenn Youngkin pardons Loudoun County dad who protested school board after daughter’s sexual assault*, FOX NEWS (Sept. 10, 2023), <https://perma.cc/AS8H-KS9T>.

¹⁸ Appendix E at ¶ 27.

(2) instructed United States Attorneys and the FBI to organize meetings with federal, state, and local law enforcement leaders within thirty days to set up reporting and response strategies; and (3) created “dedicated lines of communication” for reporting these parents to federal law enforcement for “assessment, and response.”¹⁹ After the Garland Memorandum, the FBI opened a number of investigations into school board threats with a whistleblower disclosing that the Bureau had investigated a mom because she belonged to a “right-wing mom’s group” and “is a gun owner” and a dad because “he rail[ed] against the government.”²⁰

The Garland Memorandum has been rescinded and the policies implementing it terminated. This report traces the origins of the Garland Memorandum, focusing on the role of the Department of Justice in creating and issuing the document. It shows that when requested by the Biden Administration to act on the NSBA Letter and to treat parents objecting to school policies and curriculum as federal criminals and potential terrorists:

- 1) Officials in the Department of Justice, including both career officials and Biden Administration political appointees, initially pushed back on doing so, including by questioning the constitutionality of the request.
- 2) Notwithstanding the internal pushback, the Department moved ahead with issuing the Garland Memorandum based on pressure from Biden Administration officials in the White House and leadership at the Office of the Deputy Attorney General (“ODAG”) at the Department of Justice.

The initial skepticism of Department of Justice personnel proved well founded. The Garland Memorandum, though nominally focused on threats of violence, attempted to interfere with parental rights and speech. It was the product of political pressure from outside groups and White House officials in the Biden Administration who pushed Department of Justice leadership to inappropriately weaponize the Department of Justice and to chill the constitutional rights of parents.

¹⁹ Attorney General Merrick Garland, Memorandum for Director, Federal Bureau of Investigation, Director, Executive Office for U.S. Attorneys, Assistant Attorney General, Criminal Division, United States Attorneys, *Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff* (Oct. 4, 2021) (“Garland Memorandum”), Appendix F.

²⁰ A “Manufactured” Issue And “Misapplied” Priorities: Subpoenaed Documents Show No Legitimate Basis for the Attorney General’s Anti-Parent Memo, Interim Report, Select Subcommittee on the Weaponization of the Federal Government and the House Judiciary Committee, 2 (March 21, 2023) (“House Report”), <https://perma.cc/CVJ2-789M>.

I. KEY BACKGROUND: THE NSBA LETTER AND THE NSBA'S CLOSE COOPERATION WITH HIGH-RANKING BIDEN ADMINISTRATION OFFICIALS.

The well-known prelude to the Garland Memorandum started during the first half of 2021. During that time, parents throughout the country were increasingly voicing concerns on hot-topic political issues involving their local schools, such as COVID-19 related restrictions and mandates, the use of critical race theory in school curriculum, and school policies relating to transgender students.²¹ Around this time, entities representing school boards and other school administrators began lobbying the Biden Administration to bring federal authority to bear on parents raising strong objections to the entities' policy preferences. One of the most significant of these entities was the NSBA—"the only national organization representing school boards."²²

On September 29, 2021, the NSBA published the NSBA Letter, which demanded that President Biden direct federal action against parents and others who were allegedly threatening school board members.²³ The NSBA Letter asserted that parents at school board meetings posed an "immediate threat" to America's public schools and their leaders.²⁴ And it urged the federal government to treat those parents' actions as potentially "equivalent to a form of domestic terrorism."²⁵

The record the Weaponization Working Group reviewed²⁶ confirmed many of the facts set out in the NSBA's own after-action report ("NSBA After-Action Report") and in a report by the House Select Subcommittee on Weaponization of the Federal Government. Four points about the NSBA Letter, which were drawn from the NSBA After-Action Report, are relevant to this analysis and worth emphasizing.

First, the NSBA Letter labeled numerous instances of constitutionally protected speech and protest as "threats." One example involved "an individual yell[ing] a Nazi salute in *protest* to masking requirements;" another involved an individual who was opposing critical-race theory.²⁷ The NSBA claimed that school boards faced "angry mobs" or were "disrupted," but the now-disavowed letter could only point to one example of a person being prosecuted for being violent and one other instance where it claimed "a third person was hurt."²⁸ Other examples included an individual calling school administrators; groups "posting watchlists" and "spreading" what the NSBA claimed was "misinformation;" correspondence to school boards; and people making

²¹ *Id.*

²² *About NSBA*, NATIONAL SCHOOL BOARDS ASSOCIATION, <https://perma.cc/MU2U-L73F>.

²³ Appendix C.

²⁴ *Id.*, p. 1.

²⁵ *Id.*, p. 2.

²⁶ This report includes, where necessary, citations to numerous internal documents containing privileged discussions to demonstrate the scope and scale of events as they occurred. Because of the Trump Administration's commitment to transparency, disclosure of these documents has been approved. Although the exhibits are representative rather than exhaustive, the limited release of this information does not constitute the waiver of privilege applicable to materials not disclosed here. Nor does the limited release of information in this report constitute an authorization to any current or former employee to discuss internal or privileged information or to be subject to serve as a witness. The Department of Justice's *Touhy* regulations continue to apply. 28 C.F.R. §§ 16.21, et seq.; *United States ex rel. Touhy v. Regan*, 340 U.S. 462 (1951).

²⁷ Appendix C, pp. 3-4 (emphasis added).

²⁸ *Id.*

strongly worded statements at public meetings protesting school policies.²⁹ That speech, the NSBA said, was “equivalent to a form of a domestic terrorism and hate crimes.”³⁰

Second, as the organization has admitted, the NSBA Letter failed to disclose that its authors had selectively chosen examples that were atypical and presented a skewed picture of parental activity nationwide. On October 22, 2021, the NSBA informed its members that it “regret[ed] and apologize[d] for the letter,” explaining that “there was no justification for some of the language included in” it.³¹ The examples the Letter relied on, the NSBA After-Action Report noted, were “egregious.”³² However, in many cases, as the Roundtable showed, parents were not acting egregiously.³³ Rather, parents were denounced as domestic terrorists or as violent protestors for voicing objections to school policies. One parent described how speaking up about her school district’s COVID policies meant “[a] target was . . . placed on [her] back.”³⁴ “We were called every name imaginable,” and “portrayed as domestic terrorists.”³⁵ Another parent objected to certain curricular choices and “race[-]based admissions” and so “became enemy number one of” the school board.³⁶

Third, the NSBA Letter encouraged the federal government to treat that speech as criminal. It requested “appropriate enforceable actions against” those parents, including potentially prosecuting parents who protested school board activities as engaging in “domestic terrorism.”³⁷

Fourth, as the NSBA itself admitted, the NSBA Letter—and the subsequent Garland Memorandum—were the product of collaboration between NSBA leadership and high-ranking officials in the Biden Administration, including at the White House. As the NSBA explained, the NSBA Letter and Garland Memorandum “were the result of weeks of work by NSBA staff, at the direction of Mr. [Chip] Slaven [interim CEO and Executive Director of NSBA], and weeks of collaboration between Mr. Slaven and [Mary Wall, Senior Advisor to the President in the Executive Office of the Presidency (“EOP”)], and Ms. Wall and the Department of Justice.”³⁸ Simply put, the Garland Memorandum was an outgrowth of the NSBA Letter—a letter, to reiterate, that labeled parental *speech* protesting school board policies as potentially involving, among other things, domestic terrorism, hate crimes, or conspiracies to violate individuals’ rights, which are all subject to criminal prosecution under federal law.

²⁹ *Id.*, p. 5.

³⁰ *Id.*, p. 2.

³¹ Letter from NSBA Board of Directors to NSBA Members (“Apology Letter”) (Oct. 22, 2021), Appendix D.

³² Appendix B, p. 3.

³³ See Appendix A.

³⁴ Appendix A, p. 22.

³⁵ *Id.*, p. 22.

³⁶ *Id.*, p. 24.

³⁷ Appendix C, p. 2.

³⁸ Appendix B, p. 26. Evidence the Weaponization Working Group reviewed suggests that officials at the Department of Education, including Secretary Miguel Cardona, were involved as well. See *id.*, p. 3. Secretary Cardona disputed this view. See *id.*, p. 13.

II. THE GARLAND MEMORANDUM WAS THE RESULT OF POLITICAL PRESSURE BY HIGH-RANKING BIDEN ADMINISTRATION OFFICIALS ON THE DEPARTMENT OF JUSTICE.

The records the Weaponization Working Group reviewed show that the Garland Memorandum arose from discussions between Slaven and White House officials regarding the NSBA Letter. That is, the Garland Memorandum was the product of pressure by high-ranking Biden Administration officials at the White House and ODAG. The records the Weaponization Working Group reviewed indicate that:

- 1) Attorneys across different components at the Department of Justice were skeptical of the claims in the NSBA Letter that parental protests of school boards, or anger at school board policies, could form the basis of federal crimes or that the issue was anything more than a state or local law enforcement problem.
- 2) The Garland Memorandum, and its suggestion that such protests could constitute federal criminal activity, including domestic terrorism, was the product of pressure by the White House and high-ranking Department of Justice officials to find a reason to suggest that such protests could be federal crimes regardless of the initial skepticism.
- 3) Department leadership never squarely addressed internal concerns about the propriety of issuing the Garland Memorandum.

This discussion is divided into two sections. The first section focuses on the days before the NSBA Letter was published, when the Department of Justice was contacted by a White House official about what the federal government could do about parents protesting school board policies. It then discusses the days immediately after the NSBA Letter was published and leading up to the Garland Memorandum, and the reactions within the Department of Justice to the Memorandum.

A. “This Is Ridiculous”: The Initial Response to Whether the Department of Justice Could Prosecute Parents Protesting School Policies.

On September 22, 2021, Ephraim McDowell, a Deputy Associate Counsel at the White House Counsel’s Office (“WHCO”) forwarded to Eric Nguyen of the Office of the Deputy Attorney General an email from Slaven to another White House official, Mary Wall.³⁹ Nguyen then added Kevin Chambers, the Associate Deputy Attorney General who ultimately took the lead on the effort, and Myesha Braden, also an attorney in ODAG, to the email chain.⁴⁰ Chambers, like many others who reviewed the examples the NSBA claimed involved criminal activity, initially considered that conduct “as state/local in character.”⁴¹

Slaven’s email to Wall—which was forwarded to Nguyen and seen by Chambers—is, in substance, the same as the final NSBA Letter. It included a document “detailing some of the publicly available information concerning threats to school board members and disruptions of meetings.”⁴² The email explained that NSBA “used this document as a reference point to help

³⁹ Internal Department of Justice Emails, Appendix G, pp. 2-4.

⁴⁰ *Id.*, p. 2

⁴¹ *Id.*, p. 1.

⁴² *Id.*, p. 3.

draft the” NSBA Letter.⁴³ The Weaponization Working Group does not have access to this document but believes that it contains the same examples of claimed “threats” that the NSBA put into its letter. Slaven, for example, admitted that the NSBA Letter would include “examples . . . from the” attachment.⁴⁴

Slaven’s email also included other examples underscoring that the NSBA was concerned about parental protests as opposed to true threats of violence.⁴⁵ One example involved a member of the public using pictures of children of school board members not wearing masks that he had accessed from “the school board members['] personal Facebook page” as part of his protest against the school board’s COVID policies.⁴⁶ Slaven’s email also mentions Proud Boys “showing up at various school board meetings” and “Qanon followers . . . considering running for school board elections and becoming more interested in school boards.”⁴⁷ Like the ultimate letter, Slaven’s email flags to the White House his concern about public “interest[] in school boards, and general levels of hostility around” certain policies, which he says was driven by speech: “[m]isinformation and social media.”⁴⁸ Indeed, he posits that the misinformation was driven by “foreign powers or other bad operators.”⁴⁹

Finally, like the NSBA Letter, Slaven’s email noted areas of “interest” to the NSBA.⁵⁰ These areas all involved the use of federal law enforcement agencies and assets to respond to parental protests.⁵¹ This request included “a review of appropriate enforceable actions against these crimes and acts of violence,” including under “the PATRIOT Act in regards to domestic terrorism” or under hate crime statutes.⁵² The email closed by explaining that NSBA’s “members need a strong stance” and that he hoped “this [is] just the beginning of additional collaboration.”⁵³

As noted above, Slaven’s email was forwarded to Nguyen in ODAG who forwarded it to others in that office. Nguyen explained that the White House Counsel’s Office was fielding questions about whether the Department of Justice could play a role in addressing “COVID-related threats in schools.”⁵⁴

Over the next four days, emails show that ODAG attorneys were concerned about the request for federal intervention and did not view the conduct identified in Slaven’s email as involving criminal activity. They suggested other, more limited ways the Department could be involved, such as by providing grants or technical assistance programming.⁵⁵ ODAG also sought further clarity from

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ One example, which involved a crowd attempting to block a school board meeting and “spitting” on board members and “keying their cars” is clearly not speech. *Id.* However, the other examples—as described above—involved expression.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *See id.*

⁵² *Id.*

⁵³ *Id.*, p. 4.

⁵⁴ *Id.*, p. 5.

⁵⁵ *Id.*, p. 8.

the White House, which simply said its request was “to see if you have any ideas.”⁵⁶ However, the documents the Weaponization Working Group reviewed indicate that the group at ODAG considering the White House’s request did not have many ideas—and certainly none that suggested that the NSBA had identified criminal conduct. As they continued to struggle to identify an appropriate way for the Department of Justice to be involved, one attorney said, “This is ridiculous.”⁵⁷

From: "Robyn.Thiemann [REDACTED]" <[REDACTED]>
To: "Nguyen, Eric (ODAG)" <[REDACTED]>
Subject: Re: [EXTERNAL] RE:
Date: Sat, 25 Sep 2021 07:11:07 -0400
Importance: Normal

At this point , I think you send the original email to Anita, explain that Iris believes it is out of her lane, Myesha doesn't see a role for OJP, and Kevin thinks it is a local issue. We haven't heard from Rush yet, but it may make sense for her to assign a POC to work with the WH. **This is ridiculous.**

On September 27, 2021, Nguyen, Chambers, and Braden contacted McDowell so he could “explain the inquiry.”⁵⁸ After that call, McDowell again sent Chambers, who oversaw the Criminal Division for ODAG, the “info WH policymakers” were sent, including the email from Slaven to Wall.⁵⁹ Based on documents the Weaponization Working Group reviewed, it was likely around this time that Chambers assumed leadership of this initiative.

However, Chambers was still skeptical that the NSBA had identified a significant source of federal criminal conduct. In summarizing his conversation with the White House official, Chambers stressed that he found it “unclear” what the White House was asking, that the issue “seem[ed] mostly state/local,” and that it was unclear whether the Department of Justice had any relevant enforcement authority over parental protests of school policies.⁶⁰ Indeed, Chambers noted that McDowell “raised [that] same concern.”⁶¹ At the same time, Chambers believed he “may not be thinking creatively enough” and wondered if some of the threats—purportedly involving Proud Boys or Nazi salutes—“have some federal dimension.”⁶² But Braden noted that being a Proud Boy and performing Nazi salutes were things people can do “all day long” so long as they are not violating someone else’s constitutional rights.⁶³ Indeed, she noted that “[t]he constitutional right part is what appears to be missing from this picture.”⁶⁴ Regardless, Braden forwarded the email Slaven sent to Wall to attorneys in the Civil Rights Division, inquiring as to whether the Civil

⁵⁶ *Id.*, p. 15.

⁵⁷ *Id.*, p. 11.

⁵⁸ *Id.*, p. 15.

⁵⁹ *Id.*, p. 18.

⁶⁰ *Id.*, p. 20.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

Rights Division had any authority to address school board threats.⁶⁵ She closed by suggesting that this “seems more related to the election threats work [the Criminal Division] is doing.”⁶⁶

In sum, before the NSBA Letter was sent to the White House and published on September 29, 2021, officials at the Department of Justice were skeptical that there was a basis for concluding that the conduct identified in the letter, and parental protests at school board meetings or of school board policies more generally, involved activity that violated federal criminal law.

B. “[R]amping Up an Awful Lot of Federal Manpower for What Is Currently Non-Federal Conduct”: The Garland Memorandum.

On September 29, 2021, the NSBA published the NSBA Letter, and addressed it to President Biden.⁶⁷ This kicked off a flurry of activity at the Department of Justice as high-ranking officials in the administration pushed to find a way to treat protests of school policies as possible violations of federal criminal law.

But even after the NSBA Letter was published, attorneys in ODAG remained skeptical of this approach. On October 1, 2021, Chambers again emailed others in ODAG about working on the Department of Justice’s response to the NSBA Letter.⁶⁸ He reiterated his view that the Department had “a challenge” because “these crimes are largely local/state.”⁶⁹ He was also “reluctant” to “launch[] a task force,” but nevertheless recommended coordinating with various components to “brainstorm.”⁷⁰ Others likewise expressed skepticism. Braden, who had previously reached out to the Civil Rights Division about the NSBA’s request, told Chambers that it was “really outside [the Civil Rights Division’s] lane” because no one had identified activity that would “create a hostile environment for students based on race or sex.”⁷¹

Yet at the same time, Chambers was under pressure from senior Biden Administration officials to find a way to suggest that protests at school board meetings or over school board policies can violate federal law. For example, on October 1, 2021, McDowell at the WHCO reached back out to Chambers to stress that others in the federal government considered the issue “as fairly urgent” and that they were “interested to hear what DOJ is thinking about them.”⁷² On the morning of October 1, 2021, Chambers received a suggestion to seek “input from someone” in the National Security Division (“NSD”), as some of the conduct Slaven’s email identified “potentially implicat[ed]” domestic terrorism.⁷³ And the Chief of Staff to the Deputy Attorney General, Anita Singh, sent an email to ODAG staff, including Chambers, about this issue.⁷⁴ Singh’s email explained that someone at the Department of Justice “spoke with [Chambers] about the issue” and pushed for the group to analyze the request and respond “ASAP” and “in the next couple of

⁶⁵ *Id.*, p. 24.

⁶⁶ *Id.*

⁶⁷ Appendix C.

⁶⁸ Appendix G, pp. 27-28.

⁶⁹ *Id.*, p. 28.

⁷⁰ *Id.*

⁷¹ *Id.*, p. 27.

⁷² *Id.*, p. 29.

⁷³ *Id.*, p. 27.

⁷⁴ *Id.*, p. 31.

hours.”⁷⁵ The email specifically mentioned “responding back to” Singh and one other attorney.⁷⁶ Adam L. Braverman, an attorney in ODAG, later sent Chambers and Anne Gannon (also in ODAG) a list of federal statutes prosecutors use to respond to threats to members of Congress—apparently as an attempt to draw an analogy to those threats and the conduct described in the NSBA Letter—stating the “Department can take several concrete steps to improve handling of these cases” even though many “are challenging from a First Amendment perspective.”⁷⁷

Chambers’s email to a senior attorney at the NSD working on counterterrorism issues and Steven Jensen at the Federal Bureau of Investigation (“FBI”) on October 1, 2021, likewise showed pressure from high-ranking officials to do more about parental protests at schools.⁷⁸ Chambers explained that “[l]eadership . . . asked [him] to reach out to the FBI regarding a request from a national school board association” to address a “spate of threats.”⁷⁹ The email attached the NSBA Letter.⁸⁰ Chambers expressed interest in having the FBI treat school board threats as domestic terrorism.⁸¹ He asked how the FBI can determine “whether and when” school board threats “rise to the level of Domestic Terrorism.”⁸² He also asked for clarification on how the FBI could track threats against school board officials and serve as a “clearing house” about those threats and coordinate with various agencies.

The senior NSD attorney responded that evening, explaining that “generally” the determination of whether a threat rises to the level of domestic terrorism is determined by the local field office. However, he “tentatively” agreed that FBI and the Counterterrorism Section of the NSD would benefit from further discussion about how to “harmoniz[e] our approach” to politically and ideologically “motivated threats.”⁸³

The FBI appeared leery of Chambers’ request. Jensen noted that Chamber’s wanted “to blanket label generalized activity [as domestic terrorism] regardless of federal violations,” which involved “potentially dangerous ground.”⁸⁴ He explained that “[n]ot all who oppose school board actions or legislative decisions are Domestic Terrorists.”⁸⁵ Another FBI official on the email continued to question whether a federal criminal statute could possibly fit the conduct described in the NSBA Letter and expressed concern about federal officials seemingly directing the FBI to address “politically . . . motivated threats.”⁸⁶ This individual explained that “the approach of the FBI has been focused on the violence or actions of the individual and to not broadly label an individual a

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*, p. 30. Nothing on the face of these statutes suggest they are specifically meant to protect school board members or have some obvious and constitutional application to parents protesting local school board policies, or to purely local conduct more generally.

⁷⁸ *Id.*, p. 34.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*, p. 33.

⁸⁴ *Id.*, p. 35

⁸⁵ *Id.*

⁸⁶ *Id.*

[domestic terrorism] subject based on the fact s/he has a policy or political disagreement with elected officials.”⁸⁷

On October 2, 2021, Chambers sent an email to a group of Department of Justice attorneys flagging that he would circulate “a draft memo from the AG” that would address parental protests of school board members and “threats against election officials” as well as “instructing USAOs [United States Attorney Offices] and FBI [entities] to convene . . . meetings with state and local law enforcement regarding both types of threats.”⁸⁸ Chambers also discussed a second draft document he intended to send that would “set[] forth certain steps the Department may take to address threats against school administrators and officials,” such as creating a task force, coordinating with state and local law enforcement, and threat assessment.⁸⁹

The proposal disturbed attorneys within the Department of Justice. Attorneys in the Criminal Division “strongly” objected to merging the two topics, with one calling it “horrible.”⁹⁰ Their concern was focused on the optics of attempting to address parental protests of school boards in an Attorney General Memorandum also discussing threats to election officials. They believed it would “look political.”⁹¹ One attorney said that if leadership did “this, they might as well rename the damn thing the Anti-MAGA Task Force.”⁹² It would be, another agreed, “[s]tupid, stupid, stupid.”⁹³ And another attorney pointed out that making the “DOJ/FBI . . . the threats police” lacked a “limiting principle.”⁹⁴

On Oct 2, 2021, at 12:33 PM, Amundson, Corey (CRM) [REDACTED] wrote:

Exactly! Stupid, stupid, stupid

On Oct 2, 2021, at 12:31 PM, Driscoll, Kevin (CRM) [REDACTED] wrote:

It's like they've affirmatively trying to make this thing not work and look political. If they do this, they might as well rename the damn thing the Anti-MAGA Task Force.

Kevin Driscoll
Deputy Assistant Attorney General
Criminal Division, Department of Justice
Desk: [REDACTED]
Mobile: [REDACTED]

Emails from the FBI show similar reticence. One individual wanted to “take more time” to

⁸⁷ *Id.*

⁸⁸ *Id.*, p. 40.

⁸⁹ *Id.*

⁹⁰ *Id.*, p. 39.

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

develop a “thoughtful strategy” and promised to put in calls to Department of Justice personnel.⁹⁵

Regardless, Chambers emailed out the promised draft documents in the afternoon of October 2, 2021.⁹⁶ As relevant for this report, those documents included (1) a draft of a school board threats response strategy that “committed to addressing” the NSBA Letter and listed proposals “for immediate action;”⁹⁷ and (2) a draft memo from Attorney General Garland announcing steps he was instructing the FBI and USAOs to take.⁹⁸ Both documents included the use of federal investigatory and prosecutorial authority to address perceived threats to school boards from parental protests.

Attorneys within the Department *again* expressed their concerns. Attorneys in the Criminal Division noted that the proposed drafts would be viewed as political. One attorney stated that the memo would be viewed “as a partisan exercise aimed at those who do not support the Administration” and voiced his objection to it “in the strongest terms.”⁹⁹ He reasoned that the effort to tie school board threats to election threats would “undermine” efforts to show that the Department’s work was nonpartisan and “tarnish [his component’s] reputation as an apolitical law enforcer.”¹⁰⁰ This attorney recommended that “the Department . . . consider focusing almost exclusively on grants and providing state and local law enforcement with technical assistance” in addressing “educator threats;” explained that “[t]he partisan nature of this issue is . . . apparent;” and noted that the draft memorandum failed to address “reported threats against parents.”¹⁰¹ Bottom line,” he stated, suggesting that federal law enforcement authorities would be involved in claims that parents were threatening school boards is “very messy and political.”¹⁰²

⁹⁵ *Id.*, p. 41.

⁹⁶ *Id.*, p. 42.

⁹⁷ *Id.*, pp. 44-45.

⁹⁸ *Id.*, pp. 46-47.

⁹⁹ *Id.*, p. 48.

¹⁰⁰ *Id.*

¹⁰¹ *Id.*, p. 50.

¹⁰² *Id.*

From: Amundson, Corey (CRM)
Sent: Saturday, October 2, 2021 6:16 PM
To: Driscoll, Kevin (CRM) <[REDACTED]>
Cc: Keller, John (CRM) <[REDACTED]>
Subject: RE: FOR REVIEW: Draft Documents Re: School Board Threats

This proposed federal effort against educator threats will be viewed by many as a partisan exercise aimed at those who do not support the Administration. By tying that effort to the election threats task force (which it clearly does), the Department would undermine our significant efforts to convince internal and external stakeholders of the non-partisan nature of our mission. Our task force - which relies on support from across the political spectrum - would be severely handicapped, as many would come to view it as an arm of the Administration's political efforts. More broadly, this would tarnish PIN's reputation as an apolitical law enforcer and contribute to the unfounded accusations of partisanship that we regularly confront in our matters. PIN has been proud to lead the effort against election-related threats, but we did not sign up for this and object in the strongest terms.

Corey R. Amundson
Chief | Public Integrity Section
Criminal Division | United States Department of Justice
1301 New York Avenue NW | Washington, D.C. 20530
Office: [REDACTED] | Cell: [REDACTED]
www.justice.gov/criminal-pin

From: "Amundson, Corey (CRM)" <[REDACTED]>
Date: October 2, 2021 at 10:21:36 PM EDT
To: "Driscoll, Kevin (CRM)" <[REDACTED]>
Cc: "Keller, John (CRM)" <[REDACTED]>
Subject: RE: FOR REVIEW: Draft Documents Re: School Board Threats

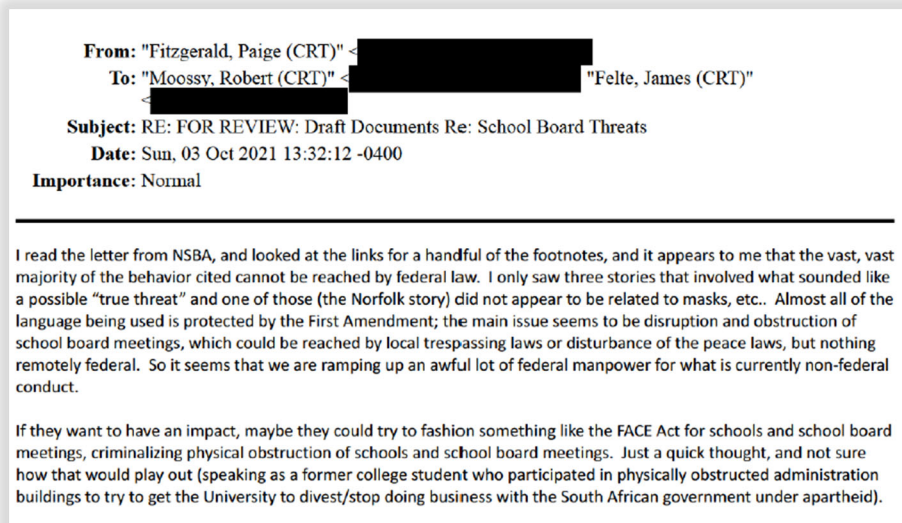
Kevin, just a couple of additional points:

- To assist with the educator threats, the Department should consider focusing almost exclusively on grants and providing state and local law enforcement with technical assistance through COPS and/or other Department components. There are already multiple initiatives to reduce violence in schools, which could provide a natural vehicle for such efforts.
- The partisan nature of this issue is already apparent. Fox News has a story about the request for assistance entitled: "School board group asks Biden to use the Patriot Act against parents over opposition to COVID measures, CRT [critical race theory]."
- What about the reported threats against parents? A media outlet reports that a group of current and former teachers and others in Loudoun County, Virginia, compiled a lengthy list of parents suspected of disagreeing with school system actions, including its teaching of controversial racial concepts - with a stated purpose in part to "infiltrate," use "hackers" to silence parents' communications, and "expose these people publicly." According to NBC News, "the decision to compile names was perceived as a threats. Parents who had been named in the group said they didn't know what the group was planning, and they feared for their safety." The group who compiled the list were then reportedly bombarded with threats, some directed at their children. The school board added extra security at public meetings. Parents on both sides of the issue said they filed reports with the sheriff's department and installed security cameras. The conflict quickly became intertwined with political campaigns, with candidates lining up for whichever side supports their policy position. Bottom line: This is all very messy and political.

Attorneys in the Civil Rights Division likewise expressed concerns about the draft documents. On October 3, 2021, one attorney in the division noted that the "vast, vast majority" of the incidents cited in the NSBA Letter did not implicate federal law and "[a]lmost all" of the supposed "threats" were protected by the First Amendment.¹⁰³ Concerns about "disruption and obstruction of school board meetings," she said, "could be reached by local trespassing laws or disturbance of the peace

¹⁰³ *Id.*, p. 53.

laws, but nothing remotely federal.”¹⁰⁴ Thus, she concluded, “it seems that we are ramping up an awful lot of federal manpower for what is currently non-federal conduct.”¹⁰⁵



Regardless, on October 4, 2021, Chambers sent out the draft memo and press release and asked for input on final “views/red-flag concerns.”¹⁰⁶ That same day, the Garland Memorandum was issued. Without providing examples, the Memorandum asserted that there had “been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff.”¹⁰⁷ The Memorandum explained that “[t]hreats against public servants are . . . illegal,” and that the Department of Justice would use “its authority and resources to discourage these threats, identify them when they occur, and prosecute them when appropriate.”¹⁰⁸

On October 4 and 5, 2021, officials in the FBI expressed concern about the new policy. On October 4, 2021, after being forwarded Chamber’s red-flag email, one official said she “hopes DOJ reconsiders.”¹⁰⁹ Another official emailed Deputy Assistant Director Jay Greenberg, asking if he was aware of the Garland Memo; Greenberg responded: “Not in time to stop it.”¹¹⁰ On October 5, 2021, one FBI official emailed others in the agency, asking if they had seen the Memo because she had “concerns.”¹¹¹ She added in another email that she did not “see this as an FBI function,” complained that the Department of Justice issued a press release about the Memo “without any coord,” and said she wanted to “narrow the scope” of FBI’s role “to something that makes sense.”¹¹² In response to an email requesting “additional guidance,” Greenberg acknowledged the Garland Memorandum was “confusing,” said the FBI “was caught off guard” and that the Department of

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*, p. 56.

¹⁰⁷ Appendix F, p. 1.

¹⁰⁸ *Id.*

¹⁰⁹ Appendix G, p. 55.

¹¹⁰ *Id.*, p. 58.

¹¹¹ *Id.*, p. 60.

¹¹² *Id.*, pp. 63-64.

Justice “pushed” it “unilaterally,” and directed that the FBI should proceed “identical” to how it was working “TTL Guardians” while the agency developed further guidance.¹¹³

Even though the announcement of the release appeared to take FBI off guard, the Department of Justice made sure to reach out to the NSBA in advance.¹¹⁴ An official in the Office of Public Affairs emailed Slaven a copy of the memorandum on October 4, 2021, explaining that this was “a very important issue” to the Department.¹¹⁵ Slaven announced that the NSBA stood ready to support the Department of Justice’s efforts.¹¹⁶ Indeed, two days after the Department of Justice published the Garland Memorandum, on October 6, 2021, Slaven asked who NSBA should “be communicating with” at FBI to inform them about threats “if things increase.”¹¹⁷

The records the Weaponization Working Group reviewed suggest that what the Garland Memorandum deemed “threats” were simply the examples the NSBA had provided via Slaven’s email to Wall and in the NSBA Letter. As internal emails from attorneys within the Department recognized, many of those so-called threats were protected First Amendment speech by parents objecting to school policies involving their children and implicated state and local issues. However, nothing the Weaponization Working Group reviewed suggested that leadership at the Department of Justice ever fully addressed the numerous concerns flagged by attorneys at different components during the process of drafting the Garland Memorandum—including criticisms flagged by the ultimate drafter of the memorandum, Chambers, based on what appears to be his own independent research. Indeed, it appears that while attorneys within the components flagged their concerns about the Memorandum to others within their components, there was no real attempt to dissuade leadership.

The absence of evidence that internal concerns were fully vetted and resolved by senior Department leadership, the obvious issues with treating parental protests as potential violations of federal criminal law, the plainly political nature of the subject-matter of the Garland Memorandum, the rush to produce a product that would respond to the NSBA Letter, and the evidence of coordination between the NSBA and senior Biden Administration officials—coordination that the NSBA admitted to in its After Action Report—suggest to the Weaponization Working Group that the Garland Memorandum was the product of pressure by senior leadership to support the NSBA and to bring federal pressure to bear on parents protesting school districts that had enacted certain policies.

¹¹³ *Id.*, p. 67. A Guardian is a report the FBI uses to determine “whether there is a nexus to terrorism, cyber, or other criminal activity to warrant further investigation and/or to apply additional investigative resources as determined by . . . FBI Policies.” Under FBI policies, “a Guardian assessment must have an authorized purpose and cannot be based solely on race, ethnicity, national origin or First Amendment protected activities.” Jacqueline F. Brown, *Federal Bureau of Investigation Privacy Impact Assessment for the eGuardian System*, FBI (Jan. 4, 2013), <https://perma.cc/LZP2-FMPA>.

¹¹⁴ Appendix G, p. 68; see also, *id.*, p. 71.

¹¹⁵ *Id.*, p. 68.

¹¹⁶ *Id.*

¹¹⁷ *Id.*, p. 69.

III. “WE DON’T START A NARROWLY FOCUSED TASK FORCE EVERY TIME SOME GROUP BELIEVES THEY ARE THE SUBJECT OF THREATS”: THE IMPLEMENTATION OF THE GARLAND MEMORANDUM AND CONTINUED INTERNAL CRITICISM.

The Department of Justice subsequently began to implement the Garland Memorandum, including by forming a task force to address perceived threats to school board members. On October 6, 2021, Chambers announced to multiple Department components that they had been selected to serve on a Task Force dedicated to implementing the Garland Memo.¹¹⁸ On October 10, 2021, in an email that was a “[w]elcome” to the Task Force members, Chambers announced the first Task Force meeting and included a “working list” of statutes potentially relevant to alleged threats against school board members.¹¹⁹ Yet even then, there was significant internal criticism of the Garland Memorandum. One attorney within NSD, for example, stated that he did not “see a need for a task force like this” because federal law enforcement agencies can “simply investigate credible criminal threats that have a federal nexus.”¹²⁰ The Department of Justice, the attorney explained, did not “start a narrowly focused task force every time some group believes they are the subject of threats.”¹²¹ This attorney then “ask[ed] that NSD be removed from the task force” because “nothing” suggested that parental protests of school boards had a national security nexus.¹²²

On October 13, 2021, Chambers emailed another “working list of applicable statutes,” which the FBI received and circulated.¹²³ The suggested criminal statutes to be used against parents included:

- 1) Threats in interstate commerce, *see* 18 U.S.C. § 875, and similar state statutes for threats, harassment, terroristic threats, and intimidation;
- 2) Mailing threatening communications, *see* 18 U.S.C. § 876;
- 3) Threats in relation to federally protected activities, *see* 18 U.S.C. § 245;
- 4) Harassing telephone calls, *see* 47 U.S.C. § 223; and
- 5) Cyberstalking, *see* 18 U.S.C. § 2261A.¹²⁴

On October 15, 2021, Chambers circulated a draft communication for all USAOs regarding upcoming meetings related to school board threats.¹²⁵ After several rounds of revisions, the final guidance for USAOs was released on October 20, 2021,¹²⁶ and sent that afternoon.¹²⁷ This guidance provided further implementation instructions on how USAOs were to “convene in

¹¹⁸ *Id.*, pp. 77-78.

¹¹⁹ *Id.*, pp. 79-81.

¹²⁰ *Id.*, p. 79.

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*, p. 83.

¹²⁴ *Id.*, pp. 84-86.

¹²⁵ *Id.*, p. 88.

¹²⁶ *Id.*, pp. 89-91.

¹²⁷ *Id.*, p. 92.

partnership with the FBI” and “appropriate” law enforcement agencies to combat “violations of criminal laws” against school officials.¹²⁸

The FBI continued to express reservations about being involved with actions perceived to be addressing parental protests at schools, notwithstanding the Garland Memorandum. For example, on October 28, 2021, the Department of Homeland Security circulated a threat assessment entitled, “Threats to Public Schools Likely Elevated Due to Opposition of Mask and Vaccine Mandates, Perception of Critical Race Theory.”¹²⁹ It assessed with “medium confidence” that school personnel faced threats due to “misinformation and disinformation related to CRT curriculum, and upcoming school board elections” and the approval of a COVID vaccine for children.¹³⁰ It relied in part on the NSBA Letter as a source.¹³¹

(U//FOUO) Threats to Public Schools Likely Elevated Due to Opposition of Mask and Vaccine Mandates, Perception of Critical Race Theory

(U//FOUO) Scope Note: This Intelligence In Focus (IIF) provides a baseline assessment of threats to personnel in the education subsector – including educators, school board officials, and medical personnel in schools – from ideologically as well as non-ideologically motivated individuals over pandemic mitigation measures and the perceived teaching of Critical Race Theory (CRT).^a This IIF focuses solely on how perceptions of CRT being taught in public schools have inspired violence and threats of violence to personnel in the education subsector.

(U//FOUO) We assess that violent individuals who oppose mask mandates, vaccine requirements, and CRT as a topic of classroom learning, will increasingly pose a threat to school personnel over the next six months due to the expected approval of a COVID-19 vaccine for children ages 5-11, continued misinformation and disinformation related to CRT curriculum, and upcoming school board elections. Since the summer of 2021, at least 20 threats or acts of violence have been levied against school personnel related to the perception of government overreach and restriction of personal freedoms, according to the National School Boards Association.¹

Upon reviewing the document, an official at the FBI expressed his preference that the agency “not coordinate on this or provide any comments back” because he viewed the product as a “politically charged paper on threats to school boards with some very specific proposals.”¹³²

Regardless of the continuing internal criticism, the Garland Memorandum resulted in investigations of parents. In response to an inquiry from the House Judiciary Committee arising from the Committee’s own investigation, the FBI acknowledged that it ultimately opened twenty-five “Guardian assessments” of school board threats.¹³³ As of November 8, 2021, the FBI had

¹²⁸ *Id.*, pp. 89-91.

¹²⁹ *Id.*, p. 94.

¹³⁰ *Id.*, pp. 95-98.

¹³¹ *Id.*, p. 99, fn 1.

¹³² *Id.*, p. 93.

¹³³ House Report, *supra* n. 20, at 2.

identified seventeen Guardians with the tag “EDUOFFICIALS.”¹³⁴ FBI creates specific threats tags, like that one, after a “crisis” or “as a proactive measure to identify a threat.”¹³⁵ As the subsequent House Committee Report noted,¹³⁶ the FBI created the specific EDUOFFICIALS threat tag in response to the Garland Memorandum.¹³⁷ Six of the twenty-five Guardian assessments were run out of the FBI’s Counterterrorism Division, seventeen involved the Criminal Investigations Division, and two involved the Weapons of Mass Destruction Directorate.¹³⁸ One was broadened into “Full Investigation” status.¹³⁹ A whistleblower disclosed that the FBI investigated a mother because she belonged to a “right-wing mom’s group” and “is a gun owner” and a father because “he rail[ed] against the government.”¹⁴⁰ In a January 10, 2022, email, Chambers verified that the Task Force was continuing to track threats and investigate parents.¹⁴¹ The Weaponization Working Group is unaware of any prosecutions by the Department of Justice that arose from those investigations.

IV. CONCLUSION AND REMEDIES

On October 7, 2021, members of the Senate Judiciary Committee issued a letter condemning the Memorandum and its efforts to silence parents:

It is not appropriate to use the awesome powers of the federal government—including the PATRIOT Act, a statute designed to thwart international terrorism—to quash those who question local school boards. By even suggesting that possibility, important speech by American citizens will be chilled in school board meetings across this country. Your job now is to make clear to all stakeholders and the American people that such action is decidedly not the role of the federal government nor the role of any other government in the United States—in fact, it can never be.¹⁴²

At the Roundtable discussion of the Garland Memorandum, parents amply demonstrated how the threat of federal investigation and prosecution chilled their speech about school policies. One parent talked about how the Garland Memorandum exacerbated and encouraged attempts to chill his speech:

What that Attorney General memo did was not just direct the FBI and the U.S. attorney’s offices, but it also gave a green light, a permission slip to these activists in the community that worked with the school boards, that worked with [local prosecutors] to target people, to intimidate people, to harass people. Because we’re the bad ones. According to the federal government, we’re the bad ones. . . . They came after me relentlessly. I was subject . . . to a year long online defamation

¹³⁴ Appendix G, pp. 73, 74.

¹³⁵ *See id.*, p. 101-102.

¹³⁶ House Report, *supra* n. 20, at 2, 6–7.

¹³⁷ Appendix G, p. 101-102.

¹³⁸ House Report, *supra* n. 20, at 2, 7.

¹³⁹ *Id.* at 7.

¹⁴⁰ *Id.* at 2.

¹⁴¹ Appendix G, p. 106.

¹⁴² Letter from Senate Judiciary Committee to Attorney General Merrick Garland (October 7, 2021), <https://perma.cc/4M3D-BS36>.

campaign. I had hate mail sent to my home saying that I was a cancer to the community. I had a . . . box of coal delivered to my door which my daughters opened on Christmas Eve. I had mail sent to all of my neighbors saying that I was a racist and white supremacist and they should shun me.¹⁴³

Another parent described how “[p]erhaps the most troubling” aspect of this time was that “concerned parents speaking at school board meetings were portrayed as domestic terrorists.”¹⁴⁴

The record the Weaponization Working Group reviewed indicates that the Garland Memorandum was the product of pressure from senior Biden Administration officials working closely with the NSBA—indeed, as noted above, the NSBA itself admitted as much in its after-action report. The internal Department of Justice emails the Weaponization Working Group reviewed show significant, nearly unanimous skepticism, from attorneys in different components in the Department—including the ultimate author of the Garland Memorandum and point person for the subsequent task force, Chambers—about the propriety of issuing the Garland Memorandum. Their objections flagged constitutional issues (because the putative “threats” involved protected speech), jurisdictional problems (because any putative “threats” against school boards involved local matters), and prudential concerns (because a directive like the Garland Memorandum would be perceived as purely political). However, notwithstanding those concerns, the Garland Memorandum was produced in an incredibly short timeframe (essentially over the course of a weekend) and after significant conferral with White House officials, who themselves were in contact with the NSBA.

The First Amendment prohibits the use of threats of “legal sanctions” to suppress “disfavored speech.” *National Rifle Ass’n v. Vullo*, 602 U.S. 175, 189 (2024) (quotations omitted). This includes “informal censorship” short of criminal prosecution, *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 67 (1963), as well as criminal prosecution, which can “cause speakers to remain silent rather than communicate even arguably unlawful words, ideas, and images,” *Reno v. ACLU*, 521 U.S. 844, 872 (1997). And attempts by parents “to express” to elected school board members “their . . . concerns” receives protection under the First Amendment’s Petition Clause as well. *Borough of Duryea v. Guarnieri*, 564 U.S. 379, 388 (2011); see U.S. Const. amend. I.

Similarly, the Supreme Court has made clear that “[u]nder long-established precedent, parents—not the [government]—have primary authority with respect to ‘the upbringing and education of children.’” *Mirabelli v. Bonta*, 607 U.S. 492, 497 (2026) (per curiam) (quoting *Pierce v. Society of Sisters*, 268 U.S. 510, 534-35 (1925)). Indeed, “the interest of parents in the care, custody, and control of their children[] is perhaps the oldest of the fundamental liberty interests recognized by th[e] Court.” *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (plurality opinion); see *id.* at 66 (gathering precedent). At a minimum, “the law accepts as a starting point” the view “that natural bonds of affection lead parents to act in the best interests of their children.” *Parham v. J.R.*, 442 U.S. 584, 602 (1979).

The Garland Memorandum—by suggesting that parents who protested certain school board policies were either violating federal law or risking doing so—simply disregarded those constitutional precepts. The chilling effect of the Memorandum on First Amendment rights is

¹⁴³ Appendix A, p. 25.

¹⁴⁴ *Id.*, p. 24.

plain on its face, was flagged by Department attorneys, and discussed during the Roundtable. In addition, the Memorandum threatened federal prosecution of parents who, consistent with their “natural bonds of affection [which] lead [them] to act in the best interests of their children,” *Parham*, 442 U.S. at 602, vociferously disagreed with school board policies that they believed were contrary to that interest. To be sure, the Department of Justice stands ready to investigate and prosecute unprotected true threats of violence and actual violence when it contravenes federal law. But it is inappropriate to suggest that a category of political speech—especially a category implicating the parent-child relationship—violates, or comes close to violating, federal criminal law.

Under the leadership of President Donald J. Trump and Attorney General Todd Blanche, the Department of Justice has protected, and will continue to protect, the constitutional rights of all Americans—especially the right of parents to free speech, to petition, and to raise their children by protesting the policies of democratically elected school boards.

This report would be incomplete without explaining the steps that the Department of Justice intends to take to provide redress for parents who were targeted and intimidated and to deter such conduct in the future. Those steps include:

- 1) Parents and other participants at school board meetings who became the subject or target of an FBI Guardian assessment as a result of the Garland Memorandum will be offered the opportunity to review the Guardian.
- 2) A disclaimer will be added to Guardian assessments associated with the Garland Memorandum. The majority of these Guardian assessments have been closed or discontinued, but this disclaimer will note that the Garland Memorandum raised serious constitutional concerns, and so any Guardian assessment resulting from it should be read with caution.
- 3) The Department will review the files of anyone who was investigated under the Garland Memorandum to determine if their constitutional rights were violated. To the extent such a violation is found, the Department will issue a formal apology and institute internal controls as necessary to prevent repeating the violation.
- 4) Through the Office of Community Oriented Policing Services, the Department is partnering with the National Association of School Resource Officers and awarding them \$1.5 million to develop and deliver a series of training and technical assistance directly to our nation’s school resource officers. The goal of this grant is to increase the organization’s capacity to inform school employees regarding the rights of parents in our primary and secondary educational system.
- 5) Through the Office of Justice Programs, the Department is prioritizing additional funding to provide resources and training to schoolteachers and staff about the First Amendment rights of parents and the rights of parents to direct and guide the upbringing and education of their children.

APPENDIX

- A. *Exposing Weaponization Against Parents in Schools Roundtable Meeting* (transcript) (June 11, 2026) (“Roundtable Transcript”).
- B. Final Report on the Events Surrounding the National School Boards Association’s September 29, 2021, Letter to the President (“NSBA After Action Report”).
- C. Letter from National School Boards Association to President Joseph Biden (“NSBA Letter”) (Sept. 29, 2021).
- D. Letter from NSBA Board of Directors to NSBA Members (“Apology Letter”) (Oct. 22, 2021).
- E. Complaint, *Doe v. Loudoun Cnty. Pub. Schs., et al.*, No. 1:25-cv-01862, Dkt. No. 1. (E.D. Va. Oct. 24, 2025).
- F. Attorney General Merrick Garland, Memorandum for Director, Federal Bureau of Investigation, Director, Executive Office for U.S. Attorney, Assistant Attorney General, Criminal Division, United States Attorneys, *Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff* (Oct. 4, 2021) (“Garland Memorandum”).
- G. Internal Emails, Department of Justice.

APPENDIX A

Department of Justice Roundtable: Exposing Weaponization Against Parents in Schools June 11, 2026

ACTING ATTORNEY GENERAL TODD BLANCHE:

0:05: All right. Good morning. Good morning, everybody.

0:11: I want to thank everybody for being here today, not only the folks that are sitting here at this table, but for folks that are sitting and standing in this conference room.

0:22: We're here for something that's extraordinarily important.

0:27: It's really an opportunity for us to examine and different folks will speak today.

0:33: A profound and systematic failure in the previous administration's handling of our powerful investigative and prosecutorial authorities.

0:44: But more importantly than looking back at what happened during the last administration, we're also talking about how we're going to fix it.

0:55: The core mission of the Department of Justice is first and foremost to uphold the rule of law under this administration.

1:03: Under President Trump's administration, this means doing everything we can to make America freer, safer, and more prosperous.

1:12: Unfortunately, that was absolutely not the case during the previous administration.

1:18: Attorney General Bondi issued a memo on her first day about eliminating weaponization at the Department of Justice.

1:27: We are conducting an investigation into the previous administration's targeting of parents, and it's extraordinary that we even have to say that, but we do.

1:39: What we have learned and found so far shows DOJ leadership pressing ahead even when there was no legal, legitimate basis for doing so.

1:51: When we're finished, a report will reveal the ways in which the previous administration deployed the power of the Justice Department not to uphold the rule of law and the constitutional rights of all Americans, but to intimidate devoted parents from standing up for their children and their beliefs.

2:11: We saw during and after the COVID pandemic, many parents became increasingly and rightly concerned with the way their schools were caring for their children.

2:21: Parents observed policies that harm children, which included age-inappropriate curriculum and unjustified masking and virtual learning policies over academics.

2:33: These parents made their voices heard. They exercised their rights, their duty, and showed up at school board meetings around the country to voice their concerns.

2:43: Rather than being listened to, they were targeted and censored.

2:48: Concerned parents were arrested, charged, escorted off school grounds, and banned from entering their kids' schools.

2:58: In 2021, an outside interest group, the National School Boards Association, wrote a letter to President Biden branding these devoted and concerned parents as domestic terrorists and accusing them of hate crimes.

3:15: This letter requested the federal government's assistance in shutting down these parents and stifling their speech.

3:21: Now, anyone with even an elementary familiarity with the US Constitution knows that the federal government has no business being involved in local school board meetings.

3:32: Federalism is a foundational constitutional principle, and to the extent the federal government had any role at all, it should have been actually to do the opposite of what it did.

3:43: It should have been to protect these parents' rights under the federal Constitution, the rights that they have to participate in the democratic process and speak freely to their local governments.

3:54: Instead, they did the opposite.

3:57: Now, try as they might, the Biden Administration struggled to find a lawful justification for the federal government to inject itself into local school board disputes.

4:09: But that did not stop Attorney General Garland from putting out a memo adopting much of the letters language and directing the FBI and each U.S. Attorney to meet with local government officials to, quote, facilitate discussion of strategies for addressing the supposed threats by parents objecting to school board policies.

4:33: The object of the Memo was clear. Intimidate parents by threatening to bring the weight of the federal law enforcement apparatus down on them if they dare stand up for their children and speak out against the administration's preferred politics.

4:47: This was unacceptable. Children and their parents should not be used as pawns in a radical political agenda, and they should not be subjected to authoritarian tactics to chill their speech.

4:59: The Trump Administration is committed to ensuring that nothing like this ever happens again in this country.

5:06: On her first day, Attorney General Bondi rescinded that Garland Memo.

5:12: Attorney General Bondi then issued a new memo directing the FBI and U.S. Attorney's Offices to work with local governments to protect the federal rights of parents rather than violate them.

5:24: We will not tolerate abuse of parents exercising their constitutional rights.

5:30: At the beginning of the year, we moved to intervene to defend the rights of students in a lawsuit brought by parents on behalf of their children against the Loudoun County School Board.

5:40: In that case, the parents allege that their sons were forced to share a locker room with a self-identifying transgender male student.

5:48: When the boys expressed discomfort with having to do so, the school suspended them.

5:54: The Justice Department will continue to vigorously defend the rights of these students, their parents, and all others like them who simply want to express their views in their communities.

6:04: We, of course, are not alone in this effort. Accountability and course correction from the previous administration's historic abuses requires a whole-of-government approach.

6:15: And throughout the Trump Administration, we are committed to protecting the rights of all Americans. And one critical partner in our effort to safeguard these rights is the Department of Education and our wonderful secretary, who I'm now pleased to turn the microphone over to Secretary Linda McMahon.

SECRETARY LINDA MCMAHON:

6:35: Thank you. Thank you very much, Todd.

6:38: And here for what you just said because that is absolutely correct. We have to stand up for our kids.

6:47: It's an honor to join so many colleagues, advocates, and parents to discuss how we are vigorously restoring the fundamental right of parents to know about and guide their child's life and education.

7:00: As those in this room know all too well, and as yesterday's congressional hearing threw into sharp relief, an insidious agenda has taken hold in our schools instead of recognizing parents' natural right as the primary protectors of their children, many States and school districts have enacted policies that presume children need to have protection from their parents.

7:25: Alarming, under the previous administration, the federal government sponsored this egregious behavior.

7:31: After the National School Boards Association sent a letter, as Todd mentioned, to the Biden Administration likening parents to domestic terrorists for simply speaking at school board meetings about mask mandates, illegal DEI agendas, and other obscene programming.

7:48: The Biden Department of Justice and FBI not only failed to rebuke this libel, but targeted and surveilled parents for advocating for their children. Imagine that.

8:00: The Biden Administration also pushed radical gender ideology into schools across the nation through its grant programs and enforcement activities, a lot of which we've been working to reverse.

8:11: This led school personnel to secretly facilitate students so-called gender transitions and then claim such information doesn't qualify as education records that parents have a right to inspect under federal law.

8:26: Within days of being sworn in as Secretary of Education, I sat down with a courageous group of detransitioners who shared harrowing accounts of counselors and school staff who took advantage of their vulnerability to inculcate the dangerous idea that they were born in the wrong body.

8:46: As a mother and a grandmother, my heart broke when I heard them say how much they wish their parents had known what was happening to them inside the school walls.

8:55: I have to tell you, it's one of the most emotional meetings that I have had, I sent, you know, to start with and to this day, as the Secretary of Education, to sit with these children and their parents and these children who said we didn't know. We didn't understand what was really going to happen to us and our parents didn't know.

9:18: The physical, emotional and psychological harm this is inflicted on our students and families is immeasurable and truly one of the most grievous injustices in our nation's recent history.

9:31: That's why in November 2024, Americans said enough is enough. President Trump, the American people, elected a leader who they knew would fight with every fiber of his being to restore sanity and protect families. And they were right.

9:46: Within weeks of entering office, this administration put state education agencies on notice that they must help uphold parents' rights under FERPA, which is the law that grants parents the right to look at their kids records and to be informed, PPRA, the Parents Privacy Act and our Constitution to access the most critical information pertaining to their child's education, health and well-being. And we are aggressively enforcing compliance with these laws.

10:14: I remember a press conference I had said you can't take an aspirin in a school. A child can't be given an aspirin by a school nurse. Maybe that's changed, but I can tell you, you can't do that without calling a parent and make sure it's OK.

10:26: For the first time, the Department has launched statewide. I get so mad when I read this.

10:31: For the first time, the department has launched statewide investigations to hold states and school districts accountable for their reported illegal activity. Never before have parental rights laws been enforced at this scale.

10:44: And what do you think's happening? We're getting all kinds of grief for this. Not praise for we ought to be having praise. Sometimes praise, but mostly really getting attacked for it.

10:55: Earlier this year, we issued first of its kind finding against the California Department of Education for violations of FERPA that exposed some of the most widespread tactics used to hide information from parents, including creating secret gender support plans and petitioning a student management software company to hide children's name changes and pronouns from parents.

11:20: We also currently have open investigations into Washington's and Maine's education agencies for similar alleged practices.

11:28: In addition, we are actively investigating school districts, including Fairfax County Public Schools in Virginia for reportedly providing secret abortion services to minors, and Burlington Public Schools in Massachusetts for evidently disregarding parents legal right to opt their children out of a survey that ask minors about drug and alcohol use, sexual encounters, and gender identity.

11:55: And with utterly irresponsible districts like Loudoun County, which has a long history of subjecting female students to danger and indignity in their intimate spaces while ignoring parents who urged school leaders to protect their kids, ED, Education, took unprecedented enforcement action.

12:17: We designated Loudoun and four other Northern Virginia districts as high-risk entities for blatant and ongoing violations of Title IX and placed them on reimbursement status for all

Department funds, over \$50 million dollars in total. What that means is typically departments can draw down their money and spend it, or states can. We said, no, you're going to spend your money first, then you're going to ask us for reimbursement. So put them on notice that we were watching.

12:46: Children do not belong to the government. Let's be clear about that. Do not belong to the government. They belong to parents.

12:53: The Trump Administration will never back down from protecting student safety and parents sacred role as their child's primary decision makers, guardians, and caretakers.

13:04: In closing, I want to thank everyone in this room for their heroism, courage, and relentless advocacy for children and families.

13:12: I'd also like to express my gratitude for Todd, for Kash and so many across this administration who've been excellent partners and stalwart defenders of federal law, common sense, and justice.

13:25: And I also look forward to Governor Youngkin, who I still wish was Governor Youngkin because he did so much in the state of Virginia. And thank you for everything you helped accomplish.

13:34: I look forward to discussing how we can work together to put parents back in charge.

13:38: And isn't that I agree with you, Todd? How come we have to say that let's work to put parents back in charge, restore sanity and safety to education, and ensure that no student or family has to endure again what many have already faced across our country.

13:54: And I thank you for allowing me to participate in, and I'm so sorry that I'm going to have to scoot after my remarks. But thank you for letting me share with you this morning the concern and some of the things that the Department of Education is working on in concert with all these fine people and Harmeet is such a strong, strong advocate for all of us.

14:13: Thank you.

ACTING ATTORNEY GENERAL TODD BLANCHE:

14:14: Thank you very much. Thank you. I appreciate that, Secretary McMahon. Now we're going to hear from Chairman Jordan.

CHAIRMAN JIM JORDAN:

14:26: Thank you, Todd.

14:27: Understand the timeline, September 29th, 2021, the National School Boards Association sends a letter to President Biden saying moms and dads showing up to advocate for their kids are terrorists.

14:36: I'll read from the now famous letter they sent. They said could be the equivalent to a form of domestic terrorism if they show up at a school board meeting. They say further examine appropriate enforceable actions under the Patriot Act.

14:48: That's what this National School Board Association said September 29th, 2021. Five days later, October 4th, 2021, the Attorney General issues his now famous Memorandum that the good Attorney General just cited.

15:01: He said in recent months there's been a disturbing spike in this. He's going to put everyone, everyone on notice in the federal government, the FBI, U.S. Attorneys, everyone all effort on this now famous Memo doing exactly what the school boards association said that same day, there's a press release that goes out.

15:18: It says this, we're going to set up a tip line for you to call in to rat on parents advocating for their kids.

15:24: So same day letter goes on the 29th, five days later, Attorney General does what he said and sets up a snitch line to report on parents.

15:33: Two weeks later, February 20th, or excuse me, October 20, 2021, the FBI sets up a threat tag, says we ask that your offices apply the threat tag to investigations and assessments of threats specifically directed against school board administration.

15:48: Threat tag. FBI is working on it.

15:50: September 29th, the letter goes out five days later, the Attorney General does what the left wing organization wants, issues the famous Memorandum, set up a snitch line, create a threat tag, all in twenty-two days.

16:03: First thing that comes to mind is when have you ever seen the federal government move that fast, right? This is unbelievable.

16:09: Why were they moving so fast, because they didn't want this guy to be governor of Virginia. You've got to remember the context. Terry McAuliffe has said his now famous line, "[Parents shouldn't determine their kids' education, the expert should.]"

16:21: Mr. Youngkin thought a little different and so did the good citizens of the state of Virginia.

16:24: It was the key for electing the left-wing governor in one of our biggest states.

16:29: Oh, by the way, two days later, October 20th, they do the threat tag. Two days later, the National School Boards Association issues an apology.

16:38: So, we can move pretty quick too. When moms and dads get fired up, right? Right, we can move pretty quick too.

16:42: And in between the 20th, when the threat tag happened and the 22nd when the National School Boards Association apologized, guess what happened? The Attorney General just happened to be scheduled in front of our committee, and I asked him a simple question. I asked him a simple question.

16:56: The very first line, if I can find it, the very first line in his Memo from the Attorney General to all the federal law enforcement, very first sentence. In recent months, there's been a disturbing spike in harassment, intimidation, threats of violence against school administrators, board members, teachers and staff.

17:14: And I said, Mr. Attorney General, what was the basis for that sentence? And guess what he said, it was the National School Boards Association's letter.

17:22: And that's the problem, when a left-wing group can go work with the government to go after their political opposition.

17:28: That's why what these guys are doing is so darn important. And it's a pattern understand what's happening with the Southern Poverty Law Center.

17:34: I mean, I've worked with a lot of Attorney Generals in my 20 years in Congress and there's no one like this guy. This guy's amazing. And the FBI director as well, this whole team.

17:43: But understand the pattern: Left wing group goes and works with government to go after the political opposition, and the Southern Poverty Law Center is exactly what happened here. It's the pattern of the left.

17:54: And so, I just, I just came to say thanks, thanks to the parents who stepped up, thanks to the Governor who won the race because of this issue. Understand, you stand with moms and dads in common sense, you win.

18:04: And mostly to thank the guy who's hopefully pretty soon going to have that acting, no longer in front of the Attorney General in his title, but he's doing a great job. And so is Kash and his team.

18:14: It's been a pleasure to work with these guys to stand for things that just make sense, just make good common sense. And with that, I yield back to the Attorney General.

ACTING ATTORNEY GENERAL TODD BLANCHE:

18:22: You can come to any of my meetings.

18:27: Thank you. No, thank you very much. I appreciate your words. And they're true. Director Patel.

DIRECTOR KASH PATEL:

18:33: Thank you so much, Attorney General. Thank you, esteemed colleagues.

18:38: The FBI does not rear your children, parents do, communities do. They get to decide how their kids are raised, what they say at school board meetings.

18:48: The FBI has absolutely no business in interfering with that in any way, shape or form.

18:53: As someone who was targeted by a weaponization of law enforcement himself, who now sits as the Director of the FBI, I commit to you that since I've been in this job and as long as I'm in it, we will never allow weaponization in any form, especially to target parents who care for their children and have their children's best interests at heart.

19:11: We got enough work to do, just ask Governor Youngkin.

19:15: We teamed up and formed the first Homeland Security Task force right there in the State of Virginia. And what do we do?

19:20: We went after actual domestic terrorists, those that are praying on our kids online, causing them harm, causing them to mutilate themselves, and in some tragic incidents, causing them to kill themselves. That's where law enforcement's going to.

19:32: Under President Trump's Administration and Attorney General Todd Blanche's brilliant leadership, we have reprioritized what we do here at the FBI.

19:39: And what we do is two things. We crush violent crime, and we defend the homeland. We do not participate in Richmond Catholic memos. We do not uphold the Garland Memo. And we do not allow personnel across the enterprise of the FBI who participated in that process, unlawful process, to be employed at the FBI anymore.

19:58: We have terminated every single person that ever had anything to do with the Richmond Catholic Memo. We have also terminated scores of other individuals who had anything to do with the weaponization of government and law enforcement.

20:10: Law enforcement under the Trump Administration and Attorney General Blanche's leadership, partnering with great Chairman like Jim Jordan, have allowed America to see a couple of things happen.

20:20: One, we have shown a light on transparency. And you just heard from the Chairman, they're not his words. The prior administration put those in a letter and made them quote, unquote law.

20:32: That's not the case anymore.

20:33: When you have a great team like this, when you have a president who wants to promote the advancement of our kids through their parents, then the priorities of the FBI settle in for themselves. And we're going to continue to work around the clock to make sure that parents aren't targeted.

20:49: I've got enough targets. I've got enough international terrorists to chase down. I've got enough domestic terrorists to chase down. I've got enough gang bangers, rapists, and drug traffickers who wish to do our kids harm to chase down. And we're chasing them down in record numbers.

21:00: Thanks to the Department of Justice's partnership, over the last 14 months, 45,000 violent offenders have been arrested.

21:07: Just to put that in perspective, in the last year of the Biden Administration, they arrested 22,000.

21:12: We're working for the American people. We are not weaponizing law enforcement. And as I said earlier, there is no place for you in this FBI if you choose to participate in it. And the answer or the excuse that you are told to do something will not be tolerated. What you are told to do is uphold your oath. And that oath is to protect and defend the Constitution. And that applies more so to our most precious commodity, our children. And that's what we're here to do.

21:41: Attorney General Todd Blanche, thank you for leading this charge.

21:45: Thank you to your incredible prosecutors around the country, and thank you to President Trump, and all of you who are gathered here today on such an important issue.

21:52: It's one I wish we didn't, we weren't, discussing. It's one I wish we were not ever talking about. But we're going to talk about it until it is completely rooted out.

22:01: And thanks to the brave men and women at the DOJ like Harmeet Dhillon and company and the Deputy Attorney General, we are going to continue this fight and we're going to win it.

22:09: Thank you.

ACTING ATTORNEY GENERAL TODD BLANCHE:

22:11: Thank you very much, Director Patel, now from the White House, Vince.

VINCE HALEY, DIRECTOR OF DOMESTIC POLICY COUNCIL:

22:14: Thank you. I just wanted to add just a few words to what the Attorney General said. I think he covered it well. I just my, my main message is that we are fully committed to the parents to get justice for the parents.

22:30: You know, coming over here is the second time I've been at the DOJ. Given my experience over the last four years between the two Trump terms, I can't say it's a warm fuzzy feeling coming to the DOJ.

22:41: You know, what the parents have faced it's part of a larger struggle against forces that want power and control in this country and they will violate all norms and laws to achieve it.

22:54: And this becomes especially destructive when we talk about violating the norms of justice and law enforcement in this country.

23:01: I've worked for the President since the 2016 campaign. I guess I first really confronted this in the March 2017 testimony of the former director of the FBI when he talked about pursuing investigation of contacts between the Trump campaign and the Russians.

23:18: You know, I grew, grew up around here. I'm the youngest of 11 children. My father was a West Point grad, served the country for 40 years, but first in in uniform, and then as a civilian.

23:30: The idea that the FBI Director would give testimony that was a complete lie was unimaginable to me, but yet that's what it turned out to be.

23:39: So what's happened to the parents is part again of this largest struggle. We see it parents in the classroom. We see it with pro-lifers. We've seen it, as the Director mentioned, with the FBI memo about traditional Catholics and the Mass. We see it in social media censorship. On many, many fronts they are seeking to swart the voice of those who care about the direction of this country and want freedom.

24:03: So this is much a part of a much larger struggle and I want the parents to know we're fully committed and we have skin in the game.

24:10: You know, last four years I also had to face getting pulled into grand jury testimony and be asked about my behavior and things about rumor controlled by a DOJ attorney. I had to wonder about paying for legal bills.

24:27: So I we're fully committed.

24:30: Just a couple people. Just a few words about the people up here.

24:33: Todd Blanche, okay, during the last four years, all the nice attorneys, all the ones that cared about their reputations, they fled. Todd Blanche was the one that stood up and stood by the President's side in that courtroom day in and day out.

24:49: Kash Patel here, like he said, he was subject to harassment. We have an FBI Director who authored a book when I was glad to help him with called government gangsters.

25:00: OK, He knows what happened in the last four years. He's fully, fully committed.

25:04: So, and then Governor Youngkin, there was one person who could win in Virginia in '21 and that was Governor Youngkin. And we are so thankful that he stepped up. I'm glad to say I was part of an event in Loudon County. In September 21, when the governor came, the candidate came and spoke about the, the weaponization that had taken place there in Loudon County.

25:28: And so, we owe great debt to the parents that stood up and love their children and, and, and took and took the attacks from, from the government. And so anyway, I just want to say that we're, we're acting on a broad array of fronts as a former Marine hero, Chesty Puller said. We're, we're surrounded on all sides. So, we know we got them just where we want them. We can attack on all fronts and we have to.

25:55: So, we have, for example, the Religious Liberty Commission report coming out in 2 weeks. It's kind of a big section on parental rights.

26:02: We just issued a report, a task force issued a report on anti-Christian bias, eradicating anti-Christian bias. That's been out. Vance Day here of the DOJ helped to put together a wonderful documentary film on that basis.

26:16: We have school choice tax credits. We are doing everything we can to advance freedom and protect people exercising their constitutional rights and we won't tire from that.

26:27: We have skin in the game. The last thing I'll say as I was trying to think about a metaphor for this, I'm the father of four. So, I watched a lot of Toy Story, but you think of that last scene in Toy Story 3 when they're going towards the incinerator. Well, that's what we face with Woody Allen as President Trump there.

26:46: But thankfully, we're rescued by the American people in '24 and we're here to seek justice and get it for the parents.

26:53: Thank you.

ACTING ATTORNEY GENERAL TODD BLANCHE:

26:55: Thank you very much, Vince. I appreciate your leadership and it's great working with you.

27:01: Next, Sam Sorbo.

SAM SORBO:

27:02: Yeah, Thank you.

27:06: So, first of all, thank you very much for convening this very, very important. After all, the children are the future of this nation, and so they need to be protected more than anybody.

27:16: It took twenty-two days for trust to be completely eroded for half the country. And that's a dangerous precedent that was set. And it conceals also that framing an important point because the NSBA used Garland as their instrument, their avatar.

27:36: That's a private lobbying organization funded by the schools, effectively borrowing the size and authority of the federal government to crush the citizens pushing back against their questionable policies.

27:47: The federal government put its long arm on the scales of justice. The targets were mothers, fathers who were paying attention. They were examining curricula, attending meetings, asking concerned questions. They simply wanted some meaningful say in what their children learned.

28:01: They were civically responsible, and in a sense, they were the ideal parents, not just any parents. And they were the ones who were punished.

28:10: Their questions unwittingly put them in the crosshairs of a vindictive association willing to weaponize to protect its own nefarious interests.

28:18: Some of the parents were handcuffed for public show, to intimidate other dissenters, to send the unmistakable message that the cost of speaking is higher than you think and that your children don't belong to you.

28:30: And we know that the NSBA retracted and apologized, but the local school boards retained their newly seized powers, and they still do.

28:40: The lie about parents being violent was eventually dispelled, thank you, by Chairman Jordan's work. But the attacks on peaceful parents continue to this day.

28:50: In a few minutes, you're going to hear directly from people who live this. Their careers derailed reputations, targeted families, absorbing consequences no citizen should face simply for engaging in dialogue. Their lives were permanently altered by school tyrants that treated civic descent as a threat.

29:08: But understand they're just a small representation of the damage.

29:12: What those in power today may understandably shy away from addressing honestly is this: The government broke the law. They had no probable cause to arrest and charge most of those arrested. It's tempting to conclude that what was done unlawfully can't be undone without equal force. But of course, accepting that logic surrenders the only ground we actually stand on.

29:32: So, the answer must be in legitimate processes, formal recognition of wrongdoing, congressional accountability, transparency in law, and even institutional reform, which is what I'm here to advocate.

29:44: The Garland Memo empowered local school boards to intimidate with impunity, enlist school officers, school resource officers, and engage local law enforcement to assail and isolate parents and trample their constitutional rights.

29:57: And we can't possibly count the number of parents who decided to abandon the fight lest they lose everything.

30:04: The chilling effect on an entire generation of civic participation cannot be quantified, let alone compensated.

30:11: And despite any executive order, the targeting and intimidation continues today. Because the posture hasn't changed.

30:20: This is a larger discussion than simply that of limiting freedom of speech, although that's big enough.

30:26: One more thing deserves to be named without euphemism. Systematically separating parents from meaningful influence over the institutions and individuals shaping their children's lives. That pattern carries a specific gravity.

30:44: We recognize it when it appears elsewhere in the world. We actually fund agencies to combat it. And that same clarity is owed here.

30:55: The first job of a successful human trafficker is to separate the child from his or her parents. That behavior of our nation's school boards mimic those of child groomers is significant.

31:10: That they effectively lied in order to do just that is incriminatory.

31:17: The government's job is to protect liberty, not criminals. When the government becomes the source of the threat, inaction is not an option. Children desperately need our protection, and their parents must be empowered to provide it.

31:29: But without addressing the greater peril, the reason their gangster behavior came so naturally, the nation's children will be lost. When a society resorts to bullying it requires a tyrannical government to maintain peace.

31:45: The solution is as simple as it is trying.

31:48: Consider how any institution of learning can claim to educate students while ignoring the most important book in human history, the book that guided the Founders in their creation of our very nation, recommended the freedoms for which they fought, and reputedly eliminated the high murder rate in Angola prison.

32:08: And yet it's derided as simply a religious text, a pejorative term at best. The competing morality that replaced the biblical one in our schools is just a different religion, complete with its own priests, sacred cows, and extreme rituals and practices.

32:25: Its gods are jealous and unfailingly dangerous for our nation's families and children. Its acolytes demand parents surrender to them full authority and control over the children.

32:35: And so, we ask you, esteemed gentle people holding the levers of power, to consider how to address the wrongdoing that we've witnessed, but also to work at reinstating an ethical standard in our society via our schools as a preventative against further abuse and moral decay. It's ethically justifiable. It is culturally imperative. It remains the one sure way to preserve our children and our nation.

33:01: So, after you've heard from our speakers today, I will invite you to bring questions forward. There's a great deal more obviously, to untangle here. But the most important questions are often the ones that people assume someone else will ask. So please don't leave them unasked.

33:15: And with that, I'd like to introduce our first speaker, a courageous father, Mr. Scott Smith is from Loudon County, Virginia.

SCOTT SMITH:

33:27: Thank you, everybody.

33:30: Thanks for my introduction and my invite to hear me out today. My name is Scott Smith, to the FBI footnote #13, and I'm a husband, a licensed master plumber, and a small business owner. Above all else, I'm a father.

33:47: I'm here today because the federal government weaponized its immense power against ordinary American parents, and they used my family's tragedy as their blueprint.

33:58: I did not set out to become a public figure. I never asked for the spotlight, and I never expected to speak before all of you today. My journey to this room began with a parent's worst nightmare.

34:13: In May of 2021, my teenage daughter was brutally sexually assaulted inside her high school bathroom by a boy wearing a female attire.

34:23: Instead of protecting her, instead of calling an ambulance or the police, school administrators chose to cover it up and protect their bureaucratic reputation and radical policies.

34:35: They quietly transferred her attacker to another high school, while wearing an active ankle monitor, where he went on to sexually assault another young girl at another high school and potentially others.

34:48: The boy was eventually convicted on 2 felony counts of sexual assault in my daughter's case. That was October 25th, 2021.

34:58: That was a nightmare.

35:01: On June 22nd, 2021, consumed by grief and demanding answers, I went to the Loudoun County School Board meeting. My wife and daughter also showed up to this meeting.

35:12: The atmosphere in the room was a powder keg, hyper politicized by a debate over state mandated gender policies and COVID restrictions.

35:24: I wasn't there for a political debate. I was there because my child had been violated and the district was acting like nothing happened.

35:33: While we were standing in a crowd a woman, a woman, a local activist but known to our family, started berating my wife. When I stepped in, she looked me in the eyes, called me a liar, and explicitly threatened to destroy my family's plumbing business on social media if I didn't shut up about what had happened to our daughter just a month before.

35:57: I'm a father. I lost my temper like any human would. I pointed a finger and yelled back at her. I simply called her a bitch, that was it.

36:08: But instead of them deescalating a grieving dad, a sheriff's deputy grabbed me from behind. You're not supposed to do that.

36:17: When I instinctively resisted that sudden touch, not knowing who it was at first, multiple deputies tackled me to the ground, slammed me through rows of chairs, knelt on my back and left my face bloodied on the floor.

36:30: As they knelt on top of me, handcuffing me, my wife stood over the crowd screaming the truth that the school board wanted to hide. My child was raped at school, and this is what happens?

36:41: A mother's cry that was deliberately silenced by media outlets and news platforms across the world.

36:50: And what was the school board doing while I was being escorted away in a police van? They cleared the room, eventually restarting the meeting without allowing the public back inside. They were found guilty for that later. While meeting, the Superintendent stated, "To my knowledge we don't have any record of assaults occurring in our restrooms."

37:10: He lied to the community.

37:12: He already had an e-mail notifications about my daughter's rape the day it happened. Later to come out in the special grand jury report that this gracious man put into action.

37:25: What followed shifted the entire political landscape of our country driven by a coordinated alliance of ideologically driven local prosecutors and federal outreach.

37:37: Instead of being treated as a victim, I was aggressively prosecuted by a George Soros funded Commonwealth's Attorney who sought an active jail sentence against me while trying to protect the sexual predator. Can you imagine that?

37:52: Trying to put me in jail but letting the rapist go?

37:57: This process, this prosecutor was so visibly biased and so intent on making an example out of me to silence other parents and paint her into her local political hit squad, that a Virginia Circuit Court judge took an exonerating step of booting her off my case entirely due to a profound lack of impartiality. She was eventually voted out of office November 2023.

38:22: I take big personal victory in that.

38:27: Probably one of the only good things that's happened to Loudoun County since.

38:32: Meanwhile, the National School Boards Association seized upon the viral photos of my bloody face, stripped the image of all human context, and drafted a letter to the White House falsely equating concerned parents as domestic terrorists.

38:48: Days later, on October 4th, 2021, Attorney General Merrick Garland issued his infamous Department of Justice Memorandum mobilizing the FBI against local parents just like me.

39:03: Think about that staggering moral failure of a timeline for a moment.

39:08: The local school apparatus covered up a sexual assault against a minor, but instead of the Department of Justice launching an immediate investigation into the violation of my daughter's civil rights, a weaponized local prosecutor and the federal apparatus combined forces to target me, the father demanding accountability for his daughter that had just been raped.

39:35: This blatant overreach fundamentally altered the 2021 Virginia gubernatorial election.

39:41: For months, the national media had dismissed the concerns of Virginia parents as artificial political theater.

39:48: But when the DOJ issued that Memo, it proved to every mother and father in the Commonwealth that the threat to their rights was entirely real.

39:57: Our plight became the flashpoint of that race. It gave teeth the Glen Youngkin's campaign for parental rights.

40:05: When his opponent famously remarked that parents shouldn't tell schools what to teach, the contrast became absolute. Virginia parents realized they were fighting for the little safety and sovereignty of their children against the defensive educational bureaucracy backed by federal law enforcement.

40:24: The outrage over what happened to my family in Loudoun County and the subsequent federal overreach by this department galvanized the movement across the nation.

40:35: It even propelled Glenn Youngkin to the Governor's Mansion on a mandate to restore parental authority and state level accountability.

40:44: Yet as powerful as that election was, we quickly learned how deeply entrenched these defensive bureaucracies truly are.

40:57: Even with a newly elected Governor championing parental rights, the state executive branch was not able to rein in these rogue school boards. The Loudoun County School Board actively defied the Governor's administration, repeatedly voting to reject state issued safety and parental notification guidelines.

41:17: They proved that a defensive educational bureaucracy will comfortably disregard the executive branch and the clear will of the voters just to protect their institutional ideologies.

41:36: And that exact same seems to be true right here in D.C.

41:41: For years, various agencies and their committees, lawmakers and attorneys have issued subpoenas, demanded documents, and held hearings trying to uncover the full truth behind the October 14th Memo and the targeting of parents.

41:55: Two administrations and almost five years later, the Department of Justice has responded with stonewalling, redacted pages, and bureaucratic delays.

42:05: Just like the local school board, federal agencies seem to believe that they are completely insulated from oversight.

42:12: They act as if they answer to no one, not to the lawmakers elected by the American people, and certainly not to the parents whose lives they disrupted. When the institutions tasked with executing our laws decide that they are above the branch that writes them, our system of checks and balances fundamentally broken. And that's what we got, broken.

42:36: For over two years, I was forced into a grueling two-tiered legal battle. I was vilified by national media and smeared by powerful institutions just for defending my family.

42:47: It was only through an absolute pardon from the Governor Youngkin that the state officially recognized the profound injustice of my arrest and prosecution.

42:58: Didn't get paid back for that though. All the legal bills. Restless nights. What a disaster.

43:07: While my record has been cleared, the chilling effect of the DOJ's actions remains.

43:13: Memos carry weight when the highest law enforcement agency in the world signals that speaking out makes you a threat to national security, it paralyzes the public, which it did.

43:26: The school board meetings went from standing-room-only, 3-400 people, to just a handful appearance after that Memo came out.

43:40: It tells the mother and father that a price of protecting their child from institutional negligence, it could result from a visit from the FBI.

43:49: In my opinion, this was one of the greatest attacks and violations on our constitutional rights as Americans and parents to date.

43:57: I'm here today to ensure that what happens to my family never happens to another American family.

44:03: The Department of Justice exists to uphold equal justice under the law, not to act as an enforcement arm for defensive school bureaucrats.

44:13: I call upon all of you in this room to enforce strict guardrails, demand absolute transparency, and ensure that federal law enforcement is never, ever again used to silence the voices of American families.

44:29: A governor's pardon can erase a criminal record. An election can unseat a bad prosecutor. But none of that erases the trauma of what my daughter went through. It cannot undo the years of stress and fear forced upon my family.

44:44: Government overreach tore our lives apart, but thankfully we survived and have only grown stronger from this preventable tragedy.

44:55: My daughter's doing pretty well.

44:58: Thankfully we survived, but sadly though, it has left a very deep mistrust of our government today.

45:07: Today I'm asking President Trump to make this a priority of his Administration, to hold those responsible for the Memo fully accountable.

45:17: They have no place in your DOJ.

45:21: They should be gone today. They should have been gone yesterday, should have been gone two years ago. To deliver true transparency to the American people and the right, the wrongs that were unjustly dealt to my family.

45:39: It's a very, very, very scary thing. Waking up in the morning after your daughter had just been raped and having a news reporter call you and ask you if you have any comment that you've just been named a domestic terrorist.

45:55: That was bone chilling. It was something that I will never forget. It will be something that I'm not sure I will ever be able to forgive the federal government at any level, but I'm here today to make sure that it does not happen to anyone else.

46:11: And that's why I came. That's why I put myself through this emotion one more time. And I'm hoping that this might be my final lap.

46:19: And with that, I thank you.

SAM SORBO:

46:32: Scott, I want to thank you so much for agreeing to come. I want people to understand this took a lot out of him. So thank you.

46:41: And so, Governor Glenn Youngkin defeated Virginia Governor Terry McAuliffe after Terry McAuliffe famously said, and I'm going to quote it here, "I'm not going to let parents come into schools and actually take books out and make their own decisions."

46:59: Thank you for being here.

FORMER GOVERNOR YOUNGKIN:

47:00: Thank you. Scott, thank you.

47:03: I have to say, Virginians and Americans so deeply respect you.

47:10: Fathers hold you as a hero, and I know how hard this has been.

47:16: I do hope that there will be a moment where your family is together over a meal and this incredibly unjust ordeal is not on your minds.

47:31: Today is a critically important day. It's a day that reminds us, reminds everyone that children belong to parents, not to the government, that's parents are endowed by an almighty Creator with unalienable rights specifically to make the decisions in their child's lives that have to do with education, that have to do with their upbringing and have to do with their care.

48:00: And those inalienable rights are actually enshrined in the Virginia Constitution, and they are in many forms in the U.S. Constitution.

48:08: We find that this fundamental right is constantly violated.

48:13: And the only way that we are going to see that it is protected and that parents play the rightful place in their children's lives at the head of the table, is for us to have constant, constant effort on behalf of everyone.

48:28: Not just one group, not local group, not one advocacy, not the federal government, but everyone.

48:33: And when one group falls down, we find that it can't stand strong against the insidious network that works every single day to separate children from their parents.

48:47: And that's why I'm so grateful today to be invited.

48:51: General Blanche, thank you. Thank you for including me, I have to say, to be here with

Secretary McMahon and Chairman Jordan, who I just so appreciate your constant, constant focus on this effort.

49:03: Director Patel, thank you for the work that you have done to clean out so many of the bad actors. Thank you. I want to thank the White House for your constant efforts. And it all emanates from a president who fundamentally believes that parents should be the ones making decisions for their children, not government, not bureaucrats, not politicians.

49:23: That's what this is all about.

49:25: The story you've just heard is not just heart wrenching, but it is startling.

49:33: And what happened in 2021 in Virginia, but in particularly in Northern Virginia, and even more particularly in Loudoun County, made Virginia Ground Zero for parent's rights.

49:46: The fact that parents matter, the fact that a nation all of a sudden woke up to what had been going on, not just in this county, in the Commonwealth, but in their own educational system, that we in fact saw not just local government, but state governments and the federal government working against the interest of parents.

50:10: Virginia, if we look back to 2021, was shuttered for an unnecessary period of time. Schools seem to be not critical. ABC stores were, but churches and schools weren't. They were closed.

50:25: Children were forcibly masked, even when it was a health hazard for them.

50:31: Parents were told that they had no role in determining their children's education, not to mention any educational materials that so violated their family values. They were told they weren't allowed to take them out of the curriculum.

50:46: For years, students were taught what to think as opposed to how to think. And it wasn't until the pandemic brought forth that 12-inch screen, which failing educators told parents was a quality education, that we began to see really what was going on in our children's lives.

51:05: Parents were lied to with regards to the progress of their children. Don't worry, your third grader can read. When in fact, they couldn't.

51:16: And of course, the fundamental safety of children was compromised to a degree that parents couldn't possibly understand how a young man could end up in the female bathroom in a school system that was advocating for both biological sexes to use the same bathroom. And how that young man would be allowed to sexually assault a girl and her family would in fact be persecuted and prosecuted while the young man was protected.

51:49: My friends, that seems like a story out of fiction that could never be part of American history. But in fact, it was.

51:59: And finally, the Biden Administration not just supported it, but enabled it.

52:05: Let me tell you, as a governor who fought daily to protect parents' rights, part of that fight was against a federal government that was doing everything it could do to, in fact, further the far left agenda to make sure that children were no longer subject to parental authority, but in fact could be directed by bureaucrats, by administrators and by politicians.

52:41: A Justice Department that was trying to intimidate parents, to silence them, to make sure that

those school board meetings were there were hundreds and hundreds and hundreds of parents standing up for their children, were intimidated to the point where they would no longer attend.

53:00: That's why the work today, General, is so important, because it's more than just a statement of what happened in 2021 in the Commonwealth of Virginia.

53:14: But it is a moment for all of us to remind ourselves that we have a collective responsibility to stand up for our kids and to remind ourselves that parents matter.

53:30: In Virginia, we still see so many challenges.

53:36: I watched an administration fight against me.

53:41: And for one beautiful year, I had an administration that worked with me, an administration that came and stood strong, a secretary of education that understood that when a governor and a great attorney general and Jason Miyares and the federal government work together, we can in fact stand for parents.

54:03: My friends, this is why the work that's being done is so important.

54:07: I have to say that it is sad that we have to start with the pure safety of children, but we need to make sure we get to the content of what is being taught in schools.

54:20: We need to make sure that parents have the ability to assess whether that content is appropriate for their family's values, not for some arbitrarily chosen, if not nefariously driven view that parents should not have a right to determine what is being taught in schools.

54:40: And then finally, of course, the ability for parents to choose to make a choice that this school is no longer the right place for their child. And I have to say that the Federal School Choice Act, embodied in the one Big, Beautiful Bill, is an extraordinary tool to enable families to step forward and choose which school is right for them.

55:08: As I said, families, parents and children sitting down together talking about what's right.

55:14: And that's why every governor that has not signed up to the Federal School Choice Act should be told very loudly by their citizens, "sign that," because it makes school choice a national right of parents, because parents matter.

55:32: I just want to close by saying thank you.

55:35: I have to say, as a citizen of the Commonwealth of Virginia, I am incredibly encouraged by the work that is going on at our federal government.

55:44: May God bless you, and may He bless the work that you're doing, and may He bless our children and their parents.

SAM SORBO:

55:52: Thank you.

55:57: So, our next speaker comes from Fenton, Michigan, she's a mom of two and recently retired elementary teacher who taught for 30 years in public school, Jen Horton.

JENNIFER HORTON:

56:08: Thank you for having me here today. I want to start off as a mom. Scott, what happened to your daughter is horrible. And if I was by you, I would be standing by your side and I would be fighting with you.

56:20: So just had to say that. Thank you for having me here today.

56:25: Five years ago began one of the most difficult periods of my life, and I'm very grateful for the opportunity to speak with you today. My hope is that you will see how decisions made at the federal level affected families, schools and communities.

56:38: My name is Jen Horton. I'm the proud mother of two amazing young adults, and I was an elementary public-school teacher in Michigan for 30 years.

56:46: Being a mom has been the greatest gift, and becoming a teacher was no doubt my calling.

56:52: Over 3 decades, I taught more than 700 children and built relationships with countless families. I firmly believe that the partnership between parents and teachers is essential to a successful classroom in a thriving school community.

57:05: I retired one year ago. I miss the children every day.

57:09: I was not ready to leave them. But the environment in which I taught had changed so dramatically that, for my own well-being, I had no choice.

57:19: The first 25 years of my career where everything I had hoped teaching would be.

57:23: I taught students, organized talent shows, volunteered with our Education Foundation, and was active in my community both as a teacher and a mom.

57:31: I loved my school and I felt very valued for all of my contributions. But that all changed on March 13th, 2020.

57:40: Like so many Americans, I had no idea how profoundly that day would change my life.

57:45: What began as "Two weeks to flatten the curve" became "Two years," or became many years of restrictions, division, and growing intolerance toward anyone who questioned the policies.

57:58: The effects were especially severe in states like Michigan, where some of the nation's worst restrictions were imposed.

58:04: Today, Michigan ranks near the bottom nationally in the educational outcomes.

58:09: No one should be surprised by this, and this is not the fault of teachers. Teachers did not create the system that they were forced to operate within, nor did they control the policies that produced these results.

58:22: The Biden Administration's actions empowered certain governors, mayors, university officials, health departments, local leaders, school boards and unions to make decisions that dramatically affected children and families.

58:36: In Michigan, children were kept out of classrooms for extended periods. When they returned, many were required to wear masks, not for months, for years. Students were quarantined, contact traced and often required to test repeatedly to participate in sports and activities.

58:52: Some of the hardest months were at the beginning of the school year when the classrooms in my school exceeded 90° degrees.

59:00: We did not have air conditioning. This was not one day. This lasted for a while. But our administration buildings were air conditioned and they weren't wearing masks.

59:11: My daughter lost much, much of her senior year of high school, sporting events, school traditions, and many of the experiences that make her senior year special simply just disappeared.

59:23: My son was a sophomore at Michigan State, and he spent an entire year behind a screen basically teaching himself and he was paying full tuition.

59:33: I taught in Genesee County while neighboring Livingston County operated under a whole different set of rules.

59:39: I often ask myself, "How does COVID know where that county line is?" Of course, the answer is it didn't.

59:46: The difference was leadership and policy decisions.

59:49: As a first-grade teacher, I witnessed the consequences firsthand. The academic setbacks were significant.

59:55: The social and emotional damage was truly heartbreaking.

59:59: What was more heartbreaking was knowing that this was not what parents wanted or thought was best for the safety of their child.

1:00:06: These were political decisions being made-up by a small group of people who wanted to punish their beliefs.

1:00:13: Teaching 6-year-olds to read through a computer screen and while wearing a mask was ridiculous.

1:00:20: I watched children sing wearing masks at choir concerts. They were required to wear them outside to play, and they were often prevented from playing with other classes during recess.

1:00:34: To adults, these may seem like small things, but to children they were daily reminders that normal childhood had completely been taken away.

1:00:42: As a teacher and a mother, I saw the impact on children every day.

1:00:46: Children were not the priorities. They became the ones who paid the price for poor decisions made by adults.

1:00:52: I could not stay silent, and I was the only teacher that spoke up.

1:00:57: But speaking up came with consequences. A target was definitely placed on my back, and it became clear that my views were unwelcome.

1:01:05: What was perhaps the most troubling was how teachers privately agreed, but we're afraid to speak publicly because they saw what happened to those who did.

1:01:13: Many parents felt the same fear, especially after witnessing how dissenting voices were treated.

1:01:19: Some worried that speaking up could negatively affect their children at school too.

1:01:24: Parents were ignored, dismissed and silenced.

1:01:28: We were called every name imaginable. Perhaps the most troubling was when concerned parents speaking at school board meetings were portrayed as domestic terrorists.

1:01:37: Standing before elected officials to advocate for your children is not terrorism. It is a fundamental right protected by our Constitution.

1:01:47: Board meetings came, became very contentious. Parents were removed for refusing to wear masks. It was clear that they simply just did not want to hear opposing viewpoints.

1:01:58: No matter how many parents attended meetings, raised concerns or asked questions, the outcomes often seem predetermined.

1:02:06: Our school resource officers who were put in positions to enforce things they did not even agree with themselves.

1:02:14: Across this nation, law enforcement and legal action was used to silence parents who disagreed with their policies and forced changes that dramatically affected children and families.

1:02:23: The trickle-down effect of federal policies created deep divisions in all of our communities.

1:02:30: At the heart of all of this is one simple principle.

1:02:34: Parents know their children better than any union, government official, school board member, mayor, governor, or bureaucrat ever will.

1:02:44: Parents and teachers who voice concern when something is wrong should not make them fear federal law enforcement or even worse, punishment.

1:02:53: Almost two years later, I remember crying on my way to work the day that masks became optional. I knew what that was going to mean for kids. They would see each other's smiles, experience normalcy, and actually be able to learn.

1:03:07: My 6-year-olds had never experienced the never a normal school day. They were in kindergarten and they've never experienced it. It was, it was very emotional.

1:03:18: I was also filled with tears after President Trump was elected because I knew that the end of government overreach was here, that all these things that affected our students and families was coming to an end.

1:03:32: His appointment of leaders like Secretary McMahon and Acting United States Attorney General Todd Blanche and further demonstrate that our nation's children are now in good hands.

1:03:44: I'm also appreciative, FBI Director Kash Patel for all the work that you have done protecting children and parents from being labeled domestic terrorists.

1:03:54: And, of course, Chairman Jim Jordan, the warrior who led the investigation and elevated this weaponization when President Trump was not in office.

1:04:04: And also, thank you, Mr. Youngkin, and for all the work that you did as well.

1:04:08: My story is not unique. There are thousands of parents, teachers and citizens across this country who experienced similar struggles.

1:04:17: Many never spoke publicly because the personal and professional cost was simply too high.

1:04:23: Today, I speak for all of them. I share my story not out of anger, but out of hope.

1:04:28: Hope that we learn from these mistakes, hope that we restore trust between parents and schools, hope that we remember that children should always come first, and hope that those entrusted with power are held accountable for their decisions.

1:04:44: We want justice served and hope that we never again allow fear, politics, or bureaucracy to outweigh the needs of children we are entrusted to serve.

1:04:57: Thank you.

SAM SORBO:

1:04:59: Thank you so much.

1:05:05: So, our final speaker is a lawyer with America First Legal, and he organized an effort to replace school board members for which he was targeted relentlessly, Ian Prior.

IAN PRIOR:

1:05:16: Thank you. Yes, I'm currently a senior counsel at America First Legal, but I actually used to be here. I was the Deputy Director of Public Affairs at the Department of Justice during the first Trump Administration.

1:05:25: And it was when I was here at the Department of Justice that we made the decision to move our young daughters, who I think were three and six at the time, to Loudoun County, Virginia.

1:05:34: Increase that commute, but you know, you're going to get better schools. And in 2018, Loudoun County public schools were great schools. Well, it did not take long for that to change.

1:05:43: The next year the board flipped and really all hell broke loose and the first time I realized that there was a problem was in the summer of 2020 when I read an article about how Loudoun County Public Schools was using curriculum provided by the Southern Poverty Law Center.

1:06:00: I took I took that under advisement. I decided to do some more research, and I found that

Loudoun County Public Schools was essentially engaging in race-based admissions to their magnet school that they had recently started.

1:06:13: So, I wrote an article in The Federalist about it, and I went to speak at one school board meeting, and I spoke about the First Amendment.

1:06:21: A couple of months later, on March of 2021, there was a group called the Anti-Racist Parents of Loudoun County.

1:06:28: It was a Facebook group.

1:06:28: We have since changed that name to Chardonnay Antifa, and you'll see why soon.

1:06:34: And that group was determined to find all the parents that opposed school closure and mask policies and opposed the school policies related to critical race theory and equity. And what they wanted to do was expose those parents, send mailers to those parents' neighborhoods, hack their platforms, infiltrate their groups.

1:06:57: And what made this even worse is that six school board members were a part of this group, as was the Soros-backed Commonwealth Attorney Buta Biberaj, who amazingly makes Steve Descano look slightly competent, which is a difficult thing to do.

1:07:12: So as a result of this, we thought that the school board would say we're sorry, we're going to get out of the group, that was inappropriate. No, they didn't.

1:07:20: They turned it back around on us and said we were making things up about their equity policies.

1:07:25: So that caused me to start an organization called Fight for Schools. And what we did was we started collecting signatures to remove these six school board members under state removal laws.

1:07:37: And over the course of that summer, we gathered 25,000 signatures.

1:07:42: But it also made us sort of the spotlight on what was going on in Loudoun County because so much happened beyond just that list making there was obviously what happened with Scott, which came out later.

1:07:55: We had a teacher who went to go speak at public comment who was suspended because he opposed their policy requiring him to refer to gender expansive kids by their preferred pronoun. It wasn't even a policy. He was just saying I oppose this policy at public comment.

1:08:10: Supreme Court reversed that.

1:08:11: So that, that was nice. But as a result, when the news, the media needed somebody to go on TV and criticize Loudoun County Public Schools or on the radio and criticize Loudoun County Public Schools, it was largely me or give a quote to the Washington Post or whoever.

1:08:31: I also attended all these school board meetings that I had a very specific style at the school board meetings. I, I tried to channel my Chairman Jordan in those school board meetings when I would speak.

1:08:42: And as a result, I became enemy number one of the Loudoun County School Board in 2021.

1:08:48: They even had a list, and I was literally enemy number one. And former Attorney General Miyares called me, and he was a little upset that he was five and I was one.

1:08:58: And it's all, you know, it all sounded funny at the time, but, you know, then the NSBA Memo came out.

1:09:04: And what I found interesting about the NSBA Memo beyond the obvious, is that one of the school board members who's now currently in the Virginia House of Delegates tweeted that out pretty quickly you know, NSBA asks Biden Administration to investigate parents for threats on school board members.

1:09:22: Well, I remember that as being very interesting because this school board member had supposedly gotten a threat that had made its way through the news earlier in that year.

1:09:32: And it doesn't take much detective work to really connect that threat to actually one of her allies, potentially, to create a story that could then be used for the National School Board Association to do what they did.

1:09:47: And, as Chairman Jordan said earlier, what, four days, five days for an Attorney General Memo.

1:09:52: I worked at the Department of Justice. That doesn't happen. Okay.

1:09:56: And you know what? What that Attorney General Memo did was not just direct the FBI and the U.S. attorney's offices, but it also gave a green light, a permission slip to these activists in the community that worked with the school boards, that worked with the Commonwealth Attorney Buta Biberaj to target people, to intimidate people, to harass people. Because we're the bad ones.

1:10:27: According to the federal government, we're the bad ones. So, the federal government says it's OK, we've got a friendly prosecutor.

1:10:34: We can go after them relentlessly. They came after me relentlessly.

1:10:41: I was subject to my family, was subject to a yearlong online defamation campaign.

1:10:47: I had hate-mail sent to my home saying that I was a cancer to the community. I had a coal box of coal delivered to my door, which my daughters opened on Christmas Eve.

1:11:00: I had mail sent to all of my neighbors saying that I was a racist and white supremacist and they should shun me. This is where my daughters play and they did this because they wanted me to move out of Loudoun County and they wanted me to stop exercising my First Amendment rights.

1:11:19: The most concerning thing that happened, however, was that I had my electronic dog fence. The wires were switched in there so that it would no longer work.

1:11:29: That put not only my dogs at risk, but also my kids at risk if they tried to get a dog that was running across the street.

1:11:35: This went on relentlessly until Buta Biberaj lost and they no longer had a Soros backed prosecutor. Then it stopped because they didn't have the backing. Sure, at that point they still had the backing of Merrick Garland, but not locally. And it sure as heck has stopped since President Trump has been office, I'll tell you that much.

1:11:58: But this is why parents are afraid to go out and speak, because it doesn't matter who you are, it doesn't matter where you've worked, it doesn't matter who you know or how good you are at your job, they will target you.

1:12:13: And it is a disincentive to go to a school board meeting and speak if, you know, this is going to result in your family being harassed or you losing a job. I've talked to so many people that want to take action, but they are afraid to do it for these very reasons.

1:12:28: So, what the federal government did, what the Garland Justice Department did, weaponization of government in and of itself is the problem.

1:12:39: But the other problem is what it does within the community because it gives these local elected officials the opportunity to conspire with others to intimidate and interfere with the constitutional rights of community members that they disagree with. And that needs to stop.

1:12:58: Thank you.

SAM SORBO:

1:13:05: So, I'm supposed to open this up to any questions from the panel, or for the panel for the, sorry, from this panel to this panel.

ACTING ATTORNEY GENERAL TODD BLANCHE:

1:13:22: Well, I think first of all, the stories that we've read about but now heard are extraordinarily powerful. And, and I now sit in the position that has been discussed today.

1:13:40: And I can tell you that what your assumptions are about the motivations behind what happened are not wrong. And that's not nice, but it's true.

1:13:54: And, I do agree with what with what you said, Scott, which is that until there's accountability and until everybody knows what happened, we can't, there's no assurance it won't happen again.

1:14:15: So, that is a motivation that Attorney General Bondi had and that I certainly have as well.

1:14:24: And so, we are doing that, and it doesn't help you to apologize, but I will.

1:14:32: But I think what that really helps is being able to make sure it never happens again. And I recognize that I don't have any questions that come to mind except to just again, like, coming out and sharing your stories and having the media here listening, having folks in the audience, having me hear it is invaluable.

1:14:57: And, and I mean that and, and it is interesting. I've read the stories that were talked about today and there's no comparison to reading it on a piece of paper and hearing you all say it today.

1:15:10: So, thank you.

CHAIRMAN JIM JORDAN:

1:15:12: Yeah, I would just say Congress is going to keep digging, too.

1:15:14: Thank you for standing up and doing the right thing and for coming here and telling your story.

1:15:21: You made me think earlier, Sam, that, you know, the first institution the good Lord put together wasn't the church, it wasn't the state, it was moms and dads and kids. And the strength of that institution ultimately, I think, determines the strength of our entire culture. And that's what the left, that's why the left, I think so often wants to attack it. And it's something we've got to stand up for.

1:15:38: The other thing I would just say is remember the left has a template. You see it time and time again. That's why the action against Southern Poverty Law Center for what they've done, the indictment, I think is so important because they're, but the left has it.

1:15:49: The left will tell a lie. Parents are showing up at school board means they're terrorists, right.

1:15:53: The left will tell a lie. Mainstream media will report the lie. Big Tech, the name can amplify the lie. And when you tell the truth, they attack you. It happens every stinking time.

1:16:05: And now the good news is people see through it and we get the truth out and get good people doing their jobs. But we just need to understand that and recognize it.

1:16:13: And there is no one doing it more than the Southern Poverty Law Center.

1:16:16: I think this thing is so huge and so important.

1:16:19: The action that you see from the Justice Department in the oversight, separate investigation, the oversight we get to do into that organization as well.

SAM SORBO:

1:16:28: I'd like to just final comments point out that what we witnessed was nothing short of bullying.

1:16:36: It's tremendously bullying behavior, which is now rampant in our school boards across the nation. And the reason for that is because that's what we teach in our schools.

1:16:47: When you teach children that survival-of-the-fittest is the law of the land, that is bullying.

1:16:54: And then you tell them not to bully, which makes you a bit of a hypocrite. But in fact, what they're learning is that bullying gets them what they want. And that's what we're dealing with now.

1:17:05: Vince.

VINCE HALEY, DIRECTOR OF COMMERCE POLICY COUNSEL:

1:17:12: Question for Ian, do you find that the fever has broken a little bit? Are people perhaps

ashamed a little bit of the how they behave those forces online that attacked you, are they bidding their time or they something change or can we expect worse in the future?

1:17:25: I think that they see the way the wind is blowing, right?

1:17:31: And they see the actions from this department, from the Department of Education, from what Governor Youngkin's office did and Attorney General Miyares's office did.

1:17:40: And, and they gradually started to peel away like these activists gradual. Now they're probably underground somewhere, but it has, it has stopped to some degree. Now that could be because we're not in the fever of 21 and 22 that we were when Loudon County was always in the news.

1:17:58: But I think that there is a deterrent effect that this administration takes these things kind of seriously there takes these kind of things seriously.

1:18:08: And I think that has led to a detente so to speak,

SAM SORBO:

1:18:10: Perhaps locally, but I want to point out it is ongoing across the United States.

GOVERNOR YOUNGKIN:

1:18:19: I would just add one other thing, Vince, thank you for the question, which is, in addition to suppressing the First Amendment rights and subsequently intimidating parents to second guess whether they should be involved in their children's lives or not for fear of the kinds of ramifications that you've heard, it also suppresses the willingness of American citizens to run for school boards.

1:18:48: It just does. And there is no more important job in America than our school boards. We need to make sure that quality people step up and run for school boards. And when they hear the stories that, such that, Ian had to deal with or worse, that Scott had to deal with and his family, they decide it's better off to keep your head down.

1:19:11: And that's why, General, the work that you're doing, Mr. Chairman, the work that you're doing, Director Patel, the work that you're doing, the work that the White House is doing, and of course, the work that Secretary McMahon is doing is so important because it not only protects our constitutional rights, but it protects our Constitution because we are a government of the people.

1:19:31: And if we don't have people who will run, then we're destined to have people who are nefarious serving these roles.

ACTING ATTORNEY GENERAL TODD BLANCHE:

1:19:43: Yeah, thank you. This was an honor to, to do this today. And it took a while to put together.

1:19:52: But I don't want to close and ask Stanley to say a few words without making sure that everybody again appreciates that this was a priority of President Trump's when he was running. It was a priority of President Trump during the transition time and he, he puts people like Vince in charge to make sure that it remains a priority of his administration until it's over.

1:20:18: And, I want to make sure that, you know, there's a lot of things going on every day, but that

we can handle multiple priorities. You know, we can do a lot of things. And so, this is and will remain something that when I'm no longer here, that will hopefully, I expect will last beyond us, which is the goal.

1:20:42: So, thanks, you guys.

1:20:43: So, Stanley, you have a couple words and then we'll wrap it up.

STANLEY E. WOODWARD, JR., ASSOCIATE ATTORNEY GENERAL:

1:20:46: Thank you, Sir.

1:20:48: I first want to thank you all for being here today. You know, Scott, I have a three-year old daughter and perhaps one of the most sobering experiences of my life is coming to the Department of Justice and serving as the number three official here at the Department of Justice. And realizing that all of the authority and pomp and circumstance that comes with being one of the highest-ranking officials at the Department of Justice means almost literally nothing with regard to the safety of my daughter.

1:21:21: Because we, we at the department can speak through our words.

1:21:26: And I want to talk about that, but it's the men and women on the ground in our schools that protect our children. And when we send a message that we don't care because we're silent, we no longer protect our children.

1:21:44: Jen, I have to thank you. I mean, for thirty years you taught our children and served as one of those protectors that when on March 13th of 2020, I had a 5-year-old, a three-year old and a six-month-old.

1:22:03: And seeing them learn on the 12-inch tablet was both shocking, but also revealing because for the first time ever, I saw inside the classroom and what was actually going on. And I saw what they were being taught, and I saw what they weren't being taught.

1:22:18: And, and Governor, you know, one of the things you just said, actually that has me thinking about our responsibility to our citizens is where do we get more Jens? How do we get more people to agree to serve for thirty years as a public-school teacher and convince them that it's worth the trouble, convince them that it's worth speaking out about the things that they care about.

1:22:45: Of course, this discussion is about whether Americans can trust their government again, whether Americans can trust that their government will treat them fairly, respect their constitutional rights, and administer justice equally under the law.

1:23:03: Today's presentation is not to say that our work is done. Indeed, I think our work will never be done. If ever we atrophy again and allow for the government that comes after hours to tell us that what we can and cannot say, we will have lost.

1:23:20: What we can do is shed light on what was done.

1:23:26: You know, Scott, to your ask about what records there are, we're on it.

1:23:31: We've assembled a team of lawyers across the country in various U.S. Attorneys Offices, many of whom are here today to hear from you directly about the hardships that you endured because weaponization takes many forms.

1:23:45: Weaponization can mean the improper prosecution under new and novel theories of the law never endorsed by Congress.

1:23:52: Or weaponization can mean the threat of federal prosecution where federal prosecutors do not belong.

1:23:58: How many prosecutions were brought under the Garland Memo?

1:24:02: No, it was merely the threat of prosecution that silenced so many.

1:24:08: You know, as Director Patel said, all Garland did was put words in a letter and purported to make them the law.

1:24:15: Scott, as you said, memos carry weight, and in this instance, they paralyze the public.

1:24:21: Let me be clear, selective or uneven enforcement of the law is wrong. It is wrong no matter who is targeted, no matter their political beliefs, no matter who occupies positions of political power.

1:24:33: It has no place in our justice system and cannot be permitted to happen again.

1:24:40: Americans should never fear that the immense power of the federal government will be wielded against them because they choose to engage with local government on matters of profound importance, the education of their children.

1:24:53: Civil rights protections belong to every American, not just those whose views happen to align with those in power.

1:25:03: I'm grateful to our panelists who, often at significant personal cost, exercise their constitutional rights.

1:25:09: Ian, thank you.

1:25:12: I'm also grateful to Chairman Jordan for his leadership and persistence and exposing the weaponization of the federal government.

1:25:18: We look forward to working with the committee and making sure that all of the records that were created in this process are revealed.

1:25:27: You know, one of the one of the early emails we found that that was not produced to you is that in fact and then there's a section in your report that talks about if, if the Garland Justice Department had done some due diligence in those twenty-one days, if they had looked twice at what they were doing, what would they have found? And it's actually more profound than, than you intimate in, in your report.

1:25:51: And of course, America First report and, and AFP is report and all of the, the studies have done, they would have found, in fact, that there was quite a bit of dissent within the Justice Department about doing this.

1:26:02: One attorney wrote in an e-mail. "We might as well call this the anti MAGA task force." Not produced to Congress.

1:26:15: So, we have to get to the bottom of this. We have to find out what was going on. We have to find out how decisions were made.

1:26:21: We won't get all of the answers that we won't, we won't answer all of the questions that you have, but there is more that we can do and there is more that we must do when we are committed to working with you.

1:26:31: We have a team of lawyers who in addition to all of the important work that General Blanche has is leading us through.

1:26:37: They're doing this on their nights and on their weekends. And we are committed to get you all of the information, more information, and we look forward to working with you.

ACTING ATTORNEY GENERAL TODD BLANCHE:

1:26:54: All right, thanks everybody.

1:26:55: I appreciate you guys listening and thanks again to folks for being here.

APPENDIX B

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**FINAL REPORT
ON THE EVENTS SURROUNDING
THE NATIONAL SCHOOL BOARDS ASSOCIATION'S
SEPTEMBER 29, 2021, LETTER TO THE PRESIDENT**

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I. INTRODUCTION

The National School Boards Association (“NSBA”) retained attorney Philip Kiko and the law firm of Michael Best & Friedrich LLP (collectively, “Counsel”) to conduct a review of the events and procedures surrounding the September 29, 2021, letter to the President (the “Letter”) requesting federal investigation of and assistance with events at school board meetings and alleged threats against school board members across the nation (this “Review”).

The purpose of the Review is to relate to the NSBA and the Board of Directors all facts surrounding the decision to write the Letter, the drafting of the Letter, and the initial response to the Letter.

II. EXECUTIVE SUMMARY

A. INTRODUCTION

The NSBA is a national organization of state associations of local school boards. A purpose of the NSBA is to advocate on behalf its state association members for the advancement of equitable, excellent, and locally controlled public education. The Board of Directors has the authority and responsibility to ensure its advocacy is consistent with the Beliefs and Resolutions that are approved by the NSBA’s Delegate Assembly. To provide day-to-day oversight, the Board of Directors is authorized to hire an executive director for the organization and to elect and empower an Executive Committee to manage the NSBA’s business affairs between meetings of the Board of Directors. An organizational chart, reflecting the organization staff structure of the NSBA as of the approximate date of the Letter, is attached for reference as Appendix Exhibit 83.

On September 29, 2021, the NSBA sent the Letter, signed by Mr. Chip Slaven (“Mr. Slaven”), the then-Interim CEO and Executive Director of the NSBA, and Dr. Viola Garcia (“Dr. Garcia”), the then-President of the NSBA Board of Directors, to President Joseph R. Biden, Jr. (“President Biden”) requesting “federal assistance” at local school board meetings, including “federal law enforcement and other assistance” to “deal with the growing number of threats of violence and acts of intimidation [allegedly] occurring across the nation.” The Letter, however, was not authorized or approved by the Board of Directors or the Executive Committee. Moreover, evidence shows that no one on the Board of Directors, other than the four officers of the NSBA, reviewed the draft letter before it was finalized and sent to the White House.

The Letter asked that the “federal government investigate, intercept, and prevent the current threats and acts of violence against public school officials through existing statutes, executive authority, interagency and intergovernmental task forces, and other extraordinary measures . . .” and “specifically solicit[ed] the expertise and resources of the U.S. Department of Justice, Federal Bureau of Investigation (FBI), U.S. Department of Homeland Security, and U.S. Secret Service, including its National Threat Assessment Center.” The Letter further requested that such threats and acts be considered “the equivalent to a form of domestic terrorism” requiring “expedited review by the U.S. Departments of Justice, Education, and Homeland Security, along with the appropriate training, coordination, investigations, and enforcement mechanisms from the FBI, including technical assistance necessary from, and state and local coordination with, its National Security Branch and Counterterrorism Division” and suggested enforcement “under the Gun-Free School Zones Act, the PATRIOT ACT with regards to domestic terrorism, the Matthew Shephard and James Byrd Jr. Hate Crimes Prevention Act, the Violent Interference with Federally Protected Rights statutes, the Conspiracy Against Rights statute,” and executive orders.

The Letter initially received positive and cooperative feedback from the White House. The Department of Justice issued a response three days later through a memo from the Attorney General directing the FBI to coordinate with the respective United States Attorneys in response to the Letter and its requests. The Letter received significant political and media attention. As a result, the NSBA has faced criticism for the Letter as well as a decline in its membership, posing challenges for the future of the organization.

This report discusses our findings about the origin, drafting, review, and approval of the Letter and the NSBA’s response to the fallout from NSBA membership and the public.

B. THE PRINCIPAL PARTIES

The Letter was principally directed, reviewed, and approved by Mr. Slaven. The principal drafter of the Letter, under the direction of Mr. Slaven, was Deborah Rigsby, the NSBA’s Program Director, Lobbying & Federal Legislation (“Ms. Rigsby”). Jane Mellow, NSBA’s Interim Chief Advocacy Officer (“Ms. Mellow”) played an active role in coordinating drafting and editing the contents of the letter. Jason Amos, NSBA’s Director of Communications (“Mr. Amos”) worked closely with Mr. Slaven and Ms. Mellow to provide advance copies of the Letter to media outlets and to intentionally draw significant attention to the Letter both before and after it was publicly released.

Although the Letter was the progeny of Mr. Slaven with active assistance from his staff and some of his NSBA colleagues, the White House, namely White House Senior Advisor to the President Mary C. Wall (“Ms. Wall”), had advance knowledge of the planned Letter and its specific contents and interacted with Mr. Slaven regarding the Letter during its drafting. In addition, evidence indicates that White House officials discussed the existence of the Letter, its requests, and the contents of the Letter with Department of Justice officials more than a week before the Letter was finalized and sent to President Biden.

C. THE PRINCIPAL EVENTS

On September 9, 2021, Mr. Slaven directed Ms. Rigsby, through Ms. Mellow, to begin work on the document that would become “the Letter.” Emails and interviews evidence that Mr. Slaven began considering the notion of requesting federal involvement or federal law enforcement intervention at, or with regard to, local school board meetings as early as late August 2021¹. Ultimately, Mr. Slaven did not act on his idea until September 8-9, 2021.

In his interview with Counsel, Mr. Slaven said that he made the decision to send the Letter and request federal assistance or intervention on September 8, 2021. Mr. Slaven stated that he came to this decision after reading the September 8, 2021, article in POLITICO, in which he was quoted, entitled “*Critical race theory turning school boards into GOP proving grounds.*”² Mr. Slaven said he was influenced by the article mentioning that “The Proud Boys” had “showed up twice to school board meetings in Nashua, N.H.” Also on September 8, NSBA’s then-Immediate Past-President, Charlie Wilson (“Mr. Wilson”), forwarded to Mr. Slaven a “threatening” letter sent to a school board and superintendent in Worthington, Ohio.

On September 9, Mr. Slaven began acting on the issue. Specifically, Mr. Slaven called to direct Ms. Mellow, who emailed to direct Ms. Rigsby, to begin drafting the Letter. Ms. Mellow also directed NSBA’s research analyst to compile a list of “egregious examples” of incidents that occurred at local school board meetings to be included in the Letter. Also on September 9, Mr. Slaven participated in a call with Ms. Wall, during which he expressed his concern directly to Ms. Wall “over the many threats school board members are receiving” and requested assistance from the White House. Ms. Wall responded to Mr. Slaven the same day, thanking him for participating in the White House call and requesting they confer directly regarding Mr. Slaven’s concerns.

Over the next several weeks, Mr. Slaven coordinated the efforts of Ms. Rigsby and Ms. Mellow to produce the Letter. Simultaneously, Mr. Slaven continued discussions with the White House, through Ms. Wall, on the topics contained in the Letter. On September 14, 2021, Mr. Slaven conferred with Ms. Wall on a call where she requested NSBA’s list of “egregious examples” of alleged school board threats and disruptions. On September 21, 2021, pursuant to Ms. Wall’s requests, Mr. Slaven provided the White House with an advance summary of the Letter’s contents and its list of requests for federal intervention, along with the previously requested list of “egregious examples,” so White House officials could “include” the planned contents of the Letter in discussions with Department of Justice officials on September 22, 2021. Although other NSBA staff members do not appear to have interacted with the White House or other Administration officials directly regarding the Letter,

¹ At least one board member recalled Mr. Slaven discussing the letter, in concept, while in Louisville, Kentucky, for the 2021 Summer Leadership Seminar. Some evidence also suggests Miguel Cardona, Secretary of Education, during an August 16, 2021, townhall with NSBA members and leadership, discussed disruptions in local school board meetings and requested additional information be sent to his office.

² See Daniel Payne, *Critical race theory turning school boards into GOP proving grounds*, POLITICO, Sep. 9, 2021, <https://www.politico.com/news/2021/09/08/critical-race-theory-school-boards-510381> (last accessed 3 May 2022).

communications between staff members show that some were aware of Mr. Slaven's ongoing conversations with the White House regarding the Letter.

Inside the NSBA, the evidence revealed limited knowledge about the drafting and existence of the Letter before it was officially sent to the White House. The Review did not find evidence that most NSBA officers, board members, senior staff, or executives contributed to or were aware of the Letter while the Letter was being drafted. The Letter was not shared with other NSBA executives or senior staff until September 24, 2021. On that day, Ms. Rigsby, at the direction of Mr. Slaven, shared the Letter via email with Francisco Negrón ("Mr. Negrón"), NSBA's Chief Legal Officer, Renee Joe ("Ms. Joe"), NSBA's Interim Chief Transformation Officer, Mr. Amos, and Elena Kukanova-Carpenter ("Ms. Kukanova-Carpenter"), NSBA's Interim Chief Financial Officer. Ms. Rigsby stated that Mr. Slaven had already approved the Letter but asked whether these individuals thought "further information was needed" for the Letter. Ms. Rigsby's email received limited comment from its recipients. Given the limited response, Ms. Mellow contacted Mr. Negrón directly via telephone. According to Mr. Negrón, he expressed his opinion to Ms. Mellow that the letter had not been written in the voice of the NSBA. After Ms. Rigsby's email and Ms. Mellow's phone call, no one made substantive changes to the draft Letter.

On September 26, 2021, Mr. Slaven shared a draft of the Letter via email with the NSBA's officers—Dr. Garcia, its President, Frank Henderson, Jr. ("Mr. Henderson"), its President-Elect, Mr. Wilson, its Immediate Past President, and Kristi Swett ("Ms. Swett"), its Secretary-Treasurer. In response to Mr. Slaven's email, the officers all expressed their approval without proposing substantive changes to the Letter. The officers' only request was that Dr. Garcia be added as a signatory to the Letter. No other members of the NSBA's Board of Directors were provided with a draft of the Letter nor given any opportunity to review or provide comment on whether to send such a Letter or on the contents of the Letter. On September 29, 2021, Mr. Slaven shared the Letter with the NSBA's Board of Directors to notify them that the Letter had been sent to the White House.

Externally, the evidence shows the NSBA notified both the White House, media, and interest groups of the Letter in advance of the formal sending of the Letter to the White House. On September 21, 2021, Ms. Wall requested an advance copy of the Letter to provide to her White House and Department of Justice colleagues "to see if there might be any options we can pursue here" Mr. Slaven responded with "an internal NSBA document" with the alleged "egregious examples" of incidents that was used "as a reference point to help draft the letter we plan to send," and outlined the federal actions that the NSBA was requesting. NSBA also shared advance draft copies of the Letter and discussed its contents in interviews with select media outlets. Mr. Amos gave Axios the exclusive opportunity to first report on the Letter and was able to field and answer questions from reporters on the contents of the Letter before the Letter was formally sent to the White House. On September 29, 2021, Mr. Slaven formally sent the letter to President Biden via email to Julie Rodríguez ("Ms. Rodríguez"),

Deputy Assistant to the President and Director of the Office of Intergovernmental Affairs, Katherine Pantangco, Policy Advisor to the Office of Intergovernmental Affairs, and Ms. Wall as well as to Aaliyah Samuel (“Ms. Samuel”), Deputy Assistant Secretary of the Department of Education, and Kimberly Watkins-Foote (“Ms. Watkins-Foote”), Acting Director of the National Engagement Team of the Department of Education.

D. THE REACTION

Immediately following the issuance of the Letter, reaction from the NSBA staff and the Administration was swift and positive. On September 29, 2021, Ms. Wall thanked Mr. Slaven for “sending in advance” and said, “we remain committed to working with you . . . we know [educators]/you all need to be protected now more than ever.” On the same day, Ms. Watkins-Foote thanked Mr. Slaven for the “heads up.” On September 30, 2021, Ms. Rodríguez thanked Mr. Slaven for his “leadership” and stated that she looked “forward to our continued work together.” On October 6-7, 2021, Ms. Samuel checked-in via email with Mr. Slaven because “I know its [sic] been a lot” and thanked Mr. Slaven for his “leadership.”

On October 1, the Department of Homeland Security requested a meeting with NSBA staff regarding the Letter and NSBA’s request for federal assistance. Although DHS requested a meeting directly with NSBA staff and the meeting was at one point scheduled for October 21st, this meeting was eventually cancelled. On October 4, the Attorney General issued a memorandum in response to the Letter promulgating “a series of measures designed to address the rise in criminal conduct directed toward school personnel.” On the same day, Ms. Wall requested the personal phone numbers for Mr. Slaven and Dr. Garcia. The next day, on October 5, 2021, President Biden called Dr. Garcia and thanked her for letting him know about what was happening at the local level and for Dr. Garcia discussing the Letter on television.

The reaction to the Letter from non-officer members of the NSBA’s Board of Directors was mixed. Evidence showed mostly negative reactions from NSBA membership, the public, and the media. Prior to the reaction to the Letter, two state associations had suspended their membership and eight states were considering whether to renew their membership. By November 5, 2021, seven state associations had terminated their memberships and an additional seven state associations were considering termination.

E. CONCLUSION

On September 29, 2021, Mr. Slaven sent the Letter to President Biden, requesting federal intervention. The Letter was the result of twenty days of research and drafting by the NSBA under the direction of Mr. Slaven. While directing NSBA staff in drafting the letter, Mr. Slaven was simultaneously discussing his efforts with Ms. Wall, a White House official, and providing the White House, through Ms. Wall, with advance information regarding the contents of the Letter. Evidence indicates that Ms. Wall used advance information from Mr. Slaven regarding the planned Letter and its specific content to “include in discussions” with

“other [White House] offices” and Department of Justice before the Letter was finalized and sent to President Biden.

Based on the records received in this Review and statements made to Counsel in interviews, it is clear that Mr. Slaven made the decision to write the Letter and for the NSBA to publicly make the request for federal assistance. Mr. Slaven was the only person at the NSBA who had full knowledge of the preparation, drafting, and strategy considerations surrounding the Letter. Staff members involved in the creation of the Letter only had partial knowledge related to their personal involvement in the Letter. Except for Ms. Mellow, Mr. Slaven did not consult any other executive staff member, NSBA officer, or any member of the Board of Directors on the contents of the Letter before Mr. Slaven approved a final draft of the Letter. Mr. Slaven did mention the plan to write “a letter” to the President requesting federal assistance for school boards and schools during the September 14 quarterly Organization of State Associations Executive Directors (OSAED) Liaison meeting and on the NSBA’s Executive Director listserv on September 17, but received little to no responses, questions, or feedback in either case. Notably, Mr. Slaven’s advance references to the planned Letter did not include details of the specific content contained in the Letter.

Further, the evidence also showed that the NSBA did not have a procedure in place for approving or reviewing the creation, drafting, distribution, or publishing of advocacy letters sent on behalf of the NSBA. Specifically, there was neither written policy nor historical precedent discovered by Counsel during the Review that required or encouraged Mr. Slaven to notify or consult with NSBA’s officers or Board of Directors while drafting, revising, approving, or distributing the Letter. Evidence indicated that, in most circumstances, NSBA staff routinely engaged in advocacy with governmental entities without consulting NSBA officers or the Board of Directors. Regarding this Letter, it appears that Mr. Slaven did consult with high level NSBA staff members and the NSBA officers prior to sending the Letter to the White House. During these consultations, there is no evidence that anyone suggested to Mr. Slaven that the Letter should not be sent or that substantive changes should be made before sending.

After the Letter was sent, the NSBA received positive feedback from the White House. Dr. Garcia received a personal phone call from President Biden to discuss the Letter. Within three business days, the Department of Justice issued a memorandum, directing federal action in response to the Letter. However, NSBA’s members also experienced significant negative attention. As a result, NSBA attempted to mitigate the negative response through engagement of a crisis management firm.

III. REVIEW PROCEDURE

A. Scope of Review

This Review was conducted independently from the influence of the NSBA, its staff, or Board of Directors (“NSBA Parties”). The NSBA Parties did not impose any constraints on the Review and provided their full cooperation. The NSBA provided access to all relevant materials Counsel requested. In August 2021, the NSBA issued a document hold that included

information potentially relevant to the Letter within the custody or control of the NSBA. Subsequently, the document hold was re-iterated on November 23, 2021, and February 14, 2022, for any information potentially relevant to the Letter within the custody or control of the NSBA. Counsel was able to request an interview with any individual for any amount of time and Counsel's independent e-discovery vendor was provided with administrative access to NSBA's electronically stored documents and other data as explained below. Counsel conducted interviews of thirty individuals, including NSBA staff and other NSBA Parties.

Counsel further conducted an exhaustive search of publicly available data, documents, and news articles and reports. Counsel also issued formal FOIA requests for any information and documents related to or referencing the Letter or the NSBA to the U.S. Department of Justice, U.S. Department of Education and U.S. Department of Homeland Security. Lastly, Counsel made a formal request for assistance and cooperation with this Review by the White House through the production of any information and documents related to or referencing the Letter, the NSBA or Mr. Slaven.

Counsel reached the analysis and conclusions set out herein at the end of an extensive and thorough review and based them on the totality of the evidence collected and reviewed. Counsel investigated all matters they believe were relevant to reaching their conclusions and to achieve the goals set forth by the NSBA for this Review. To the extent that additional evidence is found after the closing of this Review, the findings or conclusions of this report may be subject to change.

B. Data and Documents Reviewed

Counsel began by reviewing internal NSBA electronic files. To ensure Counsel received relevant materials, Counsel identified thirteen document custodians at the National School Boards Association ("NSBA Custodians") who were most likely to have information relevant to the Letter. The NSBA Custodians were selected based on their role at the NSBA during the relevant time surrounding the Letter, preliminary discussions with NSBA Parties and the publicly available information surrounding the Letter, among other considerations. The Custodians consisted of Mr. Slaven, Ms. Mellow, Ms. Rigsby and Mr. Amos, among the others listed in **Table 1** of this Report.

After confirming the identity of the Custodians, Counsel set a relevant time in which to review the Custodian's files. The relevant period was determined to be from May 1, 2021, through December 7, 2021.

Based on the search parameters described above, Counsel received 334,296 files, approximating 155 gigabytes of data, from NSBA's internal Microsoft office platform, including, documents, photographs, recordings, records, and communications (the "Documents"). The Documents included all NSBA Microsoft Outlook data, including calendar files and email correspondence, Microsoft SharePoint data and documents, Microsoft

One Drive data and documents, and Microsoft Teams data and documents for all 13 Custodians.

Using relevant search terms, domain addresses, and dates, the Counsel reviewed over 22,000 documents, of which approximately 5,000 were responsive to the Review. Using e-discovery tools and protocol, Counsel reviewed a broad range of materials. Counsel also reviewed correspondence from potentially relevant non-custodians who communicated with NSBA staff and executives, including non-custodians from the White House, Department of Justice, Department of Education and Department of Homeland Security.

C. NSBA PARTIES INTERVIEWED

In addition to the hundreds of thousands of files obtained and searched and thousands of documents reviewed Counsel interviewed thirty individuals with personal knowledge and/or involvement with the NSBA and the circumstances surrounding the Letter. These thirty interviews, many of which lasted between one to three hours, were conducted between March 10, 2022, and April 26, 2022, as detailed in the Interview Information contained in **Table 2** of this Report.

The individuals interviewed included both NSBA staff and executives as well as NSBA Board Members and officers of the NSBA Board. All of the principal actors, Mr. Slaven, Ms. Mellow, Ms. Rigsby and Mr. Amos were interviewed, and their recorded interviews and transcripts provided to the NSBA along with all other individuals interviewed.

D. ADDITIONAL INFORMATION AND DOCUMENTS REVIEWED

In addition to the NSBA's internal servers, Counsel has also identified other possible sources of relevant information, including (1) staff member mobile devices, (2) staff member personal emails, (3) Board of Directors personal emails, (4) file servers and communication devices used by officials at the United States Departments of Education, Justice, and Homeland Security, and (5) file servers and communication devices used by officials in the Executive Office of the President within the White House. Counsel was not given or able to obtain direct access to these potential sources of information. As a result, to the extent other relevant information is located within these sources, Counsel was required to rely upon the cooperation of third parties to review, identify, and produce responsive information.

Despite lacking direct access to these additional sources of information, Counsel did make efforts to collect additional information from the sources identified above. During interviews with staff and board members, Counsel specifically asked witnesses to review their personal devices and accounts, identify potentially relevant information, and produce copies to Counsel. Although Counsel did not receive additional materials from every witness, Counsel did receive some additionally responsive information, which is detailed in Table 3 of this Report.

In addition to requesting additional documentary evidence from witnesses, Counsel has also requested documentary evidence from other third parties. On March 23, 2022, Counsel sent Freedom of Information Act requests to the U.S. Departments of Justice, Education and Homeland Security asserting requests detailed in Table 4 of this Report.

On April 5, 2022, Counsel also communicated with the White House Office, requesting any and all information, documents, records, or communications, related to or referencing (1) the NSBA dated between August 1, 2021, and December 31, 2021, or (2) the Letter.

While Counsel has received communications from federal agencies acknowledging the FOIA requests, to date, Counsel has not yet received documents in response to the FOIA requests. To date, Counsel has not received any response to its request for cooperation and documents from the White House.

In the week following the April 25, 2022 interview of Mr. Slaven, counsel for Mr. Slaven provided four sets of documents, (1) a PDF copy of the “opening statement” read by Mr. Slaven at the beginning of his interview, (2) a 210 page PDF containing various documents, including news articles, emails and text messages, (3) a PDF of a PowerPoint presentation prepared by Mr. Slaven regarding the Letter and including a timeline of events surrounding the Letter and (4) a copy of a letter dated October 25, 2021 from counsel for Mr. Slaven to counsel for NSBA, Thomas L. McCally. All documents provided by Mr. Slaven are included in Appendix Exhibit 84 of this Report and were taken into consideration when drafting this Report.

E. COMPREHENSIVE TIMELINE OF REVIEW

The Review consisted of three main phases. The first phase of the Review was initial document collection and review. On February 8, 2022, Counsel and NSBA initiated e-discovery efforts with Innovative Driven, the selected e-discovery vendor, to perform a forensic data export of NSBA files for Counsel’s review. Over the course of several weeks, Counsel, NSBA, and Innovative Driven worked together to define the scope of the data extract as well as the execution of the data extract. Data became progressively available for Counsel’s review starting from February 27, 2022, through March 9, 2022. Beginning February 28, 2022, Counsel began its review of the initial files received from the NSBA. Detailed information related to the identity of witnesses and their dates of interview can be found within **Table 5** of this of this Report.

The second phase of the Review was interviews. Counsel began requesting interviews on March 8, 2022. Interviews began on March 10, 2022 and were substantially complete on April 1, 2022. However, due to circumstances outside of Counsel’s control, two interviews occurred after April 1, 2022. Specifically, Mr. Slaven submitted to an interview on April 25, 2022, after discussions with Mr. Slaven’s counsel, and Becky Fles submitted to an interview on April 26, 2022. Ultimately, Counsel interviewed thirty individuals. Detailed information

related to the identity of individuals interviewed and their dates of interview can be found within **Table 2** of this Report.

During the second phase of the Review, Counsel used witness interviews in attempts to identify additional responsive documents and information. This included corroboration through witness statements that Counsel had received all potentially responsive files from NSBA as well as attempts to identify potentially relevant information in the custody of witnesses that would not have been produced from NSBA servers. Counsel's efforts corroborated the completeness of the data extraction from NSBA and yielded some additional materials that were responsive.

The third phase of the Review was reporting. Counsel's report was a synthesis of all the relevant information Counsel received from the document productions and witness interviews. The drafting process began in late March 2022 and continued until May of 2022.

IV. DISCUSSION

A. BACKGROUND

The NSBA is a national organization whose "core purpose . . . is to work exclusively with and through its member state school board associations . . . to ensure each student everywhere has access to an excellent and equitable public education . . . governed by high performing school board leaders." To accomplish this goal, an explicit purpose of the NSBA is to "focus its efforts on [a]dvocating for and defending high quality education and school board governance before the executive, legislative, and judicial branches of government" and "[p]ositively influence public opinion regarding such matters."

Four elected officers lead the organization: President, President-Elect, Immediate Past President, and Secretary-Treasurer. The Delegate Assembly elects two officers each year: President-Elect and Secretary Treasurer. The President-Elect has no specific enumerated duties; the role is limited to "duties as from time to time may be assigned by the President or the Board of Directors" or acting in the capacity of the President when the President is absent, unable to act, or unwilling to act. After a one-year term, the President-Elect automatically becomes the President. The President's duties are to preside at all NSBA meetings and "to perform all duties incident to the officer President and such other duties as may be prescribed from time to time by the Board of Directors." Likewise, the President becomes the Immediate Past President after a one-year presidency. The sole explicit function of the Immediate Past President is to serve as the *ex officio* chair of the National Nominating Committee.

The NSBA also has a Board of Directors. The Board of Directors is tasked with "supervision, control and direction of the affairs of the Association." This includes authority and duty to hire and direct the NSBA Executive Director. The Board of Directors is composed of NSBA's four officers, fifteen directors elected by the Delegate Assembly, and

representatives of the Council of Urban Boards of Education, the National Black Council of School Board Members, the National Hispanic Council of School Board Members, and the National American Indian/Alaska Native Council of School Board Members. The NSBA's Executive Director and CEO is an *ex officio* member of the Board of Directors, without voting rights, as is the chair of OSAED. Notably, the Board of Directors is only obliged to meet twice a year.

Between meetings of the Board of Directors, the NSBA's Executive Committee is responsible for "administering the property, funds and business affairs of the Association." These responsibilities are meant to be addressed through the exercise of "all powers and authority granted by the Board of Directors" through an enabling resolution. Its membership includes the four officers and three additional members to be elected by the Board of Directors from among its members. The NSBA's Executive Director and CEO is also a non-voting member of the Executive Committee, *ex officio*. The Executive Committee is required to report to the full Board of Directors regarding the state of the NSBA and all actions taken by the Executive Committee in the interim between board meetings.

The narrative of events as follows below outlines the circumstances and communications before, during, and after the Letter's release. This narrative is the product of the extensive data and documents reviewed and interviews conducted by Counsel mentioned above.

B. NARRATIVE OF EVENTS

In 2021, NSBA was presented with a unique set of challenges. Nearly a full year into the COVID-19 pandemic, NSBA staff worked almost entirely remotely. The NSBA's Board of Directors had not met in person in over a year. By late June 2021, the chief executive officer and the chief administrative officer had resigned. In response to these circumstances, the Board of Directors elected to designate Mr. Slaven as NSBA's interim Executive Director and interim Chief Executive Officer while it conducted a search for a permanent candidate.

Meanwhile, in the spring of 2021, the Biden Administration started work on a return-to-school plan centered on policies intended to help students and teachers transition safely back to in-person learning in the classroom for the upcoming fall semester.³ Chief among the policies included spending \$81 billion of funds from the "American Rescue Plan" which was intended "to not only get more schools opened safely [but] work to close the gaps in education equity that the pandemic has exacerbated."⁴ In support of this plan, the Department of Education began engaging with teachers, parents, members of the public, and special interest

³ See Press Release, U.S. Dep't of Educ., Biden-Harris Administration to Announce New Actions to Help Schools Reopen Safely and Meet Students' Needs (March 24, 2021), <https://www.ed.gov/news/press-releases/biden-harris-administration-announce-new-actions-help-schools-reopen-safely-and-meet-students%E2%80%99-needs>.

⁴ *Id.*

groups about the challenges and concerns they expected to face in the wake of the waning pandemic.⁵ The NSBA was one such special interest group. Throughout the summer of 2021, the NSBA participated in a number of discussions with the Administration to “give a national voice” to the concerns it believed its member school boards and state associations expected to face in the coming months.⁶ These discussions ranged from open public dialogues to private conversations with Department of Education staff in an effort to provide input on the Administration’s proposals.⁷

While the NSBA participated in return-to-school discussion in Washington DC, some local school boards experienced increased public attention and debate related to mask mandates, vaccine policies, and critical-race theory (CRT). School board meetings became the venue in which these sensitive topics were publicly discussed, sometimes passionately and sometimes contentiously.⁸ News outlets began to publish stories about discrete instances of rising tension and increased activism at local school board meetings around the country. In July 2021, these media outlets started reaching out to the NSBA for statements related to the increased activism.⁹ NSBA agreed to some of these requests, repeatedly stating over the following weeks that the increased activism was a concern. The national media attention prompted a few local school board members to reach out to the NSBA directly with first and second-hand stories and safety concerns related to the rise in activism. As a result of the media interview requests and the outreach from the local board members, Mr. Slaven began prioritizing the issues occurring at local school board meetings for NSBA attention.¹⁰

In late July, Mr. Slaven participated in a conference call with a Deputy Assistant Secretary in the Department of Education and raised, among other issues, his growing concerns about the increased public activism at school board meetings.¹¹ This dialogue with the Department of Education gave rise to several more town-hall style conversations with

⁵ *Id.*

⁶ See E-mail from Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ., to Anna Chavez (May 7, 2021) (appendix exhibit 1); see also, E-mail from Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ., to Anna Chavez (July 1, 2021) (appendix exhibit 2); E-mail from Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ. to Chip Slaven (July 20, 2021) (appendix exhibit 3); E-mail from Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ. to Chip Slaven (July 27, 2021) (appendix exhibit 4); E-mail from Chip Slaven to Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ. (Aug. 1, 2021) (appendix exhibit 5).

⁷ *Id.*

⁸ See Julia Wong, *Masks off: how US school boards became ‘perfect battlegrounds’ for vicious culture wars*, THE GUARDIAN, Aug. 24, 2021, <https://www.theguardian.com/us-news/2021/aug/24/mask-mandates-covid-school-boards>; see also, E-mail from Charlotte Blain to Chip Slaven (Aug. 24, 2021) (appendix exhibit 6).

⁹ See E-mail from Bianca Quilantan, Education Reporter, POLITICO, to Jason Amos (June 28, 2021) (appendix exhibit 7); see also, E-mail from Jason Amos to Chip Slaven (July 9, 2021) (appendix exhibit 8); E-mail from Jason Amos to Chip Slaven (July 22, 2021) (appendix exhibit 9).

¹⁰ See E-mail from Chip Slaven to Bob Wise, Bob Wise LLC (Aug. 27, 2021) (appendix exhibit 10); see also, E-mail from Charlotte Blane to Renee Joe (Aug. 26, 2021) (appendix exhibit 11); E-mail from Charlie Wilson, Vice President, Worthington Schools Board of Education to Chip Slaven, Dr. Viola Garcia, Kristi Swett, Board Member, Salt Lake City School District, and Frank Henderson (Sept. 8, 2021) (appendix exhibit 12).

¹¹ See E-mail from Chip Slaven to Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ. (July 20, 2021) (appendix exhibit 13); see also, E-mail from Chip Slaven to Aaliyah Samuel, Deputy Assistant Secretary, Dep’t of Educ. (Aug. 1, 2021) (appendix exhibit 14).

Secretary Cardona throughout August, wherein Mr. Slaven related specific instances of activism he considered inappropriate based on the conversations he was having with local school board members.¹² The Department followed up with NSBA after these town-hall conversations.

During interviews for this Review, some NSBA Members stated their belief that these interactions with the Department of Education led to, or contributed to, the creation of the Letter. This belief appeared to have been predicated on a document entitled, “Frequently Asked Questions About the National School Boards Association’s Letter to President Biden,” which stated, “prior to the letter, NSBA had b[een] in regular communication with the White House and U.S. Department of Education.”¹³ Some witnesses even expressed surprise by Secretary Cardona’s public statement that he had not requested the Letter. Nevertheless, Counsel’s Review did not find communications between the Department and the NSBA that indicated the Department specifically requested the NSBA make an official request for aid or federal intervention. Moreover, by early September, Mr. Slaven started communicating, via correspondence to various local school board officials and NSBA staff, that he was exploring his options to address these concerns, including contacting the Department of Justice and the Department of Homeland Security directly to ask for threat-assessment support.¹⁴

Mr. Slaven ultimately decided to write the Letter and request federal intervention on September 8. Specifically, Mr. Slaven stated to Counsel during his interview that September 8, 2021, was when he determined the NSBA should request federal intervention, saying, “when I finally decided we really needed to do something was when I read the article that was in POLITICO about ‘The Proud Boys’ on September the Eighth.”¹⁵ The POLITICO article on September 8, 2021 was entitled “Critical race theory turning school boards into GOP proving grounds” and in which Mr. Slaven was quoted as claiming that CRT was not being taught in school and that “[i]t goes back to: What can we make stick on the wall? Ah, it must be critical race theory.”¹⁶

Also on September 8, Mr. Slaven received multiple emails from NSBA’s then-Immediate Past President, Mr. Wilson, regarding CRT and alleged threats surrounding school boards. Namely, Mr. Wilson forwarded to Mr. Slaven a “threatening” letter sent to a member of the Worthington Board of Education in Worthington, Ohio. In the letter that Mr. Wilson forwarded to Mr. Slaven, the author focused on a demand that CRT be removed from all

¹² *Id.*

¹³ See Frequently Asked Questions About the National School Boards Association’s Letter to the President from the National School Boards Association (Oct. 2021) (appendix exhibit 15).

¹⁴ See E-mail from Chip Slaven to Bob Wise, Bob Wise LLC (Aug. 27, 2021) (appendix exhibit 10); *see also*, E-mail from Chip Slaven to Charlie Wilson, Vice President, Worthington Schools Board of Education, Dr. Viola Garcia, Frank Henderson, Kristi Swett, Board Member, Salt Lake City School District (Sept. 8, 2021) (appendix exhibit 16).

¹⁵ See Interview with Chip Slaven (Apr. 25, 2022) at 32:59 – 33:29.

¹⁶ Daniel Payne, *Critical race theory turning school boards into GOP proving grounds*, POLITICO, Sept. 8, 2021, <https://www.politico.com/news/2021/09/08/critical-race-theory-school-boards-510381>.

schools.¹⁷ Mr. Slaven responded to Mr. Wilson and the other NSBA officers, including then NSBA President, Dr. Garcia, stating:

“I have been very concerned over these issues for several weeks. This rhetoric is troubling and reminds me of similar language during the 1990’s after Waco and Ruby Ridge. I have been exploring several options to try and address these issues including contacting the Department of Justice and/or Department of Homeland Security and asking for threat assessment for school boards and public schools.”¹⁸

On September 9, Mr. Slaven directed Deborah Rigsby, via Jane Mellow, to draft a letter to “either the Attorney General or the Director of the FBI” for a threat assessment of the risk to school board members and public schools in the wake of what he deemed “confrontational tactics” being seen across the country.¹⁹ His direction consisted of broad outlines about what should be included in the forthcoming Letter but was silent on the specifics. Ms. Rigsby began to work on the initial draft of the Letter, which would not circulate within the NSBA until September 17. Notably, the September 17 draft would ultimately contain most of the substantive content included in the Letter’s final form.

In conjunction with directing Ms. Rigsby to draft the Letter, Ms. Mellow contemporaneously asked NSBA’s Senior Research Analyst, Jinghong Cai, to “pull together some of the instances of threatening meetings from the media” to be included in the Letter.²⁰ NSBA’s research analyst immediately compiled the requested instances, sending Ms. Mellow and Ms. Rigsby a list of twenty-eight instances from the media occurring in sixteen states,²¹ which were eventually included within the Letter and ultimately provided to the White House as the “egregious examples” along with a summary of the Letter on September 21 as discussed below.

Also on September 9, Mr. Slaven participated in a special advance briefing call with the White House about the Administration’s forthcoming “Plan to Stop the Delta Variant and Boost COVID-19 Vaccinations” and President Biden’s speech that same day.²² During the advance briefing call, Mr. Slaven emailed NSBA staff, instructing them to draft a statement for release following the Administration’s announcement that would include the substantive points of the briefing.²³ The NSBA drafted the statement while also including language about

¹⁷ See E-Mail from Charlie Wilson to Chip Slaven (Sept. 8, 2021) (appendix exhibit 17).

¹⁸ *Id.*

¹⁹ See E-mail from Jane Mellow to Deborah Rigsby (Sept. 9, 2021) (appendix exhibit 18).

²⁰ *Id.*

²¹ See E-mails between Jinghong Cai, Jane Mellow and Deborah Rigsby (Sept. 10, 2021) (appendix exhibit 19).

²² See E-mail from Mary Wall, Senior Policy Advisor, White House COVID-19 Response Team, to Chip Slaven (Sept. 9, 2021) (appendix exhibit 20).

²³ See E-mail from Chip Slaven to Jane Mellow, Deborah Rigsby, Ralph Forsht, Renee Joe, Charlotte Blane, Jaclyn Goddette, and Jinghong Cai (Sept. 9, 2021) (appendix exhibit 21).

the “in-person threats, abuse, and harassment” that school boards were continuing to face, further stating that the President’s plan to provide support, “financial and otherwise,” during the return to school process would allow board members to make decisions to keep children and educators safe.²⁴ Over the next few weeks, NSBA staff members began to email news stories to each other about specific instances of “violence” at school board meetings.²⁵

The NSBA’s September 9 statement in support of the Administration generated two notable responses. The first was from an executive director of a state board association that was an NSBA member, expressing frustration to Mr. Slaven that her local board was struggling with the NSBA because the state board was frequently receiving information from other sources before they received it from NSBA.²⁶ Mr. Slaven defended his decision to release the statement when he did, stating that the NSBA did so at his direction in an effort to ensure the statement was both timely and factually accurate.²⁷ He also indicated that he was fostering a relationship with the Administration that he did not want to sour by leaking the substance of the President’s address prior to its release.²⁸

The second notable response came from Ms. Wall, who began email correspondence with Mr. Slaven on September 9, 2021 about what they could do to “support members making tough calls on behalf of kids.”²⁹ Mr. Slaven responded by stating that, in addition to his concerns over public schools and the health of students and staff, he worries about the “many threats school board members are receiving,” and asked for any help that the White House can provide to “better prepare [board members] with information and resources.”³⁰ This amounted to the first known communication with the White House about the rising concerns Mr. Slaven had started to voice to others in the preceding several weeks. The two continued their dialogue through email and telephone over the course of the next few weeks,³¹ and while Mr. Slaven discussed the NSBA’s plan to send the Letter and ask for formal federal assistance with the White House, including sending the White House a detailed summary of the contents of the Letter and “egregious examples,”³² he did not share a draft or an advance

²⁴ See Press Release, NSBA, National School Boards Association Statement on Biden Plan to Stop the Delta Variant and Boost COVID-19 Vaccinations (Sept. 9, 2021) (appendix exhibit 22), <https://www.nsba.org/News/2021/biden-plan-stop-delta-variant-statement>.

²⁵ E.g., E-mail from Jane Mellow to Deborah Rigsby and Chip Slaven (Sept. 10, 2021) (appendix exhibit 23).

²⁶ See E-mail from Gina Patterson, Executive Director, Virginia School Boards Association, to Chip Slaven (Sept. 9, 2021) (appendix exhibit 24).

²⁷ *Id.*

²⁸ *Id.*

²⁹ See E-mail from Mary Wall, Senior Policy Advisor, White House COVID-19 Response Team, to Chip Slaven (Sept. 9, 2021) (appendix exhibit 25).

³⁰ *Id.*

³¹ See E-mail from Mary Wall, Senior Policy Advisor, White House COVID-19 Response Team, to Chip Slaven (Sept. 11, 2021) (appendix exhibit 26).

³² See E-mail from Chip Slaven to Mary Wall, Senior Policy Advisor, White House COVID-19 Response Team, (Sept. 21, 2021) (appendix exhibit 27).

copy of the actual Letter prior sending the final Letter to the White House on September 29, 2021.³³

Counsel's Review shows that Mr. Slaven first shared his plan to send the Letter with the NSBA during the mid-September meeting of the OSAED. During that meeting, Mr. Slaven mentioned to NSBA Members that he had plans to send the President a letter;³⁴ however, he did not share specific language or the requests for federal action that were ultimately contained in the Letter.³⁵ After the OSAED meeting, Mr. Slaven drafted a summary of his presentation in which he noted that he had informed the OSAED meeting participants of his addressing the issue of threats and violence with a Senior Policy Advisor from the Administration and that OSAED members met his comment with "eye rolling, the shaking of the head 'no,' grimacing and frowning."³⁶ Several state executive directors voiced concerns that they were not receiving updates about certain information, and an argument ensued between Mr. Slaven and an executive director about repeated failures of the NSBA to disseminate information to its members in a timely and accurate manner.³⁷

Around the same time in September, the National Association for Secondary School Principals ("NASSP") issued a statement calling on federal officials to protect school leaders from threats and violence,³⁸ and members of the American Federations of Teachers ("AFT") and National Education Association ("NEA") voiced their support of the statement.³⁹ Not long after the NASSP letter, the Executive Director of Advocacy & Governance for The School Superintendents Association ("AASA") began a dialogue with the NSBA about issuing a joint statement, calling for an end to threats and violence against school boards.⁴⁰ Mr. Slaven and Dr. Garcia approved the proposal for joint-statement and draft language was prepared by members of both the NSBA and AASA. During the drafting process, it became clear the AASA and NSBA took divergent positions on the appropriate response from the federal government. At one point, the AASA went so far as to say it did not want to call for federal intervention as it considered such intervention to be "a recipe for disaster and not at all a role

³³ See E-mail from Chip Slaven to Jane Mellow, Deborah Rigsby, and Jason Amos (Sept. 29, 2021) (appendix exhibit 28); see also, E-mail from Mary Wall, Senior Policy Advisor, White House COVID-19 Response Team, to Chip Slaven (Sept. 29, 2021) (appendix exhibit 29).

³⁴ See Notes from Chip Slaven (Sept. 19, 2021) (appendix exhibit 30); see also, Slaven, C. (Oct. 19, 2021). *Letter to the President of the United States* at 2 [PowerPoint Presentation]. NSBA (appendix exhibit 31).

³⁵ See Interview with Chip Slaven (Apr. 25, 2022) at 1:07:30-1:13:00.

³⁶ *Id.*

³⁷ *Id.*

³⁸ See Press Release, National Association of Secondary School Principals, NASSP Calls on Federal Officials to Protect School Leaders from Threats and Violence (Sept. 16, 2021) (appendix exhibit 32), <https://www.nassp.org/news/nassp-calls-on-federal-officials-to-protect-school-leaders-from-threats-and-violence/>.

³⁹ See E-mail from Ronn Nozoe, Chief Executive Officer, NASSP, to Alexis Holmes, Manager of Education Policy & Practice, NEA, and Marla Ucelli-Kashyap, Senior Director, AFT (Sept. 17, 2021) (appendix exhibit 33).

⁴⁰ See E-mail from Chip Slaven to Noelle Ellerson Ng, Associate Executive Director, AASA (Sept. 16, 2021) (appendix exhibit 34).

for the fed[eral government] in school board meetings”⁴¹—an opinion that was not revealed to be voiced anywhere within NSBA’s staff in this Review.

On September 17, Ms. Rigsby completed the initial draft of the Letter. After Ms. Rigsby circulated the draft for review, the Letter received various substantive revisions by Ms. Mellow, Mr. Slaven, and Ms. Rigsby over the course of the next two weeks.⁴² The initial draft of the Letter, however, would include most of the substantive content contained in the final version, including President Biden as the recipient, the request for the assistance of the Department of Justice, FBI, Homeland Security, and Secret Service, and references to the PATRIOT Act.⁴³ As part of this Review a comprehensive summary of the various drafts of the Letter and specific edits following the initial September 17 draft is included in **Table 7**. Some of the more relevant changes to the letter during its drafting are as follows:

- Mr. Slaven added to the opening paragraph: “America’s public schools and its education leaders are under an immediate threat. The National School Boards Association (NSBA) respectfully asks for immediate federal law enforcement and other assistance to deal with the growing number of threats of violence and acts of intimidation occurring across the nation.” (The second “immediate” would be removed before the final version).⁴⁴
- Mr. Slaven added to the fifth paragraph: “NSBA respectfully asks that a joint collaboration among federal law enforcement agencies, state and local law enforcement, and with public school officials be undertaken to focus on these threats. NSBA specifically solicits the expertise and resources of the U.S. Department of Justice, Federal Bureau of Investigation (FBI) . . .”⁴⁵
- Mr. Slaven added, after the reference to the PATRIOT Act: “in regards to domestic terrorism.”⁴⁶
- Mr. Slaven added to the end of the Letter: “NSBA believes public discussions and transparency by local school board members are important for the safe and effective operations of schools. It is vital that public discourses be encouraged in a safe and open environment in which varying viewpoints can be offered in a peaceful manner. Our children are watching the examples of the current debates and we must encourage a positive debate even with different opinions. However . . .”⁴⁷

⁴¹ See E-mail from Noelle Ellerson Ng, Associate Executive Director, AASA to James Minichello, Director of Communications, AASA (Sept. 22, 2021) (appendix exhibit 35).

⁴² See Letter Draft (Sept. 17, 2021) (appendix exhibit 36); *see also*, Letter Changes Summary (Table 7).

⁴³ See E-mail from Deborah Rigsby to Chip Slaven and Jane Mellow (Sept. 17, 2021) (appendix exhibit 37).

⁴⁴ See Draft of the Letter in redline (appendix exhibit 38).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

- Mr. Slaven decided to remove the following language: “Further, in egregious circumstances and via coordination with local and state authorities, we ask that the Army National Guard and its Military Police be deployed to certain school districts and related events where students and school personnel have been subjected to acts and threats of violence.”⁴⁸
- Mr. Slaven, through Ms. Mellow, directed that the use of the word “intervention” be changed to “assistance” in the headline and throughout the letter. Mr. Slaven was concerned that “intervention” would draw a negative reaction from some.⁴⁹

Notably, in his interview, Mr. Slaven expressed that he edited the letter to clarify that the request to utilize the PATRIOT Act was not with regard to al Qaeda or foreign adversaries, but with regard to the fact that “we were concerned over folks here in this country.”⁵⁰

Also on September 17, the same day that the initial draft of the Letter was sent to Mr. Slaven and Ms. Mellow, Mr. Slaven responded to a question on the OSAED’s listserv about a national response showing empathy for the situation being faced by many school board members.⁵¹ Mr. Slaven gave notice about the forthcoming joint statement with AASA and outlined the NSBA’s plan to send a very detailed letter calling attention to the problem, which he expected would lay out very specific requests for action.⁵² Though Mr. Slaven indicated that the Letter would be shared with state association executive directors before its release, he did not provide a copy of the Letter until after it was sent to the White House and fewer than twenty-four hours before it was unembargoed for release to the press.⁵³

On September 21, Ms. Wall reached out to Mr. Slaven requesting the “egregious examples” that Mr. Slaven promised to send to her.⁵⁴ Mr. Slaven initially responded to Ms. Wall indicating that (i) his staff would work to send her “some of the most egregious examples” by the next day and (ii) reminding Ms. Wall that, as he mentioned to her a week earlier, “NSBA is also planning to send the President a letter requesting federal assistance.”⁵⁵ Ms. Wall responded to Mr. Slaven for more information on the planned Letter and the egregious examples because of a planned meeting between White House officials and the Department of Justice the next morning, September 22.⁵⁶ Specifically, Ms. Wall emailed Mr. Slaven as follows:

⁴⁸ See Draft of the Letter in redline (appendix exhibit 39).

⁴⁹ See E-mail from Jane Mellow to Deborah Rigsby and Jason Amos (Sept. 28, 2021) (appendix exhibit 40).

⁵⁰ See Interview with Chip Slaven (Apr. 25, 2022) at 1:20.00 – 1:22.00.

⁵¹ See E-mail from Chip Slaven to Thomas Bertrand, Executive Director, Illinois Association of School Boards (Sept. 17, 2021) (appendix exhibit 41).

⁵² *Id.*

⁵³ *Id.*; see also, E-mail from Chip Slaven to NSBA Board of Directors (Sept. 29, 2021) (appendix exhibit 42).

⁵⁴ See E-mails between Chip Slaven and Mary Wall, Senior Policy Advisor, White House (Sept. 21, 2021) (appendix exhibit 43).

⁵⁵ *Id.*

⁵⁶ *Id.*

“Is there any way we can take a look at the letter in advance of release? In specific, I’m meeting w[ith] colleagues from other [White House] offices and [the Department of Justice] tomorrow morning to see if there might be any options we can pursue here, so if you have concrete recommendations in your letter (e.g. the threat assessment you mentioned), would be good to know so I can include in discussions.”⁵⁷

Based on Ms. Wall’s notice of the White House meeting with the Department of Justice, Mr. Slaven sent a copy of NSBA’s list of “egregious examples” prepared by NSBA’s research analyst to Ms. Wall with a detailed summary of the Letter’s contents and requests for intervention. Specifically, Mr. Slaven responded thanking Ms. Wall for letting him know about the meeting between the White House and Department of Justice and stating that he wanted to prepare her for the meeting “with as much information as possible.”⁵⁸ In addition to attaching NSBA’s list of egregious examples and indicating that it was used “as a reference point to help draft the letter,” Mr. Slaven summarized various “incidents”, including “reports of Proud Boys showing up at various school board meetings and teaming-up with anti-maskers, QAnon followers now considering running for school board elections” and stating that “[t]his seems like a test drive for issues during the upcoming national campaigns. I would not be surprised if there are intentional social media campaigns from foreign powers or other bad operators also popping up like what happened during the 2016 election.”⁵⁹

Mr. Slaven further wrote:⁶⁰

“I want to help you with your meeting tomorrow so I am providing some bullets below that I hope will be useful to you. Please bear in mind the letter is not final yet and we are still vetting through our legal team as well as our officers. But I can tell you that the areas for consideration I am interested in terms of federal requests and/or recommendations are below. I think our goals are the same so we want to offer as much information to you as we can in advance. Please just don’t consider them formal until our official letter comes. There could be changes or modifications tomorrow, but our interest is in the following areas:

- NSBA would like to see a joint collaboration among federal law enforcement agencies, state and local law enforcement, and public-school officials to focus on the threats to public schools and how to deal with them.
- NSBA is interested in getting the assistance and resources of the U.S. Department of Justice, Federal Bureau of Investigation

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

(FBI), U.S. Department of Homeland Security, U.S. Secret Service, and its National Threat Assessment Center regarding the level of risk to public school children, educators, board members, and facilities/campuses. We would also like to see the assistance of the U.S. Postal Inspection Service to intervene against threatening letters and cyberbullying attacks that have been transmitted to students, school board members, district administrators, and other educators.

- NSBA is considering requesting a joint expedited review by the U.S. Departments of Justice, Education, and Homeland Security, along with the appropriate training, coordination, investigations, and enforcement mechanisms from the Federal Bureau of Investigation (FBI), including any technical assistance necessary from, and state and local coordination with, its National Security Branch and Counterterrorism Division, as well as any other federal agency with relevant jurisdictional authority and oversight.
- Additionally, NSBA is interested in a review of appropriate enforceable actions against these crimes and acts of violence under the Gun-Free School Zones Act, the PATRIOT Act in regards to domestic terrorism, Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, Violent Interference with Federally Protected Rights statute, Conspiracy Against Rights statute, an Executive Order to enforce all applicable federal laws for the protection of students and public school district personnel, and any related measure.

Evidence revealed limited input from inside the NSBA, including much of its staff and the Board of Directors, regarding the contents of the Letter by anyone other than the principal actors before it was final and sent to the White House. The Review did not find evidence that NSBA officers, board members, senior staff, or executives contributed to or were aware of the Letter while the Letter was being drafted, except as otherwise specified in this report.

After September 21, the Letter underwent final revisions by NSBA staff and a near-final embargoed copy was provided to Mr. Amos in preparation for submission to media outlets.⁶¹ The Letter was not shared with other NSBA executives or senior staff, except for Mr. Slaven, Ms. Mellow and Ms. Rigsby, until September 24, 2021.⁶² On that day, Ms. Rigsby, at the direction of Mr. Slaven, shared the Letter via email with Mr. Negrón, Ms. Joe, Mr. Amos, and Ms. Kukanova-Carpenter.⁶³ Ms. Rigsby stated that Mr. Slaven had already approved the Letter but asked whether these individuals thought “further information was needed” for the

⁶¹ See E-mail from Deborah Rigsby to NSBA Staff (Sept. 24, 2021) (appendix exhibit 44).

⁶² *Id.*

⁶³ *Id.*

Letter.⁶⁴ Ms. Rigsby's email received limited comment from its recipients.⁶⁵ Given the limited response, Ms. Mellow contacted Mr. Negrón directly via telephone. According to Mr. Negrón, he expressed his opinion to Ms. Mellow that the letter had not been written "in the NSBA voice."⁶⁶

After Ms. Rigsby's email and Ms. Mellow's phone call, no one made substantive changes to the draft Letter. On September 26, Mr. Slaven emailed the Letter to Dr. Garcia, Mr. Henderson, Ms. Swett, and Mr. Wilson for their review.⁶⁷ The parties provided minor typographical edits and agreed that Dr. Garcia should be a signatory to increase the Letter's impact.⁶⁸ Counsel did not find any evidence that non-officer members of the Executive Committee were consulted about the Letter prior to the Letter being finalized and sent to the White House. On September 28, an embargoed copy of the Letter was sent to media outlets⁶⁹ and the NSBA started drafting a press release to accompany its publication.⁷⁰

Notably, Mr. Slaven's drafting, directing, approving, and sending of the Letter did not explicitly violate NSBA policies or procedures. The Review did not find evidence of an internal policy or procedure governing the drafting and publishing of advocacy materials on behalf of the NSBA. While the Board of Directors is tasked with directing the organization's executive director, Counsel did not find evidence in document review or witness interviews that the Board of Directors had provided explicit direction to Mr. Slaven or his predecessors on quality control measures for advocacy materials. Instead, the Review found evidence that Board Members and officers knew NSBA staff routinely advocated with public officials and government agencies on behalf of the organization without receiving any direction, feedback, or quality review from the Board of Directors, the Executive Committee, or NSBA's officers. As a result, the Review indicates that Mr. Slaven had limited direction or oversight by the Board of Directors, Executive Committee, or officers and that the limited direction and oversight was consistent with the history and culture of the NSBA.

Notwithstanding the foregoing, the Review also revealed the Letter was a relatively unique advocacy project for the NSBA. No one interviewed by Counsel could recall the NSBA engaging in advocacy with the President with such a long letter or with such specific examples and requests. Interviewees were only familiar with the NSBA's general advocacy activities, which typically consisted of interacting with lower-level Administration officials, participating

⁶⁴ *Id.*

⁶⁵ See E-mail correspondence between NSBA staff (Sept. 24-27, 2021) (appendix exhibit 45).

⁶⁶ See Interview with Francisco Negrón (Mar. 21, 2022) at 22:00 – 28:30.

⁶⁷ See E-mail from Chip Slaven to Kristi Swett, Board Member, Salt Lake City School District (Sept. 27, 2021) (appendix exhibit 46); see also, E-mail from Charlie Wilson, Vice President, Worthington Schools Board of Education, to Chip Slaven, Viola García, Frank Henderson, and Kristi Swett (Sept. 26, 2021) (appendix exhibit 47).

⁶⁸ *Id.*

⁶⁹ See, e.g., E-mail from Jason Amos to Andrew Kreighbaum, Reporter, Bloomberg (Sept. 28, 2021) (appendix exhibit 48); See also, E-mail from Jason Amos to Jennifer Calfas, Reporter, The Wall Street Journal (Sept. 28, 2021) (appendix exhibit 49).

⁷⁰ See E-mail from Jason Amos to NSBA Staff (Sept. 28, 2021) (appendix exhibit 50).

in the administrative rulemaking procedure, and facilitating communication through townhalls and teleconferencing.

The Letter was sent to the White House on September 29 at 3:00 P.M. EST⁷¹ via email to Ms. Rodríguez, Deputy Assistant to the President and Director of the Office of Intergovernmental Affairs, Katherine Pantangco, Policy Advisor to the Office of Intergovernmental Affairs, and Ms. Wall of the Executive Office of the President as well as to Ms. Samuel, Deputy Assistant Secretary, and Ms. Watkins-Foote, Acting Director of the National Engagement Team, of the Department of Education. Later that day, Mr. Slaven sent the Letter to the NSBA Board of Directors at 8:18 P.M. EST.⁷² The Letter was unembargoed the following day. After the public release of the Letter, there was an immediate backlash from some members of the public in the form of emails, phone calls, letters, messages, and social media posts.⁷³ Ms. Joe directed NSBA staff not to engage with these communications directly as much of the public correspondence being received was aggressive in tone.⁷⁴ On October 1, two days after notice of the Letter was provided to the NSBA Board of Directors, directors started replying to Mr. Slaven's email—the one that included the Letter—with objections to its contents.⁷⁵ Several Board Members suggested an investigation into the Letter's origins and asked for measures to reprimand those responsible for conceiving and approving it.⁷⁶

On October 1, Julia Treanor of the School Safety Task Force, Cybersecurity and Infrastructure Security Agency within the Department of Homeland Security requested a meeting with NSBA staff regarding the Letter and NSBA's request for federal assistance.⁷⁷ On October 4, in response to the Letter, Anthony Coley, a Senior Advisor to the Attorney General opened up a dialogue via email with the NSBA on behalf of the Department of Justice to discuss steps to address the threats the Letter referenced.⁷⁸ The Department of Justice discussed a forthcoming memo that the Attorney General intended to issue, and a copy of that memo was provided to Mr. Slaven shortly before its release.⁷⁹ In response to that memo, members of the Senate Committee on the Judiciary responded to the Attorney General, citing several examples of conduct touched on in the Letter and characterized those instances as ones involving frustrated parents exercising their free speech rather than instances akin to

⁷¹ See E-mail from Chip Slaven to Julie Rodríguez, Executive Office of the President, White House (Sept. 29, 2021) (appendix exhibit 51).

⁷² See E-mail from Chip Slaven to the NSBA Board of Directors (Sept. 29, 2021) (appendix exhibit 42).

⁷³ See, e.g., E-mail from Jason Amos to Jaclyn Goddette and Charlotte Blane (Sept. 30, 2021) (appendix exhibit 52).

⁷⁴ See E-mail from Renee Joe to NSBA Staff (Oct. 1, 2021) (appendix exhibit 53).

⁷⁵ See E-mail from Chip Slaven to the NSBA Board of Directors (Sept. 29, 2021) (appendix exhibit 42); *see also*, E-mail chain between NSBA Board of Directors (Oct. 1, 2021) (appendix exhibit 54).

⁷⁶ *Id.*

⁷⁷ See E-Mail correspondence with NSBA Staff (Oct. 1 – 4, 2021) (appendix exhibit 55).

⁷⁸ See E-mail from Anthony Coley, Senior Advisor to the Att'y Gen., U.S. Dep't of Just., to Chip Slaven (Oct. 4, 2021) (appendix exhibit 56); *see also*, Press Release, U.S. Dep't of Just., Justice Department Addresses Violent Threats Against School Officials and Teachers (Oct. 4, 2021) (appendix exhibit 57).

⁷⁹ See E-mail from Alivia Roberts, Special Assistant to the Director of Public Affairs, U.S. Dep't of Just., to Chip Slaven (Oct. 4, 2021) (appendix exhibit 58).

domestic terrorism.⁸⁰ The Attorney General later participated in several congressional oversight hearings with members of both houses of Congress about the Department's memo, and stated that he relied on representations made within the Letter when issuing the directives outlined in his memo.⁸¹

On October 5, Ms. Wall emailed Mr. Slaven asking for the telephone numbers for Mr. Slaven and Dr. Garcia.⁸² The next day, President Biden personally called Dr. Garcia regarding the Letter. According to Dr. Garcia, President Biden was "appreciative" of and thanked her for the Letter in a fifteen-minute one-on-one phone call.⁸³ President Biden also extended an invitation to Dr. Garcia to visit the Oval Office, however the visit never occurred.⁸⁴ The next day, Ms. Wall and Mr. Slaven discussed, via email, how Dr. Garcia was "thrilled" and had a "wonderful conversation with the President." On October 7, Ms. Wall emailed Mr. Slaven: "we have your back, and we're exploring every avenue we can."⁸⁵ Dr. Garcia confided to Counsel that despite her excitement from President Biden's support, she was reluctant to discuss the call because of the perception that the NSBA was "in cahoots essentially with the Biden Administration on this Letter."⁸⁶

In the background, Dr. Garcia was being considered for, and was ultimately appointed to, the Federal Education Advisory Board. This decision was publicly announced on October 13.⁸⁷ Counsel's Review has not uncovered any connection between the Letter and Dr. Garcia's appointment despite her signature to the Letter and interaction with the President regarding the Letter before her appointment.

In the weeks following the Letter's release, the NSBA reduced its public engagement about the issues raised within the Letter. Mr. Slaven, in his interview, asserted that he was essentially "under a gag order" from NSBA to not discuss the Letter.⁸⁸ When asked to clarify the alleged "gag order" during his interview, Mr. Slaven explained there was no "formal" directive to stop talking about the Letter, but that he was under the impression that he was "not allowed to respond."⁸⁹ Mr. Slaven stated that he cooperated with the NSBA's decision to disengage, though he disagreed strongly with the decision.⁹⁰ Mr. Slaven attempted to defend the Letter before the Board of Directors by preparing a presentation explaining the timeline

⁸⁰ See Letter from Sen. Charles Grassley, Ranking Member, S. Comm. on the Judiciary (Oct. 7, 2021) (appendix exhibit 59).

⁸¹ *Just. Dep't Oversight Hrg. of the H. Comm. on the Judiciary*, at 01:18:14–1:22:57, 117th Cong. (2021), <https://www.c-span.org/video/?515345-1/justice-department-oversight-hearing>.

⁸² See E-mail between Chip Slaven and Mary Wall (Oct. 5-7, 2021) (appendix exhibit 60).

⁸³ See Interview with Dr. Viola Garcia (Mar. 21, 2022) at 44:00 – 53:20.

⁸⁴ See Interview with Dr. Viola Garcia (Mar. 21, 2022) at 48:30 – 50:30.

⁸⁵ See E-mail between Chip Slaven and Mary Wall (Oct. 5-7, 2021) (appendix exhibit 60).

⁸⁶ See Interview with Dr. Viola Garcia (Mar. 21, 2022) at 44:00 – 53:20.

⁸⁷ See Press Release, Dep't of Educ., Five Board Members Appointed to Board Overseeing the Nation's Report Card (Oct. 13, 2021) (appendix exhibit 61).

⁸⁸ See Interview with Chip Slaven (Apr. 25, 2022) at 6:00-7:00; 2:31:00-2:36:00; 2:53:00-2:56:00.

⁸⁹ *Id.*

⁹⁰ *Id.*

and origins of the Letter. Mr. Slaven stated the presentation was intended to answer the Board's requests for more information about the Letter.⁹¹ Ultimately, Mr. Slaven was not allowed to give his presentation to the Board of Directors. Mr. Slaven lamented this decision in his interview.⁹²

On October 22, the NSBA Board of Directors issued an apology memorandum (the "Apology") to NSBA Members about the Letter, against Mr. Slaven's "strong objections," promising a formal review of the processes and procedures that led to the Letter.⁹³ In his interview for this Review, Mr. Slaven explained his thoughts on issuing an apology, stating that it was the "worst thing that we possibly could have done" and that until the crisis management firm retained by NSBA, Rational 360, presented the Apology to the Board the day before it was released Mr. Slaven had "never seen it."⁹⁴

The Apology appears to have renewed media interest in the Letter. The Attorneys General of Indiana, Alabama, Alaska, Arizona, Arkansas, Georgia, Kansas, Missouri, Montana, Oklahoma, South Carolina, and Texas issued a joint statement reiterating the need for the NSBA to rectify the situation created by the Letter and to formally investigate the circumstances surrounding its creation.⁹⁵

On October 28, Dr. Garcia communicated further with NSBA staff and members regarding the Board of Director's apology, outlining further steps the NSBA expected to take to navigate the national attention.⁹⁶ Congressional inquiries regarding the Letter are still active and include, *inter alia*, a letter dated October 7, 2021 from 63 members of Congress to the Attorney General requesting information related to his October 4, 2021 memorandum in response to the Letter; a letter dated October 27, from Representative Jim Jordan, Ranking Member of the Committee on the Judiciary, requesting documents related to the Letter; a November 12, 2021 letter from Ranking Member Jordan requesting transcribed interview with Mr. Slaven; a letter dated January 18, 2022 from eleven United States Senators to the Department of Education requesting information on the Letter; and a follow-up letter dated March 9, 2022 from Ranking Member Jordan to the new NSBA Executive Director and CEO, Dr. John Heim.⁹⁷

⁹¹ Slaven, C. (Oct. 19, 2021). *Letter to the President of the United States* at 2 [PowerPoint Presentation]. NSBA (appendix exhibit 31).

⁹² See Interview with Chip Slaven (Apr. 25, 2022) at 2:40:00-2:43:00.

⁹³ See E-mail from Chip Slaven to Celinda Lake, President, Lake Research Partners (Oct. 23, 2021) (appendix exhibit 62); see also, Memorandum, NSBA Board of Directors (Oct. 22, 2021) (appendix exhibit 63).

⁹⁴ See Interview with Chip Slaven (Apr. 25, 2022) at 2:38:30.

⁹⁵ See Letter from Todd Rokita, Att'y Gen., State of Indiana (Oct. 26, 2021) (appendix exhibit 64).

⁹⁶ See E-mail from Renee Joe to NSBA Staff (Oct. 28, 2021) (appendix exhibit 65); see also, Memorandum from Dr. Viola Garcia to NSBA Members (October 28, 2021) (appendix exhibit 66).

⁹⁷ See Letter from Sen. Charles Grassley, Ranking Member, S. Comm. on the Judiciary (Oct. 7, 2021) (appendix exhibit 59); see also Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary (Oct. 27, 2021) (appendix exhibit 68); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary (Nov. 12, 2021) (appendix exhibit 69); Letter from Sen. Charles Grassley, Ranking Member, S. Comm. on the Judiciary (Jan. 18, 2022) (appendix exhibit 70); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary (Mar. 9, 2022) (appendix exhibit 71).

In addition to this detailed narrative of the major events surrounding the Letter and associated citations, a comprehensive timeline of events revealed by Counsel's Review is further included in **Table 6** of this Report.

C. THE NSBA'S ACTIONS SINCE THE LETTER

After the Letter was sent, the NSBA listened to the response from its members and the public caused by the Letter. As part of Counsel's Review, NSBA enumerated the actions it has taken to address the Letter and the issues surrounding it. The NSBA provided the following examples:

- On October 22, 2021, the NSBA Board of Directors apologized for the Letter, expressing its regret for the Letter's language while emphasizing its desire to serve its members. The Apology also announced a formal review process.
- On November 17, 2021, the NSBA Board of Directors announced new executive leadership for the organization, hiring Dr. John Heim.
- The Board of Directors commissioned the independent review of which this Report is the product.
- On April 1, 2022, at its annual meeting, the NSBA Delegate Assembly amended the organization's constitution to refine the scope of its advocacy to "a united, *non-partisan* national movement"
- On April 1, 2022, at its annual meeting, the NSBA Delegate Assembly re-emphasized the principle of local control as a fundamental belief of the organization.
- On April 1, 2022, the NSBA Delegate Assembly amended its Beliefs of the National School Board to include Article IV, Section 5.1: "NSBA believes school boards must lead through community engagement, particularly with parents and guardians of the students they serve. NSBA urges school boards to encourage and support partnerships between schools, communities, community organizations, families and local government that bring together critical resources and enhance strategies that help students master academic and life skills and develop civic responsibility, and address students' emotional, social and physical well-being at school and beyond."⁹⁸
- On April 1, 2022, the NSBA Delegate Assembly adopted a resolution opposing federal intrusion and the expansion of executive authority by the US Department of Education and other federal agencies in the absence of authorizing legislation.⁹⁹
- On April 1, 2022, the NSBA Delegate Assembly also re-emphasized the importance of (1) supporting historically disadvantaged students, (2) increasing broadband internet access to close the "homework gap," (3) ensuring each classroom is staffed with a highly qualified teacher, (4) supporting students with

⁹⁸ Beliefs of the National School Board Association (am. Apr. 1, 2022) (available at [NSBABeliefs2022.pdf](#)) (last accessed May 11, 2022)

⁹⁹ Resolutions of the National School Board Association (Apr. 1, 2022) (available at [NSBAResolutions2022.pdf](#)) (last accessed May 11, 2022)

disabilities and mental health needs, and (5) addressing the learning loss associated with COVID-19 pandemic and response to the same.

V. CONCLUSIONS

Taken together, the facts revealed by the Review show Mr. Slaven was behind the Letter, both in origin and substance. Though Ms. Rigsby was the principal drafter of much of the Letter, she worked at Mr. Slaven's direction. Weeks prior to sending the Letter and at the request of the Administration, Mr. Slaven made the Administration aware of the issues and requests expected to be raised by the Letter. The Review shows that the Letter came about as Mr. Slaven's response to the growing tensions at local school board meetings made manifest by the divide in public opinion in the then-ongoing debate about when and how public-school students should return to in-person instruction that took place in the late summer and early fall of 2021. Counsel did not find direct or indirect evidence suggesting the Administration requested the Letter or specified, edited, or reviewed the contents of the Letter before the Letter was sent, or otherwise specifically requested that it be written. Though NSBA members or directors were aware, or should have been aware, that a letter requesting federal involvement was being worked on by NSBA, the finalized letter—including the language in the Letter that sparked national attention—was not disclosed to NSBA members or directors until after it was sent. Although the letter was reviewed and approved by NSBA's officers, the Letter was never provided to the NSBA Board of Directors for review, comment, or editing. The full Board only received the letter after it was already submitted to the White House.

The Review did not find evidence suggesting that the Letter was part of a quid pro quo between Dr. Garcia and the Administration. Dr. Garcia was made aware of the Letter at the same time as her fellow officers. Dr. Garcia did not propose her signature being added to the Letter. Although Dr. Garcia's appointment was announced contemporaneous to the Letter, her application for the position had been pending for a significant period prior to the Letter's creation or sending. Despite reports proposing a link between Dr. Garcia's appointment to a federal education board and the Letter, although not the focus of our Review, the Review did not identify evidence suggesting the existence of such a link.

On September 29, 2021, Mr. Slaven sent the Letter to the White House, requesting federal law enforcement monitor and, potentially, intervene in local school board meetings across the country. In less than a week, Attorney General Merrick Garland issued a memorandum to federal law enforcement officials directing federal agencies to act consistent with relief requested in the Letter. The Review revealed that the Letter and the Attorney General's memorandum were the result of weeks of work by NSBA staff, at the direction of Mr. Slaven, and weeks of collaboration between Mr. Slaven and Ms. Wall, and Ms. Wall with the Department of Justice.

VI. RECOMMENDATIONS

The Review revealed that the Letter and its fallout resulted from several issues at NSBA that existed during the relevant period.

A. LACK OF ESTABLISHED INTERNAL CONTROLS AND PROCESSES

In the months leading up to the Letter the NSBA had been through personnel changes at a critical time, with three of its four executive level employees in interim positions. This situation was exacerbated by the NSBA's vague internal processes and lack of clarity regarding its internal controls. The only formal review process used by the NSBA was a review process for approving *amicus curiae* briefs filed by the NSBA in pending judicial proceedings. Counsel's Review revealed that there was no formal internal quality control process for advocacy of NSBA's policy positions before publishing advocacy materials on behalf of the NSBA. This lack of control allowed for an interim chief executive officer to direct an interim chief advocacy officer to draft a letter with significant policy and legal positions that evidently were not clearly embraced by the NSBA, its Board of Directors, or its member organizations without prior review and approval by the NSBA's legal counsel or its Board of Directors despite the fact that Mr. Slaven had cleared the letter internally with a process he thought went above and beyond what was required. In fact, whether the Letter's policy and legal positions are consistent with the NSBA's core principle of local control remains contested by the Letter's critics within the NSBA.

B. LACK OF AN ESTABLISHED ROLE FOR THE BOARD OF DIRECTORS

The Review also revealed the lack of a clearly defined relationship between NSBA staff, the chief executive officer, and the Board of Directors—especially with regard to important policy and advocacy decisions. The NSBA's governing documents obliges the Board of Directors to direct and supervise the executive director. The governing documents also contemplate that the Board of Directors will empower the Executive Committee with its authority to govern the NSBA's daily operations between Board of Director meetings. The governing documents further contemplate that the Executive Committee, comprised of NSBA's officers and select members of the Board of Directors would have routine meetings to address the NSBA's business operations consistent with an enabling resolution of the Board of Directors.

The Review revealed that the NSBA operations did not reflect the procedure envisioned by its governing documents. Interviews revealed an understanding by the Board of Directors that the NSBA's CEO and Executive Director handled daily operations of the NSBA on the Board's behalf, generally making the incumbent CEO the sole intermediary between the NSBA's Board of Directors and employees. Mr. Slaven limited most of interactions with NSBA's officers and did not often interact with most of the Board of Directors or the Executive Committee. Moreover, the Review revealed that Mr. Slaven often felt comfortable making significant decisions for the NSBA without receiving guidance or

input from the Board of Directors or the Executive Committee, including and the drafting and sending of the Letter. Mr. Slaven's interaction with board members and staff members give the impression that he, alone, had full knowledge and final authority over the operation of the NSBA. It appears from our Review that this was not unique to Mr. Slaven's tenure as interim CEO, but that the NSBA had operated in such a fashion for some time.

C. LACK OF CLEARLY DEFINED AUTHORITY

Finally, the Review revealed a lack of clear governance structure followed by the NSBA, its Board of Directors, Executive Committee, and officers. The NSBA has four elected officers: the immediate past president, the president, the president-elect, and the secretary-treasurer. In addition to serving on the Board of Directors, the officers also serve on the executive committee of the Board of Directors along with selected directors from the Board of Directors. The Review was not able to identify the scope of authority for either officers of the NSBA or the Executive Committee. Many of the individuals interviewed, including both NSBA staff and members of the Board, were unable to define the relationship between the Board of Directors, the Executive Committee, and the NSBA's officers or the proper role of the Board of Directors, the Executive Committee, or the officers.

We recommend that the NSBA develop a strong internal control system and rigorous process beginning with establishing clearly articulated requirements for its CEO and Executive Director to obtain the approval of significant policy and legal positions on behalf of the NSBA—whether such a process involves the NSBA's Executive Committee or Board of Directors. Such formal clearance process should be required for advocacy communications and policy statements on behalf of the NSBA, especially when communicated to high-level government officials or when the NSBA is taking a position on matters with political implications. We further recommend that the NSBA better define the roles and responsibilities associated with its CEO, its officers, its Executive Committee and Board of Directors and encourage more communication and collaboration with its Board and its membership.

VII. TABLES

TABLE 1 – RECORD CUSTODIANS

Name	NSBA Position
Chip Slaven	Former Interim CEO and Executive Director
Francisco Negrón	Chief Legal Officer
Jane Mellow	Interim Chief Advocacy Officer
Verjeana McCotter-Jacobs	Chief Transformation Officer
Renee Joe	Interim Chief Transformation Officer
Jason Amos	Director, Communications
Deborah Rigsby	Program Director, Lobbying and Federal Legislation
Ralph Forsht	Director, Grassroots Advocacy
Cheryl Richardson	Director, Counsel of School Attorneys
Kimberly Muse	Executive Assistant to the CEO
Alesha Stuart	Executive Assistant, Advocacy
Patricia Boyd-King	Executive Assistant
Anna Maria Chavez	Former CEO and Executive Director

TABLE 2 – INTERVIEW INFORMATION

No.	Name	Interview Date	Title¹⁰⁰ [Employer / Assoc.]
1.	Ralph Forsht	March 10, 2022	Director, Grassroots Advocacy [NSBA]
2.	Cheryl Richardson	March 11, 2022	Director, Council of School Attorneys [NSBA]
3.	Verjeana McCotter-Jacobs	March 11, 2022	Chief Transformation Officer [NSBA]
4.	Frank S. Henderson, Jr.	March 15, 2022	President-Elect of NSBA, Seaman School Dist. #345 [KS]
5.	Alesha Stuart	March 15, 2022	Executive Assistant, Advocacy [NSBA]
6.	Jason Amos	March 15, 2022	Director of Communications [NSBA]
7.	Charlie Wilson	March 16, 2022	Worthington Board of Education [OH]
8.	Jane Mellow	March 17, 2022	Interim Chief Advocacy Officer [NSBA]
9.	Francisco Negrón	March 21, 2022	Chief Legal Officer [NSBA]
10.	Viola M. Garcia, EdD	March 21, 2022	President of NSBA Aldine ISD [TX]
11.	Kristi Swett	March 22, 2022	Salt Lake City School District [UT]
12.	Patricia Boyd-King	March 22, 2022	Executive Assistant [NSBA]
13.	Kimberly Muse	March 23, 2022	Executive Assistant to the CEO [NSBA]
14.	Deborah Rigsby	March 23, 2022	Program Director, Lobbying and Federal Legislation [NSBA]
15.	Kathy Gebhardt	March 28, 2022	Boulder Valley School Dist. [CO]
16.	Marnie J. Maraldo	March 28, 2022	Issaquah School Board [WA]
17.	Devin Sheehan	March 28, 2022	Holyoke Public School District [MA]
18.	Donald R. Hubler	March 28, 2022	Macomb Intermediate School Dist. [MI]
19.	Floyd Simon, Jr., DDS	March 29, 2022	Clinton Public Schools [Oklahoma]
20.	Steven Chapman	March 29, 2022	Tolleson Union High School Dist. [AZ]
21.	Janine Bay Teske	March 29, 2022	Teton County School Dist. [WY]
22.	Beverly Slough	March 30, 2022	St. Johns County School Dist. [FL]
23.	Kathy Green	March 30, 2022	Austin Public Schools ISD 492 [MN]
24.	Lydia Tedone	March 30, 2022	Simsbury Public Schools [CT]
25.	Peter Hoepfner	March 31, 2022	Cordova City School District [AL]
26.	Pamela Doyle	March 31, 2022	Alabama School of Math & Science [AL]
27.	John W. Halkias	March 31, 2022	Plain Local School District [OH]
28.	Renee Joe	April 01, 2022	Interim CTO/Communications [NSBA]
29.	Chip Slaven	April 25, 2022	Interim CEO / Exec. Director [NSBA]
30.	Becky Fles	April 26, 2022	MSAD #11 School District [ME]

¹⁰⁰ The Titles or School Districts associated with the witnesses reflects their titles or membership during the period relevant to the Review of the Letter and do not necessarily reflect their title or membership at the time of this Report.

TABLE 3 – ADDITIONAL DOCUMENTARY INFORMATION OBTAINED

Source of Information	File Description	Dupe of NSBA Information
Chip Slaven	PDF of the “opening statement” read by Mr. Slaven at the beginning of his interview as part of this Review	No
Chip Slaven	PDF of various documents, including emails and text messages provided by Mr. Slaven’s counsel and containing Bates Numbers CHIP000001 – CHIP000210.	Yes, in part, and no, in part.
Chip Slaven	PDF of a PowerPoint presentation regarding the Letter and timeline associated with the Letter.	Yes
Chip Slaven	Copy of letter dated October 25, 2021, from counsel for Mr. Slaven to counsel for NSBA, Thomas L. McCally.	No
Viola Garcia	Email re “Draft Letter to the President”; 09/26/2021 email from Mr. Slaven to Officers regarding letter to President Biden; Above original email, Dr. Garcia also provided information about her media interview schedule as well as a meeting between NSBA officers and staff.	Yes, in part, and no, in part.
Viola Garcia	Email re “Updated Talking Points”; 10/02/2021 email from Jason Amos to Dr. Garcia and CC to Mr. Slaven with talking points for Dr. Garcia’s media interviews related to the Letter with attached talking points.	Yes
Janine Bay Teske	Email re “Executive Directors: Charlie Wilson on CNN”; 10/23/2021 email thread between Ms. Teske and Frank Henderson discussing an underlying communication from Timothy Duffy (ED from Rhode Island) expressing concern about Mr. Wilson’s continued media interviews about the Letter.	No
Janine Bay Teske	Email re “Letter to Viola and Board”; 10/09/2021 email from John Halkias to Pam Doyle and Janine Bay Teske with a draft letter entitled “Dear Viola and Directors” from Central Region directors and promise to provide final copy when complete.	No
Janine Bay Teske	Document re “Dear Viola and Directors”; A 4-page document prepared on 10/08/ 2021, and last modified on 10/09/2021, by John Halkias. The document purports to be a communication from Central Region board members to the Board on behalf of their constituents regarding the Letter.	No
Janine Bay Teske	Email re “NSBA Federal Update 10/1/2021”; 10/01/2021 email from Pam Doyle to Beverly Slough expressing shock that NSBA sent email including coverage of the Letter despite disagreement within Board re the Letter and suggesting Southern Region meet to discuss what to do.	No
Janine Bay Teske	Email re “seeking comment on NSBA letter”; A thread escalated from Leanne Winner (NCSBA) regarding Parents Defending Education communication with ultimate	No

	communication between Ms. Doyle and Dr. Garcia demanding the draft of the Letter and anyone involved be fired.	
Devin Sheehan	Email re “HJC GOP 10/27 Letter to NSBA”; 12/15/21 email and attachment from Elliot Walden, counsel for Ranking Member Jim Jordan of the House Judiciary Committee inquiring when NSBA would respond to 10/27/21 letter	No
Jason Amos	Email re “Letter to President Biden from the National School Boards Association”; 09/29/2021 email from Mr. Slaven to Julie Rodriguez with multiple CC, delivering the Letter to the White House	Yes
Jason Amos	Email re “For Your Review – EMBARGOED COPY – NSBA Letter-Federal Intervention 9-2021”; 9/24/21 email from Deborah Rigsby to Francisco Negrón, Renee Joe, Jason Amos, and Elena Carpenter requesting “further information” if needed for letter.	Yes
Ralph Forsht	Text thread screen shots (2) from 10/11/21 between Mr. Forsht and Mr. Slaven – expressing support for Mr. Slaven as a friend; Mr. Slaven responded defending the letter and his actions.	No

TABLE 4 – FOIA REQUESTS

Agency	Scope of Request
United States Department of Justice	1. Any and all information, documents, records, or communications related to or referencing the NSBA dated between August 01, 2021, and December 31, 2021; 2. Any and all information, documents, records, or communications related to or referencing the September 29, 2021, Letter; 3. Any and all information, documents, records, or communications related to or referencing the October 4, 2021, Memo; and 4. Any and all information, documents, records, or communications related to or referencing Attorney General Merrick Garland’s October 21, 2021, and October 27, 2021, testimony in front of the House and Senate Judiciary Committees.
United States Department of Education	1. Any and all information, documents, records, or communications related to or referencing the NSBA dated between August 01, 2021, and October 31, 2021. 2. Any and all information, documents, records, or communications related to or referencing the September 29, 2021, Letter. 3. Any and all information, documents, or records related to or referencing the October 4, 2021, Memo. 4. Any and all information, documents, records, or communications related to or referencing NSBA President Viola Garcia’s appointment to the National Assessment Governing Board.
United States Department of Homeland Security	1. Any and all information, documents, records, or communications related to or referencing the NSBA dated between August 01, 2021, and December 31, 2021. 2. Any and all information, documents, records, or communications related to or referencing the September 29, 2021, Letter. 3. Any and all information, documents, records, or communications related to or referencing the October 4, 2021, Memo.

TABLE 5 – TIMELINE OF REVIEW

January 27, 2022	NSBA engages MBF to conduct an independent review into the Letter.
February 4, 2022	MBF opens NSBA Review Matter
February 8, 2022	MBF conducts a call with John Reeb, NSBA IT Director, and Innovative Driven (“Driven”) to discuss forensic e-discovery engagement for data extract. Action items left with John Reeb via email from Nicholas Boerke.
February 10, 2022	John Reeb responds with estimated size of responsive NSBA files. Driven provides estimated vendor expenses based on file estimates.
February 11, 2022	Nicholas Boerke provides e-discovery vendor estimated expenses based on estimated data size.
February 14, 2022	John Reeb emailed Nicholas Boerke with authority to accept the proposed vendor quote. Nicholas Boerke confirms acceptance of proposed terms and requests slight revisions to engagement letter for Driven.
February 15, 2022	Driven provides MBF finalized scope of work engagement for NSBA’s signature. MBF provided Driven’s engagement letter to NSBA for execution.
February 17, 2022	Nicholas Boerke emails John Reeb, following up on status of executed engagement.
February 18, 2022	MBF team prepares initial search terms and protocols in preparation for document review.
February 22, 2022	John Reeb produced signed vendor contract from NSBA to Driven; Driven returns fully executed copy of engagement letter. Driven, NSBA, and MBF participate in kick off call for file extraction.
February 23, 2022	Data extraction begins.
February 24, 2022	Driven confirms NSBA responsive data size of 155 Gigabytes.
February 27, 2022	Driven informs MBF that first data is available for review in Relativity.
February 28, 2022	MBF document review begins. Key words, Boolean search terms, domains, and key dates are used to review 334,296 documents.
March 7, 2022	Driven informs MBF that NSBA’s Teams information is available for review in relativity.
March 8, 2022	Initial witness interview requests sent to NSBA staff members.
March 9, 2022	Driven confirms all data from NSBA is extracted and staged on relativity.
March 10, 2022	MBF begins requesting external interviews, including existing and former NSBA Board members and Mr. Slaven. MBF interviews Ralph Forsht, Director of Grassroots Advocacy (2:00pm-4:00pm).
March 11, 2022	MBF interviews Cheryl Richardson, Director of the Counsel of School Attorneys (9:00am-11:00am). MBF interviews Verjeana McCotter-Jacobs, Chief Transformation Officer (11:00am-1:00pm).
March 15, 2022	MBF interviews Frank S. Henderson, Jr., President-elect of Seaman School District 345, Kansas (7:30am-9:30am).

March 15, 2022 (cont.)	MBF interviews Alesha Stuart, Executive Assistant, Advocacy (10:30am-12:00pm).
	MBF interviews Jason Amos, Director of Communications (12:00pm-2:00pm).
March 16, 2022	MBF interviews Charlie Wilson, Immediate Past President of Worthington City School, Ohio (10:00am-12:00pm).
March 17, 2022	MBF interviews Jane Mellow, Interim Chief Advocacy Officer (1:00pm-3:00pm).
March 21, 2022	MBF interviews Francisco Negrón, Chief Legal Officer (9:00am-11:00am).
	MBF interviews Viola M. Garcia, EdD, President of Aldine Independent School District, Texas (1:00pm-3:00pm).
March 22, 2022	MBF interviews Kristi Swett, Secretary-Treasurer (10:00am-11:00am).
	MBF interviews Patricia Boyd-King, Executive Assistant (12:00pm-1:00pm).
March 23, 2022	MBF interviews Kimberly Muse, Executive Assistant to the CEO (9:00am-10:00am).
	MBF interviews Deborah Rigsby, Program Director for Lobbying and Federal Legislation (2:00pm-4:00pm).
	MBF makes a Freedom of Information Act request to the U.S. Department of Homeland Security for all information, documents, records, or communications related to the NSBA, the NSBA's Letter to the President, and the Attorney General's October 4, 2021, Memo.
	MBF makes a Freedom of Information Act request to the U.S. Department of Education for all information, documents, records, or communications related to the NSBA, the NSBA's Letter to the President, the Attorney General's October 4, 2021, Memo, and Viola Garcia's appointment to the National Assessment Governing Board.
	MBF makes a Freedom of Information Act request to the U.S. Department of Justice for all information, documents, records, or communications related to the NSBA, the NSBA's Letter to the President, the Attorney General's October 4, 2021, Memo, and the Attorney General's October 21, 2021 & October 27, 2021, testimony in front of the House and Senate Judiciary Committees.
March 28, 2022	MBF interviews Donald R. Hubler, Director of the Macomb Intermediate School District, Michigan (10:00am-10:30am).
	MBF interviews Kathy Gebhardt, Director of the Boulder Valley School District, Colorado (11:30am-12:00pm).
	MBF interviews Marnie J. Maraldo, Director of the Issaquah School Board, Washington (1:00pm-1:30pm).
	MBF interviews Devin Sheehan, Director of the Holyoke Public School District, Massachusetts (2:30pm-3:00pm).
March 29, 2022	MBF interviews Floyd Simon Jr., DDS, of Clinton Public Schools, Oklahoma (1:30pm-2:00pm).
	MBF interviews Steven Chapman, Director of Tolleson Union High School District, Arizona (4:00pm-4:30pm).
	MBF interviews Janine Bay Teske, Director of Teton County School District, Wyoming (11:00am-11:30am).

March 30, 2022	MBF interviews Beverly Slough, Director of St. Johns County School District, Florida (9:30am-10:00am).
	MBF interviews Kathy Green, Director of Austin Public Schools ISD 492, Minnesota (11:00am-11:30am).
	MBF interviews Lydia Tedone, of Simsbury Public Schools, Connecticut (4:00pm-4:30pm).
March 31, 2022	MBF interviews Peter Hoepfner, Director of the Cordova City School District, Alaska (9:30am-10:00am).
	MBF interviews John W. Halkias, Director of Plain Local School District, Ohio (11:am-11:30am).
	MBF interviews Pamela Doyle, Southern Region Director (4:00pm-4:30pm).
April 1, 2022	MBF interviews Renee Joe, Interim CTO of Communications (4:00pm-5:30pm).
April 25, 2022	MBF interviews Chip Slaven, former Interim CEO and Executive Director
April 26, 2022	MBF interviews Becky Fles, Director of MSAD 11, Maine

TABLE 6 – COMPREHENSIVE TIMELINE OF EVENTS

May 7, 2021	Aaliyah Samuel, Deputy Assistant Secretary of the Department of Education, emailed the NSBA to coordinate a time for the NSBA and Secretary Cardona to discuss a strategy for reopening schools. The call was scheduled for May 24, 2021 with the NSBA officers hosting the call as an exclusive event for the NSBA Board of Directors to have a private conversation with Secretary Cardona.
May 21, 2021	(Audio Recording) Anna Chavez gave a media interview regarding contested board elections in Chicago and around the country, saying the NSBA believes these are outliers and believes its due to heightened awareness from the pandemic.
May 24, 2021	Mr. Slaven had a logistics call with the Department of Education for the NSBA event with Secretary Cardona.
May 25, 2021	Mr. Slaven, Ms. Mellow, and Ms. Chavez had an introductory call with Cindy Marten, Deputy Secretary of Education.
June 2, 2021	Christina Flores of the Department of Education emailed a 4-minute video of Secretary Cardona thanking Dr. Garcia and Ms. Chavez that was to be shown at the NSBA's Advocacy Institute Online in the following week.
June 22, 2021	The Board of Directors received an anonymous email from nsbatruth@gmail.com claiming to be a concerned member and asking why the Board of Directors met on June 16, 2021. Ms. Chavez emailed Eileen Frazier stating she has received many requests from the Board of Directors to investigate the source of the email. They looped in counsel at Carr Maloney, asking how an investigation could be done. Mr. Slaven emailed the law firm stating that they won't take further action due to the cost. The meeting was related to an internal investigation into a staff member after an allegation was made about improper conduct.
June 28, 2021	Bianca Quilantan of Politico emailed Mr. Amos regarding parents attending school board meetings and how boards are addressing protesting parents. They agreed to a July 6 interview.
July 1, 2021	Dep. Asst. Sec. Samuel emailed NSBA requesting to start a conversation about the Department's "return to school roadmap." A Politico reporter emails Mr. Amos while working on a story about the "increase in parent activism in school board meetings." Mr. Amos emailed back on July 6, stating the NSBA is looking forward to speaking with the reporter today.
July 2, 2021	Bianca Quilantan (Politico Reporter) emailed Mr. Amos with a list of questions that will be asked during the July 6 interview. She stated that she will ask about board member burnout resulting from the pandemic and increased parent activism at local board meetings.
July 6, 2021	Mr. Slaven interviewed with Politico. Mr. Amos transcribed and recorded the interview.
July 7, 2021	Mr. Slaven and other NSBA representatives attended a Department of Education conversation.

July 7, 2021 cont.	Mr. Amos emailed Mr. Slaven “talking points” discuss threats and harassment of school board members as a large concern for Mr. Slaven’s interview with Alan Greenblatt of Stateline.
July 8, 2021	Mr. Amos emailed Mr. Slaven talking points for a US News and World Report interview and stated that he added new talking points for Mr. Slaven to consider “around the role of political operatives and pursuing a recall versus harassment and physical threats.”
July 15, 2021	Mr. Slaven gave his first report as interim executive director, indicating his focus was on providing talking points and push back on critics regarding CRT and transgender policies that are creating “hostile situations for school board members.”
July 20, 2021	Dep. Asst. Sec. Samuel emailed Mr. Slaven asking for a quick phone call on reopening schools.
July 22, 2021	Mr. Amos emailed Mr. Slaven talking points for a Stateline interview with Alan Greenblatt, indicating online and in-person threats against and harassment of board members was a concern that NSBA was hearing about from members.
July 27, 2021	Dep. Asst. Sec. Samuel emailed Mr. Slaven and offered, on behalf of the White House and Department of Education, to assist any school board in setting up youth vaccination sites at schools. Mr. Slaven responded, talking about giving a CRT messaging meeting in Utah. Ms. Samuel asked whether a meeting comprised of ten to fifteen school board members (from across the US) would benefit from an “off the record listening session on the reopening challenges.” Mr. Slaven replied that such a meeting would be helpful.
July 30, 2021	Mr. Slaven had a conference call with Dep. Asst. Sec. Samuel to discuss threats and concerns related to school board members. Mr. Slaven sent a follow up email on August 1, stating that he was glad Secretary Cardona wants to reach out to school board members. He suggested the Secretary meet with a large group of school board members who serve in leadership capacities to talk with the Secretary in a town-hall style meeting. Ms. Samuel agrees. On August 4, a town-hall plan is developed and finalized for an August 16 meeting. In the same email chain.
August 13, 2021	Serena Walker (Department of Education), Mr. Slaven, and other NSBA staff had a 15-minute call.
August 16, 2021	NSBA representatives met with Secretary Cardona in a virtual town hall meeting to discuss back-to-school challenges and the Education Department’s Return to School Roadmap. The Secretary answered questions and provided insight into a variety of challenges facing school board members. This town hall was not recorded but there are some records of communications in the meeting. One of the questions posed was by Mr. Henderson, who asked “how can you support us in [the] efforts” to overcome challenges faced by districts in their DEI efforts that serve students and are opposed by anti-CRT groups. A list of people who attended is available. As well as chat messages and questions during the meeting.
August 18, 2021	President Biden issued a memo directing the U.S. Secretary of Education to use all available tools to ensure a return to safe school environment. The directive came amid a wave of states imposing new laws and regulations preventing school districts and institutions from implementing mask mandates.

August 19, 2021	Mr. Slaven interviewed with Juan Perez of Politico about the Department of Education, Governors, mask mandates, and the forthcoming return to school.
August 24, 2021	Ms. Blane emailed Ms. Slaven with quotes from his interview with The Guardian for “ Masks off: how US school boards became ‘perfect battlegrounds for vicious culture wars’ ”. Mr. Slaven was quoted about the unprecedented engagement and anger occurring at school board meetings. Mr. Slaven also compared the circumstance to September 11, 2001, and asked whether governors intervened to stop local officials from safeguarding public meetings during that time.
August 25, 2021	A CRT statement was circulated. The statement discusses how political and ideological groups, with the backing or partisan funders, have been focusing on schools and school board meetings recently and protesting. Ms. Mellow sent edits and comments on the statement to Kathleen Vail.
August 26, 2021	Mr. Slaven participated in a virtual town hall. Secretary Cardona and Surgeon General Murphy were in attendance. Mr. Slaven shared a story told to him by Ryan White wherein a stranger at a school board meeting showed pictures of Ryan’s children not wearing masks at summer camp.
August 27, 2021	Mr. Slaven emailed Bob Wise voicing concern that “school boards are getting more popular than even [sic] with the conspiracy groups and COVID deniers.” Mr. Slaven shared Ryan White’s story and told Bob Wise that the story was recounted to Secretary Cardona on the August 26, 2021 call.
September 1, 2021	(Audio Recording) Mr. Slaven interviewed with US News and World Report. Mr. Slaven talked about abuses to board members and the genesis of the hostility. After the interview ended, Mr. Amos continued to record a private conversation between himself and Mr. Slaven., including discussion. Of behind-the-scenes conversations with the Department of Homeland Security and compared it to what Mr. Negrón did with “the department around the investigation” where he talked with an assistant secretary and stated, “this would be helpful.” They then discussed interest in the Department of Homeland Security, expressing their shared belief that something was inevitably going to happen. Finally, the two discussed the Proud Boys and law enforcement-level bulletin. [Resulting Article] .
September 7, 2021	Mr. Slaven was interviewed by a Stateline reporter about how decisions on masking had threatened the safety of school officials, including school board members. Mr. Amos emailed talking points to Mr. Slaven related to this interview.
September 8, 2021	Mr. Wilson forwarded an email to Mr. Slaven and Dr. Garcia from an OH school Superintendent with a document called “Coordinated Attacks on School Boards in Ohio and Nationwide.” The document discusses how “[s]everal far-right wing groups are currently working in concert to attack Boards of Education in Ohio and nationwide by running and training extremist candidates, lobbying ... to pass laws that ... limit curricula, and attempting to change laws to allow for expensive and burdensome recall elections.” Mr. Wilson asked whether the NSBA would do something, like a report, on the best practices to keep school board meetings and members safe and how to “oppose these folks taking control of school boards across the nation.” Mr. Wilson also indicated people had contacted him asking whether one of the groups

September 8, 2021 cont.	mentioned in the document are a part of NSBA. Mr. Slaven responded to Mr. Wilson's email stating the group was potentially infringing on NSBA's trademark and that he would ask Ms. Negrón to investigate. Mr. Slaven also stated that he had been very concerned over these issues for several weeks and likened the letter's language to events in the 90's following Waco and Ruby Ridge. Mr. Slaven then stated that he was exploring several options, including contacting the Department of Justice and/or the Department of Homeland Security to ask for a threat assessment. Mr. Wilson responded thanking Mr. Slaven for his excellent response.
	Mr. Slaven emailed Mr. Negrón about a "right wing group" called the National School Board Leadership Council that might be violating NSBA's trademark. In the email, Mr. Slaven attached the above referenced document titled "Coordinated Attacks on Ohio School Boards. He then asked Mr. Negrón to investigate and inquired into whether NSBA should consider "pursuing them legally" if the group ignored a cease-and-desist letter.
September 9, 2021 (1:13 pm)	Ms. Mellow emailed Ms. Rigsby that Mr. Slaven specifically requested that Ms. Rigsby draft a letter "for either the Attorney General or the Director of the FBI, he is not sure yet," asking for "a threat assessment of the risk to school board members and public schools in the wake of some of the confrontational tactics" being seen across the country.
(1:35 pm)	Ms. Rigsby replied to Ms. Mellow and Mr. Slaven and agreed to draft the letter, further "suggest[ing] including the Secret Service as well, given the agency's authority regarding school violence incidents."
(3:06pm)	Mr. Slaven emailed Ms. Rigsby, Mr. Forsht, Ms. Joe, Mr. Amos, Ms. Blane, Ms. Goddette, and Jinghong Cai to tell them that he was on "a last-minute call . . . with the White House" regarding President Biden's speech on the pandemic. He then related to them the information he learned during the call and asked that they start preparing a press statement.
(3:16 pm)	Mr. Slaven replied to Ms. Mellow and Ms. Rigsby agreeing to include the Secret Service. He also stated that he "just brought up the issue on this White House call. I didn't mention our planned letter, but the issue brought a lot of discussion among the small group. Ronn Nozoe with NASSP in particular jumped in." He attached a letter to Charlie Wilson's board to give a sense of what was going on.
(2:30pm-4:56pm)	Mary Wall, White House Senior Advisor to the President, sent a mass email sharing the President's COVID-19 Action Plan. Ms. Joe emailed Mr. Amos and Mr. Slaven suggesting that NSBA prepare a statement.
	NSBA staff put together a slideshow that included budget and funding information. Two slides (pp. 11-16) discuss "recent animosity against school boards" and "what we can do to stop attacks on school board members."
	The NSBA issued a statement titled "National School Boards Association Statement on Biden Plan to Stop the Delta Variant and Boost COVID-19 Vaccinations." In it, the NSBA stated: "For their hard work, school board members, superintendents, principals, teachers, and others who work in service to our students are being subjected to online and in-person threats, abuse, and harassment. This must stop . . . President Biden's plan to provide support—

September 9, 2021 cont. (5:30pm)	financial and otherwise—will allow school board members to make the necessary decisions to keep students and school staff safe.” [NSBA Website] .
	Gina Patterson, Executive Director of the Virginia School Boards Association, emailed Mr. Slaven voicing frustration that her Board gets information from competing organizations before they get it from the NSBA (alluding to the NSBA statement). Mr. Slaven responded stating that the statement needed to be released after POTUS finished the address and that he did not want to sour his relationship with the White House by releasing it prematurely.
(9:56 pm)	Ms. Wall emailed Mr. Slaven thanking him for joining their call today. She stated they should catch up “in greater depth at some point” on the school board issue, stating “[w]e’d love to do anything we can to support members making tough calls on behalf of their kids.” Mr. Slaven responded later that night thanking her for the opportunity to participate in the briefing. He then raised the issue of “the many threats school board members are receiving,” stating that anything “you can do to help us better prepare them with information and resources will certainly help.”
September 10, 2021	Ms. Mellow emailed Mr. Slaven and Ms. Rigsby with a link to “other violent things at school board meetings.”
September 11, 2021 (11:00 am)	Mr. Slaven responded to Ms. Wall’s September 9, 2021, email. He thanked her for the opportunity to participate in the briefing and expresses additional concern about “the many threats school board members are receiving. Anything that you can do to help us better prepare them with information and resources will certainly help. We appreciate what the President and Administration are doing to deal with these tough challenges.” Ms. Wall agreed to speak with him the following week.
September 12, 2021	Mr. Slaven drafted a letter to “Sally” which discusses the NSBA’s function and procedures for issuing public statements, further explaining why the NSBA statement following the President’s September 9, 2021 statement was released in the way it was.
	Mr. Slaven scheduled a call with Ms. Wall for September 14, 2021. The call occurred at 10:15am.
September 13, 2021	Ms. Rigsby scheduled a meeting from 11:00am-1:30am about the “school boards safety letter.”
September 14, 2021 (10:15am-10:45am)	Ms. Wall and Mr. Slaven discussed President Biden’s Plan to Stop the Delta Variant and Boost Covid-19 Vaccinations.
	At the quarterly OSAED Liaison meeting, Mr. Slaven gave an overview of ongoing issues and claims that he mentioned the NSBA was going to write a letter to the President requesting federal assistance.
September 16, 2021	Christine Cole, of the Crime and Justice Institute, emailed Ms. McCotter-Jacobs what appears to be an unsolicited email with strategies for de-escalating conflict at school board meetings.
	Noelle Ellerson Ng, Associate Executive Director of Advocacy & Governance of the American Association of School Administrators, emailed Mr. Slaven asking whether NSBA had any interest in a joint statement for an end to threats and violence towards school boards. Mr. Slaven agreed to issue a joint statement. Ms. Ellerson Ng then sent NSBA draft language on September 20

September 16, 2021, cont.	and NSBA proposed some edits. Mr. Slaven was removed from the email thread, and Ms. Mellow stated the parties did not need to get into CRT. Ms. Ellerson Ng tells Ms. Mellow that she spoke with Mr. Slaven about including AASA Presidents. Ms. Mellow then emailed Mr. Amos and asked, “if we do the release w/ AASA Monday/Tuesday, when would we release our letter?” Later, on September 20, 2021, Ms. Mellow sent Ms. Ellerson Ng a drafted quote.
	The National Association for Secondary School Principals (NASSP) issued a statement calling “on Federal Officials to Protect School Leaders from Threats and Violence.” An email thread indicates support from various groups including the American Federation of Teachers (AFT) and National Education Association (NEA).
	Ms. Mellow forwarded the NASSP statement to Ms. Rigsby. Ms. Rigsby replied that she was finalizing the NSBA Letter draft for Mr. Slaven and will look at the NASSP statement after.
September 17, 2021	Ms. Rigsby emailed the first draft of The Letter to Mr. Slaven and Ms. Mellow with a summary of what was included. Ms. Mellow and Mr. Slaven responded, acknowledging receipt.
	Thomas Bertrand, Executive Director of the Illinois Association of School Boards, posted a message in the Executive Directors Chat about the NASSP statement. He asked, “if there may be an opportunity to show support and empathy for our school board members across the country with something similar from NSBA,” stating the belief that “a national approach may have more impact. Mr. Slaven replied to Mr. Bertrand outlining the school board threats issue. Mr. Slaven indicated that NSBA “[was] taking a number of actions regarding calling for protection and resources to assist school board members with these threats, including a call for the President and federal government for more assistance.” Mr. Slaven then explained the forthcoming Letter and joint statement with AASA.
September 19, 2021	Mr. Slaven drafted a document about the September 14, 2021, OSAED meeting. In it, he recalled the events of the meeting and stated that he informed the participants that he discussed the issue with Ms. Wall, and notes that he was meet with displeasure at those remarks, including “eye rolling, the shaking of the head no, grimacing and frowning,” and that at least one Executive Director audibly sighed. An argument ensued with Valerie Wilson (Georgia) wherein Mr. Slaven explained NSBA’s lack of notice of the September 9, 2021, statement following President Biden’s address.
September 20, 2021	Ms. Mellow emailed a new draft of The Letter to Ms. Rigsby that included additions and edits. Ms. Rigsby then emailed a draft of the letter to Mr. Slaven incorporating Ms. Mellow’s edits.
	Ms. Ellerson Ng emailed a draft of the joint statement to Ms. Mellow. Mr. Negrón also emailed edits to Mr. Slaven, who himself makes a few minor edits. Ms. Mellow then emailed Mr. Slaven and others that she sent Mr. Negrón’s version of the statement to Ms. Ellerson Ng and made it clear it had not gotten approval yet from NSBA to go out. Mr. Slaven emailed back thanking her.
September 21, 2021	Ms. Rigsby forwarded Mr. Slaven an email containing a list of acts of violence that occurred during school board meetings, which was compiled by Jinghong Cai.

September 21, 2021, cont.	Mr. Slaven emailed the list, along with a comprehensive summary of The Letter's planned contents to Ms. Wall.
	Ms. Mellow emailed Ms. Joe, Mr. Amos, and Mr. Slaven about the AASA/NSBA Joint Statement. Ms. Mellow then circulated a version from Mr. Amos, and NSBA staff discussed the draft-statement's language. Dr. Garcia approved of the message and a finalized version is drafted.
September 22, 2021	The NSBA and AASA issued a joint statement calling for an end to threats and violence around safe school opening. [Statement] .
	Ms. Ellerson Ng replied to an email from a reporter at Education Week asking if the joint statement was a call to action to the Department of Education about acting on threats of violence. Ms. Ellerson Ng stated that asking for federal government involvement was "a recipe for disaster and not at all a role for the fed govt in school board meetings." Ms. Mellow forwarded that conversation to Mr. Slaven and stated, "I think Noelle will be surprised and likely pissed when we do our letter." Mr. Amos then emailed Ms. Mellow and Mr. Slaven recommending a response to Ms. Ellerson Ng. Ms. Mellow replied to Ms. Ellerson Ng using Mr. Amos's language, stating that Mr. Slaven had been in regular communication with the White House about the issue. Mr. Amos then forwarded these concerns to Mr. Slaven, stating that "I thought it might be helpful for you to see Noelle's comments about federal involvement in case you get push back from them about why we didn't involve them [in the letter]." Mr. Slaven responded, stating "I was pretty open w/ Noelle we were going to our own letter but this is good context."
	Ms. Rigsby emailed Mr. Slaven and Ms. Mellow with an updated version of The Letter incorporating their additions.
September 24, 2021	Mr. Slaven emailed Ms. Rigsby and states the letter is in a good place but suggests taking out the national guard language.
	Ms. Rigsby emailed a near-final embargoed copy to the staff at NSBA. Mr. Amos replied, congratulating her on the Letter and pointing out typos.
September 26, 2021	Mr. Slaven emailed the Letter to Dr. Garcia, Mr. Henderson, Ms. Swett, and Mr. Wilson. Mr. Wilson responded, stating the Letter looked fine and asking whether it should also be signed by the President as well as the CEO. Ms. Swett responded by stating the letter was good and agreeing with Mr. Wilson that Dr. Garcia should be included as a signatory. Dr. Garcia agreed. Mr. Slaven emailed all of them while responding to their comments and Mr. Slaven then emailed NSBA staff asking them to include Dr. Garcia's signature. Mr. Amos responded about signature lines on the letter, and Mr. Slaven replied, saying tomorrow or the day after is fine.
September 27, 2021	Ms. Rigsby emailed NSBA staff the most recent version of the letter.
September 28, 2021	Ms. Rigsby emailed Mr. Amos back about the proposed press release on the letter to POTUS.
	Mr. Amos emailed several reporters: • Mr. Amos emailed a reporter at Bloomberg with an embargoed copy of the Letter. Mr. Amos stated that he was giving the reporter a heads up that the Letter will be released tomorrow. [The Bloomberg reporter

	replied to Mr. Amos on September 29, stating that Bloomberg expected to have a short piece on the letter out on September 30, and a longer piece about campus harassment would be released later that day. Mr. Amos then emailed the Bloomberg reporter on September 29 with the embargoed final Letter and associated press release. • Mr. Amos emailed a reporter at the Wall Street Journal with the embargoed letter. • Mr. Amos emailed a reporter at Axios about the embargoed letter, and then asks that the story be held from publication until Thursday morning. The Axios reporter stated the story would run September 30. Mr. Amos replied that Axios can attribute the language “NSBA has been in touch w/ the WH . . .” to Mr. Slaven. Mr. Amos emailed the Axios reporter again on September 29 with the embargoed final letter and associated press release. • Mr. Amos emailed a reporter at the Associated Press on September 29, stating the NSBA ran into a speed bump on release and that the Letter was still embargoed. Mr. Amos then emailed the Associated Press reporter on September 29 with the final embargoed copy of the Letter and the associated press release. Ms. Mellow emailed Mr. Negrón with the Letter asking if he had any legal concerns about it. Ms. Rigsby emailed Mr. Amos stating that NSBA had never requested this magnitude of Federal support before. Mr. Amos emailed Mr. Negrón with a question from reporters about whether NSBA had ever requested this much help from the federal government. Mr. Amos emailed Ms. Rigsby and Ms. Mellow with other reporter questions about the PATRIOT Act and lists his suggested answers Ms. Rigsby replied with changes to his suggested answers. Mr. Amos then emailed Mr. Slaven with the suggested answers Mr. Slaven emailed back with slight edits. Mr. Amos then emailed Ms. Mellow asking if there was anything they could say in the press release about “our conversations with the WH as mentioned in the letter? I haven’t been privy to those so I’m not sure what to say.” Ms. Mellow got back to him on September 30, stating “I don’t know much more than you do about those conversations that were just Chip. I do know they asked him for examples which we included.” Ms. Mellow emailed Mr. Amos with edits to the Letter. Ms. Mellow then sent a Microsoft Teams message to Mr. Amos about high-level framing of the Letter, stating that she expected push back about federal overreach “or something stupid like that.”
September 29, 2021 (1:29pm)	Mr. Slaven emailed a copy of his draft email to the White House, including the Letter, and tells NSBA staff that they would discuss at 1:45pm.
(1:47pm)	Mr. Slaven emailed the Letter to Ms. Goddette, asking her to update the letter on the NSBA website with an updated URL.
September 29, 2021, cont.	Ms. Rigsby emailed Mr. Amos the finalized Letter. Mr. Slaven then emailed a final version to Ms. Rigsby, Mr. Amos, and Ms. Mellow stating they changed

(2:17pm)	the title of the Letter and that the White House email is almost ready and could be expected to go out very soon.
(3:00pm)	The Letter was sent to the White House via Ms. Rodríguez. Ms. Wall emailed Mr. Slaven back to thank him that the Letter was sent in advance of its release. She reiterated that the President “stands with educators who are doing right by kids-and we know they/you all need to be protected now more than ever.” Ms. Rodríguez also thanks Mr. Slaven for his leadership and stated that “we look forward to our continued work together. Mr. Slaven replied, thanking her.
(3:28pm)	Ms. Rigsby emailed Amanda Beaumont (Senate HELP Committee) with the Letter in advance of the September 30 Senate HELP Committee meeting.
(4:48pm)	Mr. Slaven, Ms. Rigsby, Ms. Mellow, Mr. Amos, and Ms. Joe exchanged emails about the CSBA’s letter to Governor Newsom, which asked for similar investigations and assistance to help protect board members.
(8:18pm)	Mr. Slaven emailed the Letter to the NSBA Board of Directors explaining that it was sent to President Biden. No Board members responded until October 1, 2021.
(8:30pm)	Mr. Slaven emailed Daniel Domenech (AASA) informing him that NSBA would release the Letter the following day and explains NSBA is asking for federal involvement.
(10:12pm)	Mr. Amos forwarded an email chain that included Ms. Ellerson Ng about the joint statement from September to provide context in case NSBA received push back from AASA about not collaborating with them on the Letter. Mr. Slaven then indicated he was very open with Ms. Ellerson Ng about the contents of the Letter.
September 30, 2021	Mr. Amos responds to a reporter from NPR; He tells her that she can talk interview Mr. Slaven about the letter later that day.
	Ms. Mellow sent the Letter to many organizations across the country. Nozoe (NASSP) responded, praising Mr. Slaven for the Letter.
	Mr. Amos forwarded the first unsolicited email sent by a citizen in response to the letter to Ms. Blane and Ms. Goddette. Ms. Blane then asked whether they should give Mr. Slaven and Dr. Garcia advanced notice that they would likely receive similar emails, and whether all of these emails should be forwarded to them.
	Mr. Amos emailed Dr. Garcia and Mr. Slaven talking points about the Letter.
October 1, 2021	Ms. Joe emailed NSBA staff directing them not to engage with unsolicited calls, emails, and social media posts they receive in response to the Letter.
	Julia Treanor, DHS Cybersecurity School Safety Task Force, emailed NSBA about the Letter to get background on NSBA’s requests within it. This was forwarded to Mr. Slaven, who was asked whether they should proceed. Mr. Amos began to “quarterback” internal response to the blowback and referred to callers as “spewing hate and chaos” while lamenting about right-wing websites. During a recording, Mr. Amos’s and Mr. Slaven’s conversation was interrupted when Randi Weingarten called to congratulate Mr. Slaven on the Letter.
October 1, 2021, cont.	Nicole Neily sent a letter in response to NSBA’s Letter to NSBA on behalf of 20 other parent organizations from around the country.

	NSBA team edited a paragraph for their newsletter that discussed not trying to silence parents.
	Beverly Slough of the NSBA Board of Directors emailed Mr. Slaven and the NSBA Board of Directors strongly objecting to the Letter being sent while making clear that the Letter should not have been sent without the approval of the Board of Directors.
	John Halkias emailed Mr. Slaven and the NSBA Board of Directors, stating the Board should have been consulted before the Letter was sent. He also discussed how the Letter made the situation worse.
October 2, 2021	Steven Chapman (NSBA Board of Directors) emailed Mr. Slaven and the Board stating that letters like the Letter should at the very least be reviewed by the executive committee. Dr. Garcia emailed Mr. Slaven and the Board thanking them for their responses. She indicates the NSBA had been engaged with the White House and Department of Education on these issues for several weeks and promises to coordinate next steps with Mr. Slaven. Janine Bay Teske emailed Mr. Slaven, Dr. Garcia, and the Board and discusses the negative wording of the Letter and how it promotes divisiveness. Dr. Garcia responded to the email chain stating that the Letter does not call parents terrorists. Mr. Slaven responded to the email chain with a long explanation that discusses sending the Letter to the Board the day before it was released, how the request to the federal government is legitimate, and about how these issues are escalating across the country.
October 4, 2022	Ms. Joe emailed NSBA staff, stating “expect for direction from [Mr. Slaven] today,” after lots of NSBA staff forward a Department of Homeland Security invitation to Mr. Slaven asking what to do in response. Ms. Joe followed up, stating that Mr. Slaven wanted Ms. Mellow, Ms. Rigsby, and Mr. Lustig to take the meeting. Ms. Joe then followed up with Mr. Slaven’s assistant stating that after talking it through with Ms. Mellow, they believe Mr. Slaven should lead the call for NSBA.
	Anthony Cole, Department of Justice Sr. Advisor to the Attorney General, emailed Mr. Slaven asking to chat in the afternoon. Mr. Slaven agreed, and the call took place “within the hour” between 3:45pm-4:45pm.
	Alivia Roberts at the Department of Justice had a conversation with Mr. Slaven about steps the Department could take to address the threats referenced in Letter. Ms. Roberts then followed up with an email. She attached the Attorney General’s Memo that would be made public later that day. Anthony Cole was also on the call. Mr. Slaven thanks them for demonstrating leadership and stated that he believes the Attorney General’s actions will make a difference.
	Attorney General Merrick Garland issued a memo with steps the Department would take in response to the Letter.
October 5, 2021	Ms. Wall emails Mr. Slaven asking for his and Dr. Garcia’s phone number.

	Mr. Negrón emailed Mr. Slaven voicing personal safety concerns in the wake of the Letter, noting a specific instance about his personal information being shared on LinkedIn.
	Mr. Slaven emailed NSBA staff and asked for edits on the FAQs they plan to release regarding the Letter. Comments and edits are visible.
October 6, 2021	Ms. Doyle emailed the NSBA Board of Directors calling for disclosure about the origins of the Letter as well as corrective action and calling for “the inept employee and anyone else that had a hand in this” Letter to be replaced.
	Mr. Slaven emailed Dr. Garcia, Frank Henderson (KS), Kristi Swett (UT), and Charlie Wilson (OH) with an article about a fight between Florida and NSBA over safety concerns. He told them “Board members have a duty of confidentiality, loyalty and obedience as part of their fiduciary duties to the org. they represent. The best interests [sic] of the association is to prevail over any individual interest even if they disagree barring an illegal action—which is not at play in this situation.” Ms. Doyle responded, suggesting Ms. Slaven send the talking points to the state association executive directors himself because she would not defend the Letter.
	Mr. Slaven sent Anthony Cole a follow-up email after their phone call. Mr. Slaven expressed happiness about the Attorney General’s announcement. He told Mr. Cole that emails and calls to NSBA are increasing and wonders if he should report them to the Alexandria Police Department or Federal Bureau of Investigation. Mr. Cole then gave Mr. Slaven resources.
	Mr. Slaven started to draft a “Timeline” of events surrounding the Letter. He emailed it to Ms. Mellow on October 19 to “check for accuracy,” and tells her he will be sharing it with the NSBA’s PR firm today.
	Ms. Samuel emailed Mr. Slaven asking how he is doing (in light of the Letter fallout). Mr. Slaven responded stating that he doesn’t like bullies. He then told an anecdote about his father and maintains that he will fight for students “against violence, threats, and anything else that interferes with an excellent education.”
October 7, 2021	Senator Charles Grassley and other members of the Senate Committee on the Judiciary send Attorney General Garland a memo related to the Letter. [Available Here] .
	Ms. Wall emailed Mr. Slaven saying, “I know I didn’t call on Tuesday, but I think Dr. Garcia got a call from someone way better than me,” alluding to The President
October 8, 2021	Mr. Lustig responded to the Department of Homeland Security’s request for information, stating that Mr. Slaven would participate along with Ms. Rigsby. NSBA requested that the Department’s Director of State and Local Affairs be present.
	Ms. Watkins-Foote (Dept. of Educ.) asked Ms. Mellow to start having 20 minute bi-weekly check ins to include Ms. Rigsby on October 7. The first meeting happens on October 8.
October 8, 2021, cont.	Mr. Slaven emailed Ms. Wall, stating that Dr. Garcia “was thrilled and said she had a wonderful conversation with the President.” Dr. Garcia was appointed by

	the Administration to the Federal Education Advisory Board on October 13, 2021.
October 10, 2021	Mr. Slaven emailed talking points about the Letter to the NSBA Board of Directors. Ms. Doyle responded that he should send it to state executive directors b/c she would not defend the Letter.
October 13, 2021	Dr. Garcia was appointed as a Board Member to the Federal Education Advisory Board. [Available Here] .
October 15, 2021	Mr. Slaven and NSBA staff attend the Department of Homeland Security's School Safety Meeting to discuss, among other types of safety, the concerns raised in the Letter. Prior, Mr. Lustig told Mr. Slaven that the Department asked to provide it with information about how to frame the Letter if it comes up during the town hall and wanted to know whether NSBA will answer questions directly during the Q&A. Mr. Slaven stated that it would be "best if we be silent listeners tomorrow." Mr. Slaven emailed Ms. Rigsby and Mr. Lustig following the meeting, stating that it went great and there were at least two NSBA Board Members there. The NSBA's counsel, Carr Maloney, sent a letter about NSBA retaining counsel to navigate the deluge of records requests associated with the Letter.
October 19, 2021	Mr. Slaven prepared a presentation for the NSBA Board of Directors about the timeline of events surrounding the Letter. Attorney General Garland is sued for allegedly violating free speech following the release of the Memo.
October 21, 2021	Mr. Slaven, Mr. Lustig, Ms. Mellow, and Ms. Rigsby participated in a call with the Department of Homeland Security Cybersecurity Division, School Safety Taskforce. Attorney General Garland testified at a Justice Department Oversight Hearing about his memo, acknowledging that he relied on the Letter as a basis for issuing his October 4 Memo. [Available Here at 01:18:14–1:22:57].
October 22, 2021	NSBA Board of Directors issued an apology over the Letter.
October 23, 2021	Mr. Slaven sent an email to Celinda Lake (of Lake Research) and told her the Board of Directors apologized yesterday over "my strong objections and it has only made things worse which is what I predicted." Mr. Amos emailed Mr. Slaven and Ms. Joe that the Oregon School Board Association posted the apology memo yesterday and that it was getting some traction.
October 26, 2021	Mr. Amos emailed Mr. Slaven and Ms. Joe, advising them that a "new news angle" had begun running in which outlets were trying to tie Dr. Garcia's nomination to the National Assessment Governing Board to an alleged quid-pro-quo for cooperation between NSBA and the Biden Administration on the Letter. Mr. Slaven responded that Dr. Garcia's nomination was in the works for months and the appointment letter came "well before the NSBA letter." Indiana's Attorney General issued a letter calling for actions to be taken by the NSBA. The Attorneys General of Alabama, Alaska, Arizona, Arkansas, Georgia, Kansas, Missouri, Montana, Oklahoma, South Carolina, and Texas were all signatories.
October 26, 2021, cont.	

October 27, 2021	The House of Representatives Committee on the Judiciary sent a memo to NSBA announcing its investigation based on factual allegations that hinted at backchanneling concerns.
	Attorney General Garland testified before the House Committee on the Judiciary. [Available Here] .
	Senator Charles Grassley and other Senators sent Attorney General Garland a follow-up requesting information discussed during his hearing. [Available Here] .
October 28, 2021	Dr. Garcia issued a follow-up to the NSBA's apology letter and sent it to NSBA Members to outline the next steps NSBA would take.
	Ms. Joe emailed Dr. Garcia's apology to NSBA staff.
	NSBA held an internal staff call to discuss responses to the Letter. During the meeting, Ms. Mellow was upset that the NSBA backed off support of the letter because of a "politically false narrative" and another staff member wanted to know if the NSBA truly meant the apology. Dr. Garcia explained the apology was to address the concerns of members and based on the crisis management team's suggestions, to step away from the "hottest terms" in the Letter.
November 12, 2021	Mr. Amos prepared Revised Board Talking Points regarding the Letter.
	Ranking Member Jordan sent Mr. Slaven a memo laying out events surrounding the Letter and asking Mr. Slaven to make himself available for an interview with the Committee. A news article outlining Ranking Member Jordan's claims was published on March 9, 2022. [Available Here] .
December 6, 2021	Senator Charles Grassley and other members of the Senate Committee on the Judiciary sent Attorney General Garland another follow-up memo. [Available Here] .
January 18, 2021	Senator Charles Grassley and other members of the Committee on the Judiciary sent Attorney General Garland another memo with email exhibits dated from October 5, 2021. [Available Here] .
January 24, 2022	Senator Tom Cotton sent a memo to Secretary Cardona. [Available Here] . The memo deals with an October 8 email from NEA (National Education Association) sent to Facebook, Twitter, and Tik Tok accusing them of spreading misinformation.

TABLE 7 – SUMMARY OF LETTER CHANGES AND DRAFTS

Date	Editor	Edits & Comments
September 9, 2021	Jane Mellow	Ms. Mellow emailed Ms. Rigsby stating that Mr. Slaven had asked that she draft a letter to “either the Attorney General or the Director of the FBI, he is not sure yet, about threats to school boards across the country.” ¹⁰¹
	Deborah Rigsby	Ms. Rigsby emailed Ms. Mellow agreeing to draft a letter and suggested including the Secret Service. ¹⁰²
	Chip Slaven	Mr. Slaven emailed Ms. Rigsby agreeing, further stating that he brought the issue up on his call to the White House and that it sparked considerable discussion. ¹⁰³
September 17, 2021	Deborah Rigsby	Ms. Rigsby emailed the initial draft of the letter to Mr. Slaven and Ms. Mellow. ¹⁰⁴
September 20, 2021	Jane Mellow	Ms. Mellow emailed a newer version of the letter ¹⁰⁵ with comments and edits: • In ¶2, Ms. Mellow commented: “Do we want to add ‘investigate’ before ‘intercept’” • In ¶3, Ms. Mellow commented: “We should all talk about this” on the line discussing the Army National Guard and Military Police deployment to school districts. • In ¶7, Ms. Mellow commented: “I’m not sure where we should include this but I want to insert something along these lines: These types of incidents are causing many school board members, most of whom are not paid, to decide to not run again. It also has the effect of causing good people who are interested in making a difference in their community choose not to engage.” • Ms. Mellow removed the language “Reportedly, this apprehension is because a number of districts may have previously revised or ordered a hiatus of contracts and memoranda of understanding with law enforcement agencies for school resource officer support and other public safety services.” • Date changed from September 17 to September 22
September 21, 2021	Chip Slaven	Mr. Slaven edited Jane Mellow and Deborah Rigsby’s draft and emailed a new version back to Deborah Rigsby ¹⁰⁶ with the following changes:

¹⁰¹ See E-mail from Jane Mellow to Deborah Rigsby (Sept. 9, 2021) (appendix exhibit 72).

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ See Letter Draft (Sept. 17, 2021) (appendix exhibit 73).

¹⁰⁵ See Letter Draft (Sept. 22, 2021) (appendix exhibit 74).

¹⁰⁶ See Letter Draft (Sept. 23, 2021) (appendix exhibit 75).

September 21, 2021, cont.		• Mr. Slaven commented on the heading: “Should we address directly to President Biden?” in lieu of “The President.” • Mr. Slaven commented at ¶8: “I need to check with Charlie and see if we can reference the letter. I am not sure if they wanted it released publicly but I am glad you included. It sends the message of how bad things are right now.” • The Date is changed to September 23. • Mr. Slaven inserted this language into ¶1: “America’s public schools and its education leaders are under an immediate threat. The National School Boards Association (NSBA) respectfully asks for immediate federal law enforcement and other assistance to deal with the growing number of threats of violence and acts of intimidation occurring [sic] across the nation.” • Mr. Slaven inserted this language into ¶2: “This propaganda continues despite the fact that critical race theory is not taught in public schools and remains a complex law school and graduate school subject well beyond the scope of a K-12 class.” • Mr. Slaven inserted this language into ¶3: “We also appreciate recent discussions with White House and Department of Education staff on many critical issues facing public schools including threats school officials are receiving.” [sic]. • Mr. Slaven edited ¶4 from “are reticent to intervene” to “need assistance including help with monitoring threat levels.” • Mr. Slaven inserted this language into ¶4: “NSBA respectfully asks that a joint collaboration among federal law enforcement agencies, state and local law enforcement [sic], and with public school officials be undertaken to focus on these threats. NSBA specifically solicits the expertise and resources of the U.S. Department of Justice, Federal Bureau of Investigation (FBI).” • Mr. Slaven inserted this language into ¶5: “in regards to domestic terrorism.” • Mr. Slaven inserted this language into ¶5: “As the threats grow and news of extremist hate organizations showing up at school board meetings are being reported, this is a critical time for a proactive approach to deal with this difficult issue.” • Mr. Slaven inserted this language into ¶8: “These threats and acts of violence are affecting our nation’s
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September 21, 2021, cont.		democracy at the very foundational levels, causing school board members – including many who are not paid – to resign immediately and/or discontinue their service after their respective terms. Further, this increasing violence is a clear and present danger to civic participation, in which other citizens who have been contemplating service as either an elected or appointed school board member have reconsidered.” • Mr. Slaven inserted this language into ¶8: “NSBA believes public discussions and transparency by local school board members are important for the safe and effective operations of schools. It is vital that public discourses be encouraged in a safe and open environment in which varying viewpoints can be offered in a peaceful manner. Our children are watching the examples of the current debates and we must encourage a positive debate even with different opinions.” [sic].
September 22, 2021	Deborah Rigsby	Ms. Rigsby emailed a newer draft of the letter to Mr. Slaven and Jane Mellow with additional edits and comments.¹⁰⁷ These included changes to footnotes as well as the following: • Ms. Rigsby commented in ¶3: “If a district and its officials have received imminent threats and have canceled contracts with local police/sheriff departments – and is experiencing threats, protests, and related disruptions and also any changes in community standard(s) – perhaps the National Guard is needed ... especially if a governor will not intervene with state law enforcement. We are already seeing punitive actions from governors over masks, thereby jeopardizing lives.” • Ms. Rigsby commented in ¶4: “This phrase may be redundant as the PATRIOT Act was enacted to protect the US domestically. Overseas surveillance, if needed, would be linked to accounts or electronic correspondence, for example, “transmitted domestically” on the “in regards to domestic terrorism” language. • Ms. Rigsby commented: ‘Plotters’ is an actual term used by the U.S. Secret Service, including in its investigations into incidents of school violence” in last paragraph over Mr. Slaven’s edit removing “plotters” in exchange for “individuals and hate groups.”

¹⁰⁷ See Letter Draft (Sept. 23, 2021) (appendix exhibit 76).

September 22, 2021, cont.		Ms. Rigsby added all citations included on the Letter in reference to specific instances of threats or harassment at school board meetings.
	Chip Slaven	Mr. Slaven commented in ¶3: “I went back and forth on this one. I think we should leave it out for now. I am concerned it could be seen as us asking for too much of a federal intervention. However, if things start to get bad, we can revisit” about the language asking for National Guard/Military Police support.
September 24, 2021	Chip Slaven	Mr. Slaven emailed the letter back to Deborah¹⁰⁸ with the following changes: - Mr. Slaven commented in ¶1: “I added this line just to reinforce the notion we still want public discourse, just not chaos.” - Mr. Slaven commented in ¶3: “I’ve reviewed this section again and think it will be seen as a federal intervention into local and state issues. School districts that have this issue should be reaching out to their Governor first who can deploy State Police. I also think this is not a widespread problem. If we leave this in it will garner a lot of attention away from the broader context. I think we leave it out and can revisit it if things turn out to be more widespread.” - Mr. Slaven commented in ¶4: “You are right Deborah but I recommend keeping it in because there is often confusion on the PATRIOT Act from the public so I thought calling it was important so there is not confusion.” - Mr. Slaven commented in ¶7: “I’m going to go ahead and take this out. I am not sure they are actively talking around this publicly and I don’t want to put them in a bad situation.” - Letter date is edited to September 27. - Mr. Slaven inserted this language in ¶1: “Local school board members want to hear from their communities on important issues and that must be at the forefront of good school board governance and pro.” - Mr. Slaven deleted this language in ¶3: “Further, in egregious circumstances and via coordination with local and state authorities, we ask that the Army National Guard and its Military Police be deployed to certain school districts and related events where students and school personnel have been subjected to acts and threats of violence.”

¹⁰⁸ See Letter Draft (Sept. 23, 2021) (appendix exhibit 77).

		• Mr. Slaven deleted this language in ¶7: “In Ohio, an individual mailed a letter to a school board member labeling the return address on the envelope from a local neighborhood association and then enclosing threatening hate mail from another entity.” • Mr. Slaven deleted this language in ¶7: “This correspondence states that, “We are coming after you and all the members on the ... BoE [Board of Education].” This hate mail continues by stating, “You are forcing them to wear mask—for no reason in this world other than control. And for that you will pay dearly.” Among other incendiaries, this same threat also calls the school board member a “filthy traitor,” implies loss of pension funds, and labels the school board as Marxist.”
September 24, 2021, cont.	Deborah Rigsby	Ms. Rigsby emailed the version with Chip Slaven’s edits to Jason Amos, who pointed out a few minor typographical mistakes. ¹⁰⁹
September 26, 2021	Chip Slaven	Mr. Slaven emailed a near finalized version of the letter to Charlie Wilson, Dr. Viola Garcia, Frank Henderson, and Kristi Swett. ¹¹⁰
	Charlie Wilson	Mr. Wilson emailed Chip Slaven with a single typographical error edit. ¹¹¹
September 27, 2021	Deborah Rigsby	Ms. Rigsby emailed the most recent draft of the letter to Chip Slaven, Jason Amos, Jane Mellow, Francisco Negrón, Renee Joe, Elena Kukanova-Carpenter, and he cc’d Lenora Johnson, Kimberly Muse, and Alesha Stuart asking for edits. This draft reflected no differences from the September 26 draft. ¹¹²
September 28, 2021	Jane Mellow	Ms. Mellow emailed Jason Amos and Deborah Rigsby pointing out the following edits via e-mail.¹¹³ • I think in the first graph we say “immediately” two times in a row. Ditch one of them. • Change “intervention” to “assistance” in the headline and first graph of the release and in the letter. • He was concerned that “intervention” would draw an immediate negative reaction among some and I think he’s right. • Can you both make those edits and send to: Chip, Jane, Deborah, Jason, Francisco.”

¹⁰⁹ See E-mail from Jason Amos to Deborah Rigsby (Sep. 29, 2021) (appendix exhibit 78).

¹¹⁰ See E-Mail from Charlie Wilson to Chip Slaven, Dr. Viola Garcia, Frank Henderson, and Kristi Swett (Sep. 26, 2021) (appendix exhibit 79).

¹¹¹ *Id.*

¹¹² See Letter Draft (Sept. 27, 2021) (appendix exhibit 80).

¹¹³ See E-mail from Jane Mellow to Jason Amos and Deborah Rigsby (Sept. 28, 2021) (appendix exhibit 81).

September 29, 2021	Jason Amos	Mr. Amos emailed Jaclyn Goddette with the following edit via e-mail: • “We just made another change. Here’s the most recent version, removing “immediate” in the second sentence: ‘The National School Boards Association (NSBA) respectfully asks for federal law enforcement...’”
September 29, 2021	Chip Slaven	Mr. Slaven emailed the finalized letter to the White House. ¹¹⁴ The only edits to this version include typo corrections and a change to the date.

¹¹⁴ See Final Letter Draft (Sept. 29, 2021) (appendix exhibit 82).

APPENDIX C



National School Boards Association
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www.nsba.org

September 29, 2021

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Re: Federal Assistance to Stop Threats and Acts of Violence Against Public Schoolchildren, Public School Board Members, and Other Public School District Officials and Educators

Dear Mr. President:

America's public schools and its education leaders are under an immediate threat. The National School Boards Association (NSBA) respectfully asks for federal law enforcement and other assistance to deal with the growing number of threats of violence and acts of intimidation occurring across the nation. Local school board members want to hear from their communities on important issues and that must be at the forefront of good school board governance and promotion of free speech. However, there also must be safeguards in place to protect public schools and dedicated education leaders as they do their jobs.

NSBA believes immediate assistance is required to protect our students, school board members, and educators who are susceptible to acts of violence affecting interstate commerce because of threats to their districts, families, and personal safety. As our school boards continue coronavirus recovery operations within their respective districts, they are also persevering against other challenges that could impede this progress in a number of communities. Coupled with attacks against school board members and educators for approving policies for masks to protect the health and safety of students and school employees, many public school officials are also facing physical threats because of propaganda purporting the false inclusion of critical race theory within classroom instruction and curricula.¹ This propaganda continues despite the fact that critical race theory is not taught in public schools and remains a complex law school and graduate school subject well beyond the scope of a K-12 class.

On behalf of our state associations and the more than 90,000 school board members who govern our country's 14,000 local public school districts educating more than 50 million schoolchildren, NSBA appreciates your leadership to end the proliferation of COVID-19 in our communities and our school districts. We also appreciate recent discussions with White House and U.S. Department of Education staff on many critical issues facing public schools, including threats school officials are receiving.

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.

In addition, we applaud your actions to restore resources to school districts that have not yet received their education stabilization funding through the Project SAFE (Supporting America's Families and Educators) grant program for coronavirus recovery efforts, including the use of face masks and other precautions to help prevent COVID-19 infections among students and educators. Now, we ask that the federal government investigate, intercept, and prevent the current threats and acts of violence against our public school officials through existing statutes, executive authority, interagency and intergovernmental task forces, and other extraordinary measures to ensure the safety of our children and educators, to protect interstate commerce, and to preserve public school infrastructure and campuses.

While local and state law enforcement agencies are working with public school officials in several communities to prevent further disruptions to educational services and school district operations, law enforcement officials in some jurisdictions need assistance – including help with monitoring the threat levels. As these threats and acts of violence have become more prevalent – during public school board meetings, via documented threats transmitted through the U.S. Postal Service, through social media and other online platforms, and around personal properties – NSBA respectfully asks that a joint collaboration among federal law enforcement agencies, state and local law enforcement, and with public school officials be undertaken to focus on these threats.² NSBA specifically solicits the expertise and resources of the U.S. Department of Justice, Federal Bureau of Investigation (FBI), U.S. Department of Homeland Security, U.S. Secret Service, and its National Threat Assessment Center³ regarding the level of risk to public schoolchildren, educators, board members, and facilities/campuses. We also request the assistance of the U.S. Postal Inspection Service to intervene against threatening letters and cyberbullying attacks that have been transmitted to students, school board members, district administrators, and other educators.

As these acts of malice, violence, and threats against public school officials have increased, the classification of these heinous actions could be the equivalent to a form of domestic terrorism and hate crimes. As such, NSBA requests a joint expedited review by the U.S. Departments of Justice, Education, and Homeland Security, along with the appropriate training, coordination, investigations, and enforcement mechanisms from the FBI, including any technical assistance necessary from, and state and local coordination with, its National Security Branch and Counterterrorism Division, as well as any other federal agency with relevant jurisdictional authority and oversight. Additionally, NSBA requests that such review examine appropriate enforceable actions against these crimes and acts of violence under the Gun-Free School Zones Act, the PATRIOT Act in regards to domestic terrorism, the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, the Violent Interference with Federally Protected Rights statute, the Conspiracy Against Rights statute, an Executive Order to enforce all applicable federal laws for the

² The Herald Editorial Board, *HeraldNet*, “Editorial: Mob’s actions at school board meeting unacceptable,” September 1, 2021, <https://www.heraldnet.com/opinion/editorial-mobs-actions-at-school-board-meeting-unacceptable/>.

³ U.S. Secret Service, National Threat Assessment Center, “Averting Targeted School Violence,” March 2021, <https://www.secretservice.gov/sites/default/files/reports/2021-03/USSS%20Averting%20Targeted%20School%20Violence.2021.03.pdf>.

protection of students and public school district personnel, and any related measure. As the threats grow and news of extremist hate organizations showing up at school board meetings is being reported, this is a critical time for a proactive approach to deal with this difficult issue.

These threats or actual acts of violence against our school districts are impacting the delivery of educational services to students and families, as many districts receive federal funds and subsidies for services to millions of students with disabilities, health screenings and supplemental supports for disadvantaged students, child nutrition, broadband connectivity, educator development, school safety activities, career and technical education, and more. School board meetings have been disrupted in California⁴, Florida⁵, Georgia⁶, and other states⁷ because of local directives for mask coverings to protect students and educators from COVID-19.

An individual was arrested in Illinois for aggravated battery and disorderly conduct during a school board meeting.⁸ During two separate school board meetings in Michigan⁹, an individual yelled a Nazi salute in protest to masking requirements, and another individual prompted the board to call a recess because of opposition to critical race theory.

⁴ Elizabeth Marie Himchak, *Poway News Chieftain/ Rancho Bernardo News Journal*, "Protesters disrupt Poway Unified board meeting, cause its adjournment," September 9, 2021, <https://www.sandiegouniontribune.com/pomerado-news/news/schools/story/2021-09-09/protesters-disrupt-poway-unified-board-meeting-force-its-ag>.

⁵ Ryan McKinnon, *Sarasota Herald-Tribune*, "Sarasota school board may limit public input after some meetings get disorderly," September 20, 2021, <https://www.heraldtribune.com/story/news/education/2021/09/20/sarasota-school-board-may-limit-public-input-after-meetings-gone-wild/8417784002/>.

⁶ Alia Malik, *The Atlanta Journal-Constitution*, "Anti-mask crowd disrupts Gwinnett school board meeting," May 21, 2021, <https://www.ajc.com/news/anti-mask-crowd-disrupts-gwinnett-school-board-meeting/IYO7R6GHJ5DTLEFCQHER7V3GBA/>

⁷ Julie Wootton-Greener, *Las Vegas Review-Journal*, "School board meeting turns contentious over COVID-19 policies," August 12, 2021, <https://www.reviewjournal.com/local/education/school-board-meeting-turns-contentious-over-covid-19-policies-2418652/>.

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WBTV-Charlotte, "Gov. Roy Cooper addresses 'threats, bullying, intimidation' at school board meetings over mask requirements," September 21, 2021, <https://www.wbvtv.com/2021/09/21/gov-roy-cooper-address-fight-against-covid-19-north-carolina/>.

⁸ WGEM, "Mendon man arrested following disruption at Unity School board meeting," September 2, 2021, <https://wgem.com/2021/09/02/mendon-man-arrested-following-disruption-at-unity-school-board-meeting/>.

⁹ Steve Neavling, *Detroit Metro Times*, "Nazi salute, insults hurled at chaotic Birmingham schools meeting over mask mandate," August 19, 2021, <https://www.metrotimes.com/news-hits/archives/2021/08/19/nazi-salute-insults-hurled-at-ruckus-birmingham-schools-meeting-over-mask-mandate>.

Kalie Marantette, *WLNS.com*, "Grand Ledge school board goes into recess due to public 'disruption,'" June 16, 2021, <https://www.wlns.com/news/grand-ledge-school-board-goes-into-recess-due-to-public-disruption/>.

In New Jersey¹⁰, Ohio¹¹, and other states¹², anti-mask proponents are inciting chaos during board meetings. In Virginia¹³, an individual was arrested, another man was ticketed for trespassing, and a third person was hurt during a school board meeting discussion distinguishing current curricula from critical race theory and regarding equity issues. In other states including Washington¹⁴, Texas¹⁵, Wisconsin¹⁶, Wyoming¹⁷, and Tennessee¹⁸, school boards have been confronted by angry mobs and forced to end meetings abruptly. A resident in Alabama, who proclaimed himself as “vaccine police,” has called school administrators while filming himself on Facebook Live.¹⁹

¹⁰ Joe Strupp, *Asbury Park Press*, “NJ mask mandate for students sparks school board disruption, suspends meeting,” August 26, 2021, <https://www.app.com/story/news/education/in-our-schools/2021/08/26/nj-school-mask-mandate-sparks-disruption-boe/5585283001/>.

¹¹ Maia Belay, Fox8, “Sheriff deputies called to tense Nordon Hills school board meeting due to mask policy,” August 31, 2021, <https://fox8.com/news/sheriff-deputies-called-to-tense-nordon-hills-school-board-meeting-due-to-mask-policy/>.

¹² Pete Bannon, *The Delaware County Daily Times*, “Mask protest brings police to Garnet Valley School Board meeting,” August 25, 2021, Updated August 26, 2021, <https://www.delcotimes.com/2021/08/25/mask-protest-brings-cops-to-garnet-valley-school-board-meeting/>.

Brenley Goertzen, Salon.com, “Anti-mask mob swarms school board meeting,” August 12, 2021, <https://www.salon.com/2021/08/12/anti-mask-mob-swarm-school-board-meeting/>.

¹³ Drew Wilder, Jackie Bensen, Andrea Swalec and NBC4 Washington Staff, NBCWashington.com, “‘The Meeting Has Degenerated’: 1 Arrest, 1 Injury at Loudoun Schools Meeting on Equity,” June 22, 2021, Updated June 23, 2021, <https://www.nbcwashington.com/news/local/northern-virginia/loudoun-school-board-transgender-student-policy-race-equity/2708185/>.

Adele Uphaus, *The Free Lance-Star*, “Unruly crowd causes Spotsylvania School Board meeting to adjourn after 13 minutes,” August 24, 2021, https://fredericksburg.com/news/local/unruly-crowd-causes-spotsylvania-school-board-meeting-to-adjourn-after-13-minutes/article_1d39b83c-fa43-5626-acca-4e2768a811de.html.

¹⁴ Emily Gilbert, *Whidbey News Times*, “Oak Harbor school board clears the room after audience shouts disrupt meeting,” August 13, 2021, <https://www.whidbeynewstimes.com/news/oak-harbor-school-board-clears-the-room-after-audience-shouts-disrupt-meeting/>.

¹⁵ Talia Richman and Brayden Garcia, *The Dallas Morning News*, “‘Critical race theory’ roils Fort Worth school board meeting as Texas braces for continued fight,” June 22, 2021, <https://www.dallasnews.com/news/education/2021/06/22/critical-race-theory-roils-fort-worth-school-board-meeting-as-texas-braces-for-continued-fight/>.

¹⁶ WBAY news staff and Jason Zimmerman, WBAY.com, “Oshkosh School Board meeting postponed after protesters disrupt it, argument breaks out,” August 25, 2021, Updated August 26, 2021, <https://www.wbay.com/2021/08/25/oshkosh-school-board-meeting-called-off-after-protesters-enter-board-members-walk-out/>.

¹⁷ Margaret Austin, Wyoming Tribune Eagle via Wyoming News Exchange, *Pinedale Roundup*, “School board meeting over COVID stopped after disruption,” August 4, 2021, <https://pinedaleroundup.com/article/school-board-meeting-over-covid-stopped-after-disruption>.

¹⁸ Jackie Delpilar, WZTV Nashville, “Anti-mask protesters show lack of empathy at recent Middle Tennessee school meetings,” September 12, 2021, <https://fox17.com/news/local/anti-mask-protesters-show-lack-of-empathy-at-recent-middle-tennessee-school-meetings>.

¹⁹ Aubrey Bailey, WHNT.com, “‘If you give one more shot, you yourself will be executed’ Alabama man tells Missouri pharmacists,” August 24, 2021, <https://whnt.com/news/alabama-news/if-you-give-one-more-shot-you-yourself-will-be-executed-alabama-man-tells-missouri-pharmacists/>.

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Other groups are posting watchlists against school boards and spreading misinformation that boards are adopting critical race theory curriculum and working to maintain online learning by haphazardly attributing it to COVID-19.²⁰

In Ohio, an individual mailed a letter to a school board member labeling the return address on the envelope from a local neighborhood association and then enclosing threatening hate mail from another entity.²¹ This correspondence states that, “We are coming after you and all the members on the ... BoE [Board of Education].” This hate mail continues by stating, “You are forcing them to wear mask—for no reason in this world other than control. And for that you will pay dearly.” Among other incendiaries, this same threat also calls the school board member a “filthy traitor,” implies loss of pension funds, and labels the school board as Marxist. Earlier this month, a student in Tennessee was mocked during a board meeting for advocating masks in schools after testifying that his grandmother, who was an educator, died because of COVID-19.²² These threats and acts of violence are affecting our nation’s democracy at the very foundational levels, causing school board members – many who are not paid – to resign immediately and/or discontinue their service after their respective terms.²³ Further, this increasing violence is a clear and present danger to civic participation, in which other citizens who have been contemplating service as either an elected or appointed school board member have reconsidered their decision.

NSBA believes public discussions and transparency by local school board members are important for the safe and effective operations of schools.²⁴ It is vital that public discourses be encouraged in a safe and open environment, in which varying viewpoints can be offered in a peaceful manner. Our children are watching the examples of the current debates and we must encourage a positive dialogue even with different opinions. However, with such acute threats and actions that are disruptive to our students’ well-being, to the safety of public school officials and personnel, and to interstate commerce, we urge the federal government’s intervention against individuals or hate groups who are targeting our schools and educators.

²⁰ Nick Surgery, *Documented*, “TPUSA launches project targeting school board members,” August 20, 2021, <https://substack.documented.net/p/tpusa-school-board-watchlist>

²¹ Lindsey Mills, WBNS, “‘Disturbing’: Worthington school board member receives threats for masks in schools,” September 21, 2021, <https://www.10tv.com/article/news/local/worthington-school-board-member-receives-threats-for-masks-in-schools/530-f3c04240-76b4-456b-aad9-8555397b5427>.

²² Kim Bellware, *The Washington Post*, “Student mocked at school board meeting after sharing that his grandmother died of covid-19,” September 10, 2021, https://www.washingtonpost.com/nation/2021/09/10/grady-knox-tennessee/?utm_campaign=wp_main&utm_medium=social&utm_source=facebook&fbclid=IwAR29rIKzLY0tz4p0yB5VJDk_n_olj5AJp6oiEvzJC1oRAYsMMMOPb8EvjY.

²³ Andy Humbles, *The Nashville Tennessean*, “Jon White resigns as Wilson County School Board member,” September 8, 2021, <https://www.tennessean.com/story/news/local/wilson/2021/09/08/jon-white-resigns-wilson-county-school-board-member/5750949001/>.

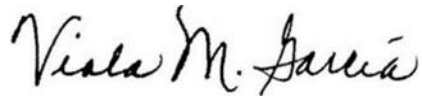
Terri Pederson, *The Daily Citizen*, “Beaver Dam school board member resigns citing safety concerns for family,” September 20, 2021, Updated September 21, 2021, https://www.wiscnews.com/bdc/news/local/education/beaver-dam-school-board-member-resigns-citing-safety-concerns-for-family/article_066fc86c-4356-5a00-9940-187e02eb7340.html.

²⁴ National School Boards Association and AASA, The School Superintendents Association, “NSBA, AASA Issue Joint Statement Calling for End to Threats and Violence Around Safe School Opening Decisions,” September 22, 2021, <https://www.nsba.org/News/2021/end-threats-violence-joint-statement>.

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NSBA is committed to working with you and your Administration as a partner to address this crisis affecting America's public schools, and greatly appreciates your prompt attention to our requests. We stand ready to work with you.

Respectfully,

Handwritten signature of Viola M. Garcia in black ink.

Viola M. Garcia, EdD
President

Handwritten signature of Chip Slaven in black ink.

Chip Slaven, Esq.
Interim Executive Director & CEO

APPENDIX D



National School Boards Association
1680 Duke St. FL2, Alexandria, VA 22314-3493
Phone: (703) 838.6722 • Fax: (703) 683.7590
www.nsba.org

MEMORANDUM

TO: NSBA Members
FROM: NSBA Board of Directors
DATE: October 22, 2021
RE: Message to NSBA Members

As you all know, there has been extensive media and other attention recently around our letter to President Biden regarding threats and acts of violence against school board members. We wanted to write to you directly to address this matter.

On behalf of NSBA, we regret and apologize for the letter. To be clear, the safety of school board members, other public school officials and educators, and students is our top priority, and there remains important work to be done on this issue. However, there was no justification for some of the language included in the letter. We should have had a better process in place to allow for consultation on a communication of this significance. We apologize also for the strain and stress this situation has caused you and your organizations.

As we've reiterated since the letter was sent, we deeply value not only the work of local school boards that make important contributions within our communities, but also the voices of parents, who should and must continue to be heard when it comes to decisions about their children's education, health, and safety.

We are going to do better going forward. We are engaged in a formal review of our processes and procedures. We will announce specific improvements soon to ensure there is improved coordination and consultation among our staff, our board, and our members across the country. The review will include not only the proceedings leading to the letter, but also other related concerns raised by members even before the letter was sent.

We will have more to share with you soon as our review continues. If you have any questions, please don't hesitate to contact us. Thank you.



The leading advocate for public education

APPENDIX E

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

JANE DOE,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Case No.:
	)	
THE LOUDOUN COUNTY	)	
SCHOOL BOARD,	)	
SCOTT ZIEGLER,	)	
MARK SMITH,	)	
TIMOTHY FLYNN,	)	
CALVIN ADAMS, and	)	
CYNTHIA McCARTHY,	)	
	)	
<i>Defendants.</i>	)	

COMPLAINT

The Plaintiff, Jane Doe, states the following for her Complaint against the **Loudoun County School Board** (the “School Board”) as well as **Scott Ziegler, Mark Smith, Timothy Flynn, Calvin Adams** and **Cynthia McCarthy** (collectively, the “Individual Defendants”), all of whom were employees of the School Board at the time of the events alleged herein:

Introduction

1. This case arises out of the rape of a 15-year-old girl with disabilities, in the girls’ restroom of a public high school, by a male student dressed in female attire.

The male was allowed to enter the girls' restroom under the policies or practices implemented by officials of the Loudoun County Public Schools ("LCPS").

2. Although promptly alerted to the crime, the Individual Defendants – all LCPS officials – responded with deliberate indifference and discriminatory purpose.¹

3. The then-LCPS Superintendent went so far as to lie to the public, falsely and brazenly denying knowledge of any restroom assault and claiming that the “predator transgender student or person simply does not exist.”

4. The Individual Defendants' deliberate indifference to the Sexual Assault exacerbated an already-hostile environment for the young girl. She soon became subject to ostracism, bullying, and another physical assault, this one carried out in the hallway of the school, with one student beating the victim while another gleefully recorded the beating with her cell phone.

5. The Defendants' discriminatory purposes included, without limitation, (i) maintaining policies or practices under which female students were denied female-only restrooms, (ii) favoring or supporting biological males who “identify” as “transgender” or “pangender” or “gender fluid” over biological females,

¹ “Deliberate indifference” as used herein means, without limitation, that Defendants' actions and inactions were “clearly unreasonable in light of known circumstances.” *Feminist Majority Foundation v. Hurley*, 911 F.3d 674, 702 (2018).

(iii) seeking to avoid criticism of, and promoting, LCPS’ policies or practices regarding male access to female restrooms, (iv) seeking to avoid criticism of, and promoting, Policy 8040, a proposal under which biological males asserting a female identity would be allowed access into girls’ restrooms, girls’ locker rooms, and girls’ sports at all Loudoun County public schools (“Policy 8040 Transgender Proposal”), and/or (v) protecting the Assailant, who dressed in female attire, from public criticism.

6. The actions and omissions of Defendants were not only wrong, they were unlawful – a violation of the Fourteenth Amendment’s guarantee of equal protection as well as a violation of Title IX.

7. Now a young woman of 19, the maltreated victim of the sexual assault and hallway beating has returned, this time as the Plaintiff, seeking justice for herself and accountability for the violations of law by those named as Defendants in this case.

JURISDICTION AND VENUE

8. This Court has jurisdiction over Jane Doe’s claims pursuant to 28 U.S.C. § 1331 because the matters in controversy arise under the laws of the United States, including the Equal Protection Clause of the Fourteenth Amendment and 20 U.S.C. § 1681 (Title IX).

9. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because one or more Defendants resides within this Court’s judicial district and because a substantial part of the events and omissions giving rise to the claims occurred within this district.

PARTIES

10. Plaintiff Jane Doe is now 19-years old and resides in Loudoun County, Virginia.

11. Defendant School Board is the public-school board that is responsible for overseeing the operation and management of the public education system of the LCPS, including but not limited to Stone Bridge High School (“Stone Bridge”).

12. The **School Board** is a recipient of federal financial assistance within the meaning of 20 U.S.C. § 1681 (a) so as to make the School Board subject to the anti-discrimination provisions of that statute.

13. Defendant **Scott Ziegler** was, at the time of the events alleged herein, the LCPS Superintendent and, as such, he was a state actor for purposes of 42 U.S.C. § 1983 and the Equal Protection Clause of the Fourteenth Amendment. **Ziegler** is sued in his individual capacity.

14. Defendant **Mark Smith** was, at the time of the events alleged herein, the LCPS Chief of Staff and Title IX Coordinator, and he reported directly to the LCPS Superintendent, **Zigler. Smith** was a state actor for purposes of 42 U.S.C.

§ 1983 and the Equal Protection Clause of the Fourteenth Amendment. **Smith** is sued in his individual capacity.

15. Defendant **Timothy Flynn** was, at the time of the events alleged herein, the principal of Stone Bridge, one of the schools operated by LCPS and, as such, he was a state actor for purposes of 42 U.S.C. § 1983 and the Equal Protection Clause of the Fourteenth Amendment. **Flynn** is sued in his individual capacity.

16. Defendant **Calvin Adams** was, at the time of the events alleged herein, the vice principal of Stone Bridge having responsibility for the section of the student body that included Jane Doe and, as such, he was a state actor for purposes of 42 U.S.C. § 1983 and the Equal Protection Clause of the Fourteenth Amendment. **Adams** is sued in his individual capacity.

17. Defendant **Cynthia McCarthy** was, at the time of the events alleged herein, a counselor at Stone Bridge and, as such, she was a state actor for purposes of 42 U.S.C. § 1983 and the Equal Protection Clause of the Fourteenth Amendment. **McCarthy** is sued in her individual capacity.

The Sexual Assault on Jane Doe

18. In May of 2021, Jane Doe was a 15-year-old girl in the 9th grade at Stone Bridge.

19. During her time at Stone Bridge, Jane Doe was a student with disabilities within the meaning of federal and state law. Her disabilities, as

recognized by LCPS, included emotional disability and “other health impairment” including a diagnosis of Postural Orthostatic Tachycardia Syndrome (POTS) and other debilitating physical conditions.

20. These disabilities were included in an Individualized Education Program (“IEP”) for Jane Doe.

21. In May of 2021, Jane Doe required hospitalization related to her emotional disability and returned to school on May 20, 2021.

22. Before Stone Bridge officials allowed Jane Doe to return to school, they conferred with Jane Doe’s parents on the morning of May 20 to discuss what support Jane Doe would require. School officials participating in the call included, among others, the school psychologist, **Adams**, and **McCarthy**.

23. At the time of that call, the participating school officials, including **Adams** and **McCarthy**, were aware that Jane Doe was a student with disabilities as reflected in her IEP, and knew that Jane Doe was having difficulties related to her emotional disability. They assured Jane Doe’s parents that Jane Doe’s wellbeing was a priority for the school, and that they would personally work to make sure she was safe on campus.

24. They failed to keep their promise.

25. On May 28, 2021, while Jane Doe was in a weakened state due to her disabilities, she was attacked, anally raped, and orally sodomized, in a girls’

restroom stall at Stone Bridge, by a male student dressed in female attire (the “Sexual Assault” and the “Assailant”).

26. While the Sexual Assault was in progress, an employee of Stone Bridge entered the girls’ restroom and witnessed two pair of feet under the door of the restroom stall but, pursuant to policies or practices at Stone Bridge, took no action.

27. Later, the Assailant was found guilty of sexual battery and forcible sodomy against Jane Doe (date of conviction: October 25, 2021).

28. At the time of the Sexual Assault, the policies of the School Board included Policy 1040, which stated in part: “Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics, including, but not limited to socioeconomic level, sexual orientation, perceived sexual orientation, gender identity, or gender expression.”

29. At the time of the Sexual Assault, whether by the application of Policy 1040 or otherwise, it was the policy or practice at Stone Bridge and other LCPS high schools, to allow male students dressed in female attire to enter girls’ restrooms without consequence.

30. Defendants, among others, were responsible for originating, implementing and/or administering this policy or practice.

The Immediate Aftermath of the Sexual Assault

31. Jane Doe promptly reported the Sexual Assault (including the identity of the Assailant) to Defendant **Adams** (vice principal), who referred her to the school nurse.

32. Jane Doe explained the incident to the school nurse, who recorded, among other things: “Student states that she was penetrated anally.”

33. After Jane Doe spoke with the school nurse, **Adams** placed her in his office with Defendant **McCarthy** (counselor), where she was not allowed to leave.

34. Jane Doe’s report of the Sexual Assault was promptly communicated to all Defendants.

35. Shortly after Jane Doe reported the Sexual Assault, and on the same day, a staff member at Stone Bridge called Jane Doe’s mother (“Sally Doe”) informing her that Jane Doe had been “beat up” by a boy in a girls’ restroom. During the call, the staff member did not advise Sally Doe that her daughter had been assaulted sexually, thereby failing to disclose the true nature of the incident.

36. On information and belief, the staff member’s failure to disclose the true nature of the incident was part of the effort by various Defendants to minimize and downplay the Sexual Assault.

37. When Sally Doe arrived at Stone Bridge, she found Jane Doe in the office of Defendant **Adams**, alone with Defendant **McCarthy**.

38. When Sally Doe tried to find out what had happened to her daughter, she was told by **McCarthy**: “Shh... We can’t talk about it.” (or words to that effect).

39. Despite **McCarthy**’s attempt to prevent such discovery, Sally Doe persisted and asked her daughter a series of one-word questions: “Physical?” “Sexual?” “Penetration?” By these three questions and her daughter’s affirmative response to each question, Sally Doe was able to learn what **McCarthy** had wanted to conceal: that Jane Doe had been sexually assaulted.

40. **McCarthy** tried to change the subject, bizarrely asking Sally Doe and Jane Doe about their summer plans and refusing to address the assault or to discuss any protective measures to ensure Jane Doe’s safety.

41. On information and belief, **McCarthy**’s attempt to prevent Sally Doe from discovering what happened to Jane Doe – and **McCarthy**’s efforts to avoid discussion of the crime – were animated by a desire to minimize and downplay the event in order to further one or more of the discriminatory purposes alleged herein.

42. **McCarthy**’s attempt to prevent Sally Doe from discovering what happened to Jane Doe – and **McCarthy**’s efforts to avoid discussion of the crime – constitute deliberate indifference to the Sexual Assault in that these actions and inactions were clearly unreasonable in light of known circumstances.

43. After Sally Doe received the call from the Stone Bridge staff member and while en route to the school, Sally Doe called Jane Doe’s father, John Doe, and

let him know what the staff member had told her.

44. Following the call from Sally Doe, John Doe came to Stone Bridge and, using the visitor's intercom, introduced himself and explained his purpose in coming. Despite the urgency of the situation, he was told by a school employee over the intercom that he was not allowed to enter because he did not show his ID.

45. Upon being refused entry, John Doe called Sally Doe and told her he was not allowed to enter, and Sally Doe told him that their daughter was the victim of a sexual assault.

46. Sally Doe then asked **McCarthy** to go outside and assist John Doe in his efforts to enter the school. **McCarthy** left the office; however, upon information and belief, she did not assist John Doe. **McCarthy** never returned to the office where Jane Doe and Sally Doe were waiting.

47. Upon learning of the Sexual Assault and being refused entry into the school, John Doe began banging on the door and demanding entry.

48. In response to John Doe's demand to enter, the school resource officer opened the door and, at John Doe's insistence, escorted him to the school office.

49. Confronting **Flynn** in the school office, John Doe loudly questioned why the Sheriff's Office had not been called, why an ambulance had not been called, and why he could not take his daughter to the hospital. **Flynn** offered no explanation.

50. **Flynn's** failure to notify law enforcement about the crime or to call an ambulance or to facilitate John Doe's desire to take Jane Doe to the hospital constitute deliberate indifference to the Sexual Assault in that these actions and inactions were clearly unreasonable in light of known circumstances.

51. On information and belief, **Flynn** was animated by a desire to minimize and downplay the event in order to further one or more of the discriminatory purposes alleged herein.

52. While in the school office, John Doe became so upset about the school's inaction that he allegedly "caused an incident," which resulted in someone in the office calling the Loudoun County Sheriff's Office to come to the school to deal with John Doe, but not to investigate the Sexual Assault.

53. On information and belief, the call to the Sheriff's Office was made at the direction of **Flynn** or **Adams**.

54. At about this same time, **Flynn** contacted the Superintendent's office about getting a "no trespass letter" against John Doe and told the Superintendent's Office that a student "alleges that another student **attempted** to rape her in the bathroom today." Emphasis added.

55. By portraying the allegation as an "attempted rape" rather than an actual rape (as recorded, for example, by the school nurse), **Flynn** sought to downplay the incident.

56. For **Flynn** to downplay the incident constituted deliberate indifference in that his action was clearly unreasonable in light of known circumstances.

57. That same afternoon, in response to the information conveyed by **Flynn**, the LCPS chief operating officer arrived at Stone Bridge and talked with **Flynn** about the Sexual Assault.

58. At 3:30 that same afternoon, the LCPS chief operating officer, sent an email to **Ziegler** and other senior staff, stating in full:

The incident at SBHS is related to policy 8040. I will send a Teams appointment from 3:30 to 5:00 and will log in now and offer an update if you want to log in between now and then.

Emphasis added.

59. Policy 8040 referred to a proposal developed and/or supported by **Ziegler** under which biological males asserting a female identity would be allowed access into girls' restrooms, girls' locker rooms, and girls' sports at all Loudoun County public schools (the "Policy 8040 Transgender Proposal").

60. Six people joined the Teams meeting, including **Ziegler** and **Flynn**.

61. On information and belief, the result of the meeting was a decision by **Ziegler** and **Flynn** to downplay (or to continue downplaying) the Sexual Assault in order to further one or more of the discriminatory purposes alleged herein.

62. At this point, Jane Doe was lying on the floor in **Adams'** office, where she had been confined for over two hours without any Defendant providing her any assistance.

63. When Loudoun County Sheriff Deputies arrived at Stone Bridge, they spoke with John Doe, who was waiting for them outside the building.

64. After assessing the situation, the Sheriff's Deputies provided Jane Doe and her parents the assistance they needed in reporting the crime and obtaining immediate medical attention, which was in marked contrast with the actions and inactions of Defendants **Flynn, Adams** and **McCarthy**.

65. Loudoun County Sheriff Deputies escorted Jane Doe and her parents from Stone Bridge to the Sheriff's Office to meet with the Special Victims Unit (SVU). An SVU officer then escorted Jane Doe and her parents to the Loudoun Child Advisory Center at Cornwall Inova Hospital, where Jane Doe was interviewed and handed over her clothes and cell phone.

66. Later that night, an SVU officer came to the Doe residence and swabbed Jane Doe's face and teeth.

67. The next morning, May 29, 2021, Jane Doe returned to the hospital where a full rape kit exam was performed.

68. Meanwhile, on May 28, 2021, after the Teams meeting, Defendant **Flynn** emailed a statement to parents of Stone Bridge students, commenting on the presence of law enforcement personnel on campus that day.

69. The email, which had been edited and approved by **Ziegler**, failed to mention the Sexual Assault and told parents that students at the school were safe, even though Jane Doe had been raped and even though the Assailant had been at-large in the school building for several hours thereafter.

70. In his Ziegler-approved email, **Flynn** said:

“Good evening Stone Bridge families, this is Stone Bridge Principal Tim Flynn. There was an incident in the main office area today that required the Loudoun County Sheriffs Office to dispatch deputies to Stone Bridge. The incident was confined to the main office and the entrance area to the school. **There was no threat to the safety of the student body** ... Students might have noticed Sheriffs Office personnel on campus and I wanted to let you know that something out of the ordinary happened at school today. The safety of our students and staff is the top priority of Loudoun County Public Schools.

Emphasis added.

71. That same afternoon, **Ziegler** sent an email to members of the Loudoun County School Board wherein he advised them of (i) Jane Doe’s allegation of a sexual assault by a male student in the restroom, and (ii) the “disruption” caused by John Doe at the school.

72. In the same email, **Ziegler** stated: “The school’s counseling team is providing services for students who witnessed the parent’s behavior.”

73. By contrast, Ziegler’s email did not indicate that the school’s counseling team was providing any services to Jane Doe, who had just been sexually assaulted, a far more traumatic event; and, in fact, neither Defendants nor anyone else at LCPS ever offered such services to Jane Doe.

74. The Sexual Assault occurred on the Friday before Memorial Day. When school resumed the following Tuesday, June 1, one or more Individual Defendants, including but not necessarily limited to **Flynn** and **Adams**, allowed the Assailant to return to Stone Bridge.

75. While at Stone Bridge on June 1, the Assailant spent time on his computer deleting conversations-and potential evidence-from Discord.

76. On information and belief, Defendants **Flynn** and **Adams** took no steps to prevent such deletions.

77. Under the student code of conduct published by LCPS for the 2020-21 school year, sexual assault is grounds for expulsion; however, on information and belief, LCPS imposed no discipline on the Assailant as a result of the Sexual Assault.

78. Shortly before the beginning of the following school year (2021-22), LCPS transferred the Assailant to another LCPS high school, Broad Run; however, the transfer was not due to any effort by Defendants to protect Jane Doe or discipline

the Assailant. Instead, the transfer was the result of a court order prohibiting the Assailant from returning to Stone Bridge.

79. On information and belief, the Defendants responsible for the failure to impose discipline on the Assailant included, without limitation, **Ziegler, Flynn, and Adams.**

80. At the time Defendants decided not to impose discipline on the Assailant, Defendants knew or should have known that the Sexual Assault on Jane Doe was not the first time the Assailant had engaged in serious sexual misconduct against a female student.

81. After the Sexual Assault on Jane Doe, and while at Broad Run, the Assailant abducted and sexually assaulted a female student in an empty classroom at Broad Run on October 6, 2021.

82. On October 7, 2021, members of the School Board were informed, at Ziegler's direction, about the incident at Broad Run.

83. Continuing his deliberate indifference to the Sexual Assault on Jane Doe, **Ziegler** failed to tell the members of the School Board that the student who assaulted the female student at Broad Run was the same student who assaulted Jane Doe. Instead, members of the School Board had to learn that key fact by reading an article published by the *Daily Wire* on October 11, 2021.

84. By failing to impose discipline on the Assailant, Defendants failed to take reasonable action to prevent the Assailant from engaging in additional sexual harassment, including sexual assaults.

85. On June 1, 2021, Jane Doe returned to school after law enforcement assured John Doe and Sally Doe that a safety plan was in place for Jane Doe; however, law enforcement had been misinformed. Upon arriving at school, Sally Doe learned that there was no safety plan to protect Jane Doe from further harm at Stone Bridge and that the Assailant was in attendance at school that day. Sally Doe and Jane Doe observed the Assailant walking in the hall at Stone Bridge,

86. Instead of providing a safety plan, school officials at Stone Bridge imposed restrictions on Jane Doe by placing her in a room separated from her classmates and not allowing her to attend her regular classes. Because Jane Doe was scheduled to make an important presentation in her drama class, school officials' decision to keep her from her classes caused Jane Doe considerable stress.

87. After a discussion with Jane Doe, Sally Doe, and John Doe in front of the school, school officials refused to allow Jane Doe to return to her classes. This resulted in Jane Doe being unable to participate in educational activities, including attending her drama class, where she was scheduled to make an important presentation.

88. The failure to provide a safety plan, and the imposition of restrictions on Jane Doe, were the result of deliberate indifference by Defendants, including but not necessarily limited to **Flynn** and **Adams**.

89. The imposition of restrictions on Jane Doe's participation in regular school activities deprived Jane Doe of educational opportunities and benefits.

90. On June 2, 2021, Jane Doe was admitted to the hospital for two weeks as a result of the physical, mental, and emotional trauma she suffered because of the Sexual Assault and the deliberate indifference of Defendants, including but not necessarily limited to **Flynn**, **Adams**, and **McCarthy**.

91. On or before June 2, one or more Defendants, including but not necessarily limited to **Flynn**, banned John Doe from returning to Stone Bridge.

92. Over the next several weeks, neither Jane Doe nor her parents received any communication from any Defendants or from any other representative of LCPS.

The Official Cover-Up

93. At a meeting of the Loudoun County School Board on June 22, 2021 (the "June 22 Meeting"), one item of discussion was a proposal to enlarge and formalize the LCPS transgender policies. The proposal, formally known as Policy 8040, would allow biological males asserting a female identity to have access into

girls' restrooms, girls' locker rooms, and girls' sports at all Loudoun County public schools.

94. At the time of the June 22 Meeting, Defendant **Ziegler**, then Superintendent of LCPS, knew that Jane Doe had been sexually assaulted in the girls' restroom at Stone Bridge by a male dressed in female attire.

95. **Ziegler's** knowledge of the Sexual Assault is shown, for example, by his participation in the May 28, 2021 Teams meeting (*see supra* at ¶¶ 58-60) and by the fact that, after the Teams meeting, **Ziegler** emailed each member of the Loudoun County School Board notifying them of the Sexual Assault (*see supra* at ¶ 71).

96. Even so, at the June 22 Meeting, **Ziegler** brazenly lied by publicly stating: "To my knowledge, ***we don't have any record of assaults occurring in our restrooms.*** ...I think it's important to keep our perspective on this, we've heard it several times tonight from our public speakers but the predator transgender student or person simply does not exist." (Emphasis added).

97. **Ziegler** lied in order to further one or more of the discriminatory purposes alleged herein, including but not limited to avoiding criticism of, and promoting, the Policy 8040 Transgender Proposal and protecting the Assailant, who dressed in female attire, from public criticism.

98. **Ziegler's** lie was, in effect, an official denial that Jane Doe had been sexually assaulted in a girls' restroom at Stone Bridge.

99. By falsely telling the public that there had been no restroom assault, **Ziegler** sent a message to LCPS employees, including but not limited to the other Defendants, that the Sexual Assault on Jane Doe was to be downplayed.

100. **Ziegler's** lie provided other employees of LCPS, including the other Defendants, with official ratification of their efforts to minimize the Sexual Assault, signaled that employees of LCPS should continue to minimize the Sexual Assault, and constituted deliberate indifference.

101. By falsely telling the public that there had been no restroom assault, **Ziegler** sent a message to all who knew about Jane Doe's allegation, including her fellow students, that she was not truthful and had falsely accused the Assailant.

102. Defendant **Ziegler's** deliberate indifference to the Sexual Assault is further shown by the fact that LCPS failed to take appropriate action to discipline the Assailant or to protect other female students from the Assailant.

103. Defendants' deliberate indifference to the Sexual Assault is further shown by the fact that LCPS offered school counseling services to students who witnessed John Doe's angry words in the school office on May 28, but never offered counseling services to Jane Doe, who had been sexually assaulted in the girls' restroom the same day.

104. Defendants' deliberate indifference to the Sexual Assault is further shown by the fact that Defendants and other LCPS employees failed to take

remedial, supportive measures to provide Jane Doe a safe school environment after the Sexual Assault.

The Failure to Conduct a Threat Assessment

105. As a matter of reason, common sense, applicable law, LCPS Policy 8290 and LCPS Regulation 8290, Defendants, including but not necessarily limited to **Flynn**, should have convened a threat assessment team promptly after the Sexual Assault to assess the threat posed by the Assailant. But no one did so.

106. The failure to convene a threat assessment team and to assess the threat posed by the Assailant constituted deliberate indifference by Defendants, including but not necessarily limited to **Flynn**.

The Failure to Provide Information and Support

107. As a matter of reason, common sense, and applicable law, policy and/or regulation, Defendants, including but not necessarily limited to **Smith** (the LCPS Title IX Coordinator), **Flynn**, and **Adams**, should have contacted Jane Doe and her parents promptly after the Sexual Assault to discuss the availability and need for supportive measures and explain the process for filing a complaint. But no one did so.

108. The failure to discuss the availability and need for supportive measures and explain the process for filing a complaint constituted deliberate indifference by

Defendants, including but not necessarily limited to **Smith, Flynn, and Adams**, and was clearly unreasonable in light of known circumstances.

The Failure to Investigate

109. As a matter of reason, common sense, and applicable law, policy and/or regulation, Defendants, including but not necessarily limited to **Smith**, should have investigated the Sexual Assault promptly after being notified that Jane Doe had reported the crime to LCPS.

110. In an August 2021 email chain with Douglas Fulton, the Director of School Administration at LCPS (and the only LCPS official who seemed to care about what happened to Jane Doe), Fulton asked **Smith** if he had started an investigation into the Sexual Assault.

111. Specifically, Fulton wrote to **Smith**: “The [Assailant’s] mom has shared that her son was charged. Have we started a Title IX investigation? The incident occurred last May.”

112. **Smith** had, in fact, not started an investigation and, in an email, he defended his inaction by stating (i) that he was “still operating from an allegation of an **attempted** sexual assault” and (ii) that “attempted” assaults are “not under Title IX.” Emphasis added.

113. **Smith's** explanation was doubly false because (i) the allegation by Jane Doe was that the Assailant had, in fact, sexual assaulted her, not merely that he had "attempted" to do so, and (ii) under Title IX, even reports of "attempted" sexual assaults require an investigation.

114. Unable to make any progress with **Smith** regarding an investigation of the Sexual Assault, the director of school administration spoke directly with **Ziegler** shortly before the beginning of the 2021-22 school year and explained the need for a Title IX investigation into the Sexual Assault

115. Upon information and belief, **Ziegler** was dismissive of the concerns expressed by director of school administration and, in response to those concerns, **Ziegler** did not require **Smith** or anyone else to undertake a Title IX investigation, thereby showing deliberate indifference to the Sexual Assault.

116. On September 17, 2021, director of school administration emailed **Ziegler** and others, and again explained the need to conduct a Title IX investigation into the Sexual Assault; however, on information and belief, **Zeigler** was again dismissive of the concerns expressed by director of school administration and, in response to those concerns, **Ziegler** did not require **Smith** or anyone else to undertake a Title IX investigation, thereby showing deliberate indifference to the Sexual Assault.

117. LCPS did not begin a Title IX investigation of the Sexual Assault until October 19, 2021, nearly five months after the incident occurred and only after the Assailant sexually assaulted a student at Broad Run, the high school to which he had been transferred by LCPS.

118. LCPS did not conclude its Title IX investigation of the Sexual Assault until April 26, 2022, more than six months after the investigation began.

119. The normal time for LCPS to conclude a Title IX investigation is 60 days.

120. The delay in beginning and concluding the investigation was the result of the deliberate indifference of one or more Defendants, including but not necessarily limited to **Ziegler** and **Smith**.

Additional Facts Regarding Deliberate Indifference

121. On October 15, 2021, **Ziegler** admitted that he and other Defendants failed to protect Jane Doe, saying:

To the families and students involved: My heart aches for you, and I am sorry that we failed to provide the safe, welcoming and affirming environment that we aspire to provide.

122. Despite his admission and apology, Ziegler continued to misrepresent the actions of LCPS.

We acknowledge and share in your pain and will continue to offer you support to help your families through the trauma.

123. At the time of **Zeigler's** October 15, 2021 statement, neither **Zeigler** nor any other Defendant had ever offered Jane Doe or her family support related to the Sexual Assault, nor did they do so after **Zeigler's** October 15, 2021 statement.

124. By claiming that LCPS had offered Jane Doe and her family assistance, **Zeigler** acknowledged that such assistance was necessary under the circumstances. And, by failing to ensure that such assistance was provided to Jane Doe and her family, **Zeigler** again showed deliberate indifference to the Sexual Assault.

125. LCPS is required by law to report disciplinary incidents to the Virginia Department of Education; however, on information and belief, LCPS failed to make a timely report of the Sexual Assault. One or more Defendants, including but not necessarily limited to **Zeigler**, is responsible for that failure.

126. The failure by one or more Defendants, including but not necessarily limited to **Zeigler**, to report the Sexual Assault to the Virginia Department of Education constituted deliberate indifference and was clearly unreasonable in light of known circumstances.

The 2021-22 School Year

127. In the early weeks of the 2021-22 school year, Jane Doe was subjected to adverse treatment by other students at Stone Bridge, including ostracism, bullying and physical assault.

128. A substantial contributing factor in the ostracism, bullying and physical assault was the mistaken belief among some students at Stone Bridge that Jane Doe was lying about the Sexual Assault.

129. **Ziegler's** lie that there had been no restroom assault contributed to this mistaken belief, as did the failure by Defendants to impose any discipline on the Assailant.

130. On August 26, 2021, the first day of the 2021-22 school year, Jane Doe received a written threat of physical violence in a text message from another Stone Bridge student ("Student X"). Student X identified herself in the text message.

131. Given her disabilities, Jane Doe was particularly vulnerable to physical attacks in that her ability to protect herself was diminished.

132. Jane Doe's mother, Sally Doe, reported this threat to school officials at Stone Bridge and spoke about the threat, by phone, with **Adams**.

133. During her call with **Adams**, Sally Doe asked for protection for Jane Doe and asked **Adams** what he was going to do to protect her.

134. **Adams** never gave Sally Doe a clear response to her question and terminated the call due to a fire drill but promised to get back to Jane Doe. He never did.

135. In response to the threats against Jane Doe, LCPS changed Jane Doe's academic schedule, rather than that of the perpetrator of the threats, which was materially adverse to Jane Doe's educational opportunities and benefits.

136. **Adams'** response to the threat against Jane Doe by Student X was deliberate indifference.

137. On September 8, 2021, Student X and Student Y conspired to physically assault Jane Doe and did, in fact, assault her in the hallway at Stone Bridge, with Student Y attacking Jane Doe, without provocation, while Student X made a video recording of the attack.

138. Shortly thereafter, Student X posted the video of the attack on the internet.

139. As the result of the beating in the hallway at Stone Bridge, Jane Doe was caused to suffer physical pain and injury as well as emotional distress and mental anguish.

140. As the result of the distribution of the video of the beating, Jane Doe was caused to suffer additional emotional distress and mental anguish.

141. Despite multiple complaints by Jane Doe and her family, LCPS allowed other students to create a retaliatory hostile educational environment for Jane Doe that was severe and pervasive.

142. The actions and inactions of the Defendants caused Jane Doe to undergo harassment and subjected her to verbal and physical abuse by her peers for reporting her sexual assault and otherwise opposing the retaliatory mistreatment to which she was subjected as a result of the Defendants' deliberate indifference.

COUNT I

Discrimination by the School Board in Violation of Title IX

143. Jane Doe incorporates by reference all preceding paragraphs as if set out fully herein.

144. Count I is brought under 20 U.S.C. § 1681 (Title IX).

145. By its policy or practice under which female students were denied female-only restrooms, the School Board discriminated against female students, including Jane Doe, in violation of the School Board's obligations under 20 U.S.C. § 1681.

146. By its policy or practice of allowing male students dressed in female attire to enter girls' restrooms, the School Board discriminated against female students, including Jane Doe, in violation of the School Board's obligations under 20 U.S.C. § 1681.

147. By its policy or practice of allowing male students dressed in female attire to enter girls' restrooms, the School Board created a sexually hostile

environment for female students, including Jane Doe, in violation of the School Board's obligations under 20 U.S.C. § 1681.

148. As the direct, foreseeable and proximate result of the School Board's policy or practice of allowing male students dressed in female attire to enter girls' restrooms, the Assailant was able to enter the girls' restroom at Stone Bridge on May 28, 2021, and commit the Sexual Assault against Jane Doe.

149. The **School Board's** violation of 20 U.S.C. § 1681, as alleged herein, deprived Jane Doe of a safe school environment and her right to an education.

150. The **School Board's** violation of 20 U.S.C. § 1681, as alleged herein, deprived Jane Doe of educational opportunities and benefits provided by LCPS.

151. The **School Board's** violation of 20 U.S.C. § 1681, as alleged herein, caused Jane Doe of suffer a loss of educational opportunities and benefits, along with injuries, damages, and losses, including, but not limited to physical injury and medical expenses arising therefrom.

COUNT II

Discrimination by the Individual Defendants in Violation of the Equal Protection Clause

152. Jane Doe incorporates by reference all preceding paragraphs as if set out fully herein.

153. Count II is brought under 42 U.S.C. § 1983 and the Equal Protection Clause of the Fourteenth Amendment.

154. For purposes of the allegations set forth herein, all Individual Defendants are state actors under 42 U.S.C. § 1983 and the Equal Protection Clause of the Fourteenth Amendment.

155. The Sexual Assault upon Jane Doe by the Assailant constituted discriminatory peer harassment.

156. Jane Doe promptly reported the Sexual Assault to the school administrators and each of the Individual Defendants was made aware of the Sexual Assault and had actual knowledge thereof.

157. Each of the Individual Defendants is a school administrator, and each responded to the Sexual Assault with deliberate indifference.

158. “Deliberate indifference” as used herein means, without limitation, that Defendants’ actions and inactions were “clearly unreasonable in light of known circumstances.” *Feminist Majority Foundation v. Hurley*, 911 F.3d 674, 702 (2018).

159. Each of the Individual Defendants had the authority and ability to investigate and address the Sexual Assault or to cause the Sexual Assault to be investigated and addressed.

160. For each of the Individual Defendants, their deliberate indifference was motivated by a discriminatory intent, said intent being shown, *inter alia*, by their acts and omissions downplaying the Sexual Assault.

161. The Individual Defendants' acts and omissions downplaying the Sexual Assault and otherwise showing discriminatory intent include, without limitation, the allegations set forth above, which are highlighted below:

- a. Maintaining a school environment where sexual assaults were likely to occur by implementing policies or practices under which a male student dressed in female attire was allowed to enter the girls' restroom;
- b. Maintaining a school environment where sexual assaults were likely to occur by implementing policies or practices under which school employees who saw two pairs of feet under the door of a stall in the girls' restroom did not make any inquiry into what was happening;
- c. Failing to immediately notify Jane Doe's parents that their daughter had been sexually assaulted;
- d. Attempting to prevent and avoid discussion of the Sexual Assault when Sally Doe arrived at the school and asked her daughter what had happened;

- e. Failing to make a reasonable effort to locate the Assailant after being notified of the Sexual Assault;
- f. Failing to make a prompt report of the Sexual Assault to the Sheriff's Office;
- g. Failing to summon an ambulance or other appropriate medical responder for Jane Doe after being notified about the Sexual Assault;
- h. Sending an email to Stone Bridge parents on the day of the assault to "explain" the presence of law enforcement at the school while failing to disclose that a sexual assault had occurred and falsely stating or implying that there had been no threat to students;
- i. Failing to provide any meaningful help or support to Jane Doe on the day she reported the sexual assault or upon her return to school the next school day;
- j. Failing to provide Jane Doe with accommodations that would permit her to continue her education in a safe environment;
- k. Failing to inform Jane Doe or her parents that she was entitled to accommodations to help her deal with her trauma and stay on track academically;

- l. Failing to take adequate disciplinary action against the Assailant;
- m. Failing to offer school counseling services to Jane Doe, even though school counseling services were offered to students who witnessed John Doe's angry words in the school office on May 28, 2021.
- n. Failing to notify Jane Doe or her parents of their rights under Title IX, including the right to file a complaint against the school;
- o. Failure to conduct a threat assessment of the Assailant;
- p. Failure to timely initiate and complete a Title IX investigation of the Sexual Assault;
- q. Failing to promptly report the Sexual Assault to the Virginia Department of Education;
- r. Publicly lying by falsely denying knowledge of any restroom assault and claiming that the "predator transgender student or person simply does not exist."
- s. Failing to inform the School Board that the student who assaulted the female student at Broad Run was the same student who assaulted Jane Doe;
- t. Failing to protect Jane Doe from further bullying and assault that was severe, pervasive, and objectively offensive.

- u. Failing to create, implement, distribute, and enforce sexual harassment policies and procedures in compliance with the legal requirements of Title IX.

162. In their actions and inactions with respect to the Sexual Assault, the Individual Defendants acted with a discriminatory purpose.

163. The Individual Defendants' discriminatory purpose included, without limitation, (i) maintaining policies or practices under which female students were denied female-only restrooms, (ii) favoring or supporting biological males who "identify" as "transgender" or "pangender" or "gender fluid" over biological females, (iii) seeking to avoid criticism of, and promoting, LCPS' policies or practices regarding male access to female restrooms, (iv) seeking to avoid criticism of, and promoting Policy 8040 Transgender Proposal, and/or (v) protecting the Assailant, who dressed in female attire, from public criticism.

164. Individual Defendants' deliberate indifference to the Sexual Assault created a hostile educational environment for Jane Doe based on her sex.

165. Individual Defendants' deliberate indifference to the Sexual Assault deprived Jane Doe of a safe school environment and her right to an education.

166. Individual Defendants' deliberate indifference to the Sexual Assault deprived Jane Doe of educational opportunities and benefits provided by LCPS.

167. Individual Defendants' deliberate indifference to the Sexual Assault caused Jane Doe to suffer a loss of educational opportunities and benefits, along with injuries, damages, and losses, including, but not limited to emotional distress, fear, anxiety, physical injury, and expenses for past and future medical and psychological care.

REQUESTED RELIEF

WHEREFORE, the Plaintiff respectfully prays that this Court:

ON COUNT I

1. Enter judgment against the **School Board** and in favor of Jane Doe for the School Board's violation of 20 U.S.C. § 1681;
2. Award a monetary judgment against the **School Board**, and in favor of Jane Doe, representing compensatory damages in an amount to be established at trial;
3. In the alternative to awarding compensatory damages, award a monetary judgment against the **School Board**, and in favor of Jane Doe, representing nominal damages;
4. Award Jane Doe pre-judgment and post-judgment interest;
5. Award Jane Doe her court costs and expenses, including attorneys' fees, pursuant to 42 U.S.C. § 1988(b); and
6. Grant such other relief as this Court deems just and proper

ON COUNT II

7. Enter judgment against all Individual Defendants and in favor of Jane Doe on her claim of discrimination under 42 U.S.C. § 1983 and the Equal Protection Clause;
8. Award a monetary judgment against all Individual Defendants, jointly and severally, and in favor of Jane Doe, representing compensatory damages in an amount to be established at trial,
9. In the alternative to awarding compensatory damages, award a monetary judgment against all Individual Defendants, jointly and severally, and in favor of Jane Doe, representing nominal damages;
10. Award a monetary judgment against all Individual Defendants, jointly and severally, and in favor of Jane Doe, representing punitive damages in an amount to be established at trial;
11. Award Jane Doe pre-judgment and post-judgment interest;
12. Award Jane Doe her court costs and expenses, including attorneys' fees, pursuant to 42 U.S.C. § 1988(b); and
13. Grant such other relief as this Court deems just and proper.

TRIAL BY JURY IS DEMANDED

Respectfully submitted,

JANE DOE

By: /s/ Wm. H. Hurd
Counsel

William H. Hurd
(VSB # 16967)
Annemarie DiNardo Cleary
(VSB # 28704)
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Jane Doe

(b) County of Residence of First Listed Plaintiff Loudoun
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
William H. Hurd
Annemarie DiNardo Cleary
(see attached)

DEFENDANTS

The Loudoun County School Board, Scott Ziegler, Mark Smith, Timothy Flynn, Calvin Adams, Cynthia McCarthy

County of Residence of First Listed Defendant Loudoun
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 1983, 20 U.S.C. 1681
Brief description of cause:
See attached

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ See attached CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Brinkema

DOCKET NUMBER 1:23-cv-1358

DATE

SIGNATURE OF ATTORNEY OF RECORD

Oct 24, 2025

/s/ Wm. H. Hurd (VSB # 16967)

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Civil Cover Sheet

Attachment

Doe v. Loudoun County School Board, et al.

Answer to Question I re Plaintiff's Attorneys

William H. Hurd
Annemarie DiNardo Cleary
ECKERT SEAMANS CHERIN & MELLOTT
919 E. Main Street, Suite 1300
Richmond, VA 23219
804-788-7740

Answer to Question VI re Brief Description of Cause

This case arises out of the rape of a 15-year-old girl with disabilities, in the girls' restroom of a public high school, by a male student dressed in female attire. The male was allowed to enter the girls' restroom under the policies or practices implemented by officials of the Loudoun County Public Schools ("LCPS"). Although promptly alerted to the crime, the Individual Defendants – all LCPS officials – responded with deliberate indifference and discriminatory purpose.

Answer to Question VII re Amount of Demand

To be determined at trial

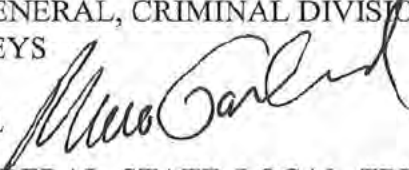
APPENDIX F



Office of the Attorney General
Washington, D. C. 20530

October 4, 2021

MEMORANDUM FOR 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.

APPENDIX G

From: "Chambers, Kevin (ODAG)" <[REDACTED]>
To: "Braden, Myesha (ODAG)" <[REDACTED]>
Cc: "Nguyen, Eric (ODAG)" <[REDACTED]> "Thiemann, Robyn (ODAG)" <[REDACTED]>

Subject: RE: [EXTERNAL] RE:

Date: Mon, 27 Sep 2021 15:39:55 -0400

Importance: Normal

Embedded: [EXTERNAL]_FW:_safety_issues_for_school_boards,_principals,_school_staff

I spoke to Ephraim. Unclear exactly what he needs, but wants to know what DOJ can do/say to respond to a spate of threats against school boards, administrators, etc. He raised the same concern that I did, which is that this seems mostly state/local.

I don't think we should be making statements promising to use our resources to combat misconduct when we don't have enforcement authority. But I may not be thinking creatively enough. For example, one report mentions the Proud Boys and another mentions the use of Nazi salutes (presumably to intimidate). Do these, by themselves, have some federal dimension?

Myesha, do you want to link up tomorrow to discuss?

From: Nguyen, Eric (ODAG) <[REDACTED]>
Sent: Monday, September 27, 2021 3:00 PM
To: Chambers, Kevin (ODAG) <[REDACTED]>
Cc: Braden, Myesha (ODAG) <[REDACTED]> Thiemann, Robyn (ODAG) <[REDACTED]>
Subject: RE: [EXTERNAL] RE:

WHCO just pinged me again on whether someone could call back today. Ephraim's number is [REDACTED]

From: Nguyen, Eric (ODAG)
Sent: Monday, September 27, 2021 2:05 PM
To: Chambers, Kevin (ODAG) <[REDACTED]>
Cc: Braden, Myesha (ODAG) <[REDACTED]> Thiemann, Robyn (ODAG) <[REDACTED]>
Subject: RE: [EXTERNAL] RE:

Robyn and I have a meeting with the DAG in that window, but no need for us to be involved – we were just making the connection.

From: Chambers, Kevin (ODAG) <[REDACTED]>
Sent: Monday, September 27, 2021 1:59 PM
To: Nguyen, Eric (ODAG) <[REDACTED]>
Cc: Braden, Myesha (ODAG) <[REDACTED]> Thiemann, Robyn (ODAG) <[REDACTED]>
Subject: RE: [EXTERNAL] RE:

[ODAG]

I'm free today 315 to 4p in this window. Some openings tomorrow as well.

From: McDowell, Ephraim A. EOP/WHO <[REDACTED]>

Sent: Monday, September 27, 2021 8:34 AM

To: Nguyen, Eric (ODAG) <[REDACTED]>

Cc: Chambers, Kevin (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]>

Thiemann, Robyn (ODAG) <[REDACTED]>

Subject: RE: [EXTERNAL] RE:

Thanks, Eric. Kevin and Myesha – do you have any availability for a quick call this afternoon, so that I can explain the inquiry here? I'm currently free between 2-4 if anything in that window might work.

From: Nguyen, Eric (ODAG) <[REDACTED]>

Sent: Friday, September 24, 2021 7:05 PM

To: McDowell, Ephraim A. EOP/WHO <[REDACTED]>

Cc: Chambers, Kevin (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]>

Thiemann, Robyn (ODAG) <[REDACTED]>

Subject: Re: [EXTERNAL] RE:

Thanks, Ephraim. I'm copying my colleagues Kevin Chambers and Myesha Braden, who may be able to better address questions on this.

On Sep 24, 2021, at 6:33 PM, McDowell, Ephraim A. EOP/WHO <[REDACTED]> wrote:

Hey – Just wanted to follow up on this school threats issue to see if you have any ideas. Can we touch base on Monday?

From: McDowell, Ephraim A. EOP/WHO

Sent: Wednesday, September 22, 2021 10:59 AM

To: Nguyen, Eric (ODAG) <[REDACTED]>

Subject: FW:

From: Wall, Mary C. EOP/WHO

Sent: Tuesday, September 21, 2021 11:31 PM

To: McDowell, Ephraim A. EOP/WHO <[REDACTED]> Bains, Chiraag EOP/WHO

<[REDACTED]> Tracey-Mooney, Maureen EOP/WHO <[REDACTED]>

McKinney, Jessica A. EOP/WHO <[REDACTED]> Knackstedt, Kimberly M. EOP/WHO

<[REDACTED]> Shah, Reema B. EOP/WHO <[REDACTED]>

Subject: RE: safety issues for school boards, principals, school staff

Hi all – for our huddle at 930am – attaching everything I have from the school boards association, and the junior high/high school principal association re: safety concerns and what they're calling on us to do

From: Chip Slaven <[REDACTED]>

Sent: Tuesday, September 21, 2021 11:27 PM

To: Wall, Mary C. EOP/WHO <[REDACTED]>

Subject: [EXTERNAL] RE: examples

Hi Mary,

Thanks for letting me know about your meeting tomorrow. I am glad to hear of the interest level. We want to prepare you with as much information as possible.

Attached please find an internal NSBA document detailing some of the publicly available information concerning threats to school board members and disruptions of meetings. We used this document as a reference point to help draft the letter we plan to send. It is about two weeks old and there have been numerous new issues since then, but this should give you an idea of what school boards are facing. In addition to this summary, I have also been personally informed about several incidents that are very concerning that I will share with you. In West Virginia, an individual showed up at a school board meeting and displayed pictures of a board members young children taken at a camp in which they were not wearing masks. The individual had gone on to the school board members personal Facebook page and captured the images of his children. In Ohio, one school board has been facing large crowds attempting to block entry into meetings, screaming and sometimes spitting at the members, and keying their cars. That same board has also received a letter sent with a fake address claiming they would be coming after the board and will make them pay dearly. The threat was nonspecific, but you get the idea of what is happening. There are also reports of Proud Boys showing up at various school board meetings and teaming up with anti-maskers, Qanon followers now considering running for school board elections and becoming more interested in school boards, and general levels of hostility around mask wearing and political issues such as debate over critical race theory which is not actually taught in any public school. Misinformation and social media fueled by national groups and extremists are driving much of the debate as well as partisan politics. School board elections are generally nonpartisan and locally driven. This seems like a test drive for issues during the upcoming national campaigns. I would not be surprised if there are intentional social media campaigns from foreign powers or other bad operators also popping up like what happened during the 2016 election.

I want to help you with your meeting tomorrow so I am providing some bullets below that I hope will be useful to you. Please bear in mind the letter is not final yet and we are still vetting through our legal team as well as our officers. But I can tell you that the areas for consideration I am interested in terms of federal requests and/or recommendations are below. I think our goals are the same so we want to offer as much information to you as we can in advance. Please just don't consider them formal until our official letter comes. There could be changes or modifications tomorrow, but our interest is in the following areas:

- NSBA would like to see a joint collaboration among federal law enforcement agencies, state and local law enforcement, and public school officials to focus on the threats to public schools and how to deal with them.
- NSBA is interested in getting the assistance and resources of the U.S. Department of Justice, Federal Bureau of Investigation (FBI), U.S. Department of Homeland Security, U.S. Secret Service, and its National Threat Assessment Center regarding the level of risk to public schoolchildren, educators, board members, and facilities/campuses. We would also like to see the assistance of the U.S. Postal Inspection Service to intervene against threatening letters and cyberbullying attacks that have been transmitted to students, school board members, district administrators, and other educators.
- NSBA is considering requesting a joint expedited review by the U.S. Departments of Justice, Education, and Homeland Security, along with the appropriate training, coordination, investigations, and enforcement mechanisms from the Federal Bureau of Investigation (FBI), including any technical assistance necessary from, and state and local coordination with, its National Security Branch and Counterterrorism Division, as well as any other federal agency with relevant jurisdictional authority and oversight.
- Additionally, NSBA is interested in a review of appropriate enforceable actions against these crimes and acts of violence under the Gun-Free School Zones Act, the PATRIOT Act in regards to domestic terrorism, Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, Violent Interference with Federally Protected Rights statute, Conspiracy Against Rights statute, an Executive Order to enforce all applicable federal laws for the protection of students and public school district personnel, and any related measure.

The letter will go into greater detail and will also contain additional clarity and examples of incidents school board members are facing. Many of the examples that will be cited are from the attached internal document.

Please let me know if you have any questions and/or comments. Our members need a strong stance and leadership from NSBA so that is what I am hoping to do with the letter. My hope is this just the beginning of additional collaboration. We very much want to be part of the solution going forward and work with you.

Thanks again for your leadership,
Chip

From: "Nguyen, Eric (ODAG)" <[REDACTED]>
To: "Singh, Anita M. (ODAG)" <[REDACTED]> "Braden, Myesha (ODAG)"
<[REDACTED]> "Thiemann, Robyn (ODAG)"
<[REDACTED]>

Subject: FW: [EXTERNAL] FW:

Date: Wed, 22 Sep 2021 11:23:27 -0400

Importance: Normal

Attachments: Internal_NSBA_Summary_on_School_Board_Disruption.docx

Embedded: [EXTERNAL] Heads_up:_NASSP_Calls_on_Federal_Officials_to_Protect_School_Leaders_from_Threats_and_Violence

I have not looked closely at these materials, but WHCO said it has gotten questions about what role if any DOJ could play in addressing COVID-related threats in schools (understanding that this may be largely a state/local or Department of Education issue). Is there a good POC here for this issue?

-Eric

From: McDowell, Ephraim A. EOP/WHO <[REDACTED]>
Sent: Wednesday, September 22, 2021 11:00 AM
To: Nguyen, Eric (ODAG) <[REDACTED]>
Subject: [EXTERNAL] FW:

From: Wall, Mary C. EOP/WHO
Sent: Tuesday, September 21, 2021 11:31 PM
To: McDowell, Ephraim A. EOP/WHO <[REDACTED]> Bains, Chiraag EOP/WHO
<[REDACTED]> Tracey-Mooney, Maureen EOP/WHO <[REDACTED]>
McKinney, Jessica A. EOP/WHO <[REDACTED]> Knackstedt, Kimberly M. EOP/WHO
<[REDACTED]> Shah, Reema B. EOP/WHO <[REDACTED]>
Subject: RE: safety issues for school boards, principals, school staff

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From: Chip Slaven <[REDACTED]>
Sent: Tuesday, September 21, 2021 11:27 PM
To: Wall, Mary C. EOP/WHO <[REDACTED]>
Subject: [EXTERNAL] RE: examples

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I want to help you with your meeting tomorrow so I am providing some bullets below that I hope will be useful to you. Please bear in mind the letter is not final yet and we are still vetting through our legal team as well as our officers. But I can tell you that the areas for consideration I am interested in terms of federal requests and/or recommendations are below. I think our goals are the same so we want to offer as much information to you as we can in advance. Please just don't consider them formal until our official letter comes. There could be changes or modifications tomorrow, but our interest is in the following areas:

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Thanks again for your leadership,
Chip

From: "Braden, Myesha (ODAG)" <[REDACTED]>

To: "Nguyen, Eric (ODAG)" <[REDACTED]>

Subject: RE: [EXTERNAL] FW:

Date: Fri, 24 Sep 2021 10:34:53 -0400

Importance: Normal

Has Kevin responded to this chain? CRT and OJP equities here are limited.

From: Nguyen, Eric (ODAG) <[REDACTED]>

Sent: Friday, September 24, 2021 10:07 AM

To: Braden, Myesha (ODAG) <[REDACTED]> Singh, Anita M. (ODAG) <[REDACTED]>

Thiemann, Robyn (ODAG) <[REDACTED]> Chambers, Kevin (ODAG) <[REDACTED]>

Subject: RE: [EXTERNAL] FW:

Sorry to circle back. Kevin, Myesha – OK if we connect you with WHCO to talk about this issue of violence/threats in schools?

From: Nguyen, Eric (ODAG)

Sent: Thursday, September 23, 2021 12:13 PM

To: Braden, Myesha (ODAG) <[REDACTED]> Singh, Anita M. (ODAG) <[REDACTED]>

Thiemann, Robyn (ODAG) <[REDACTED]> Chambers, Kevin (ODAG) <[REDACTED]>

Subject: RE: [EXTERNAL] FW:

+ Kevin. Got it. Let me know if I can put one of you in touch with WHCO just to close the loop or otherwise follow up?

From: Braden, Myesha (ODAG) <[REDACTED]>

Sent: Thursday, September 23, 2021 11:20 AM

To: Nguyen, Eric (ODAG) <[REDACTED]> Singh, Anita M. (ODAG) <[REDACTED]> Thiemann,

Robyn (ODAG) <[REDACTED]>

Subject: RE: [EXTERNAL] FW:

Hi, Eric.

This beast is a hybrid between threats to election workers and domestic terrorism; public officials being threatened for executing governmental mandates. It seems CRM, NSD and FBI might be the best to weigh-in. The only possible angle from my end is OJP and COPS, whose crowd control and mass violence grant and technical assistance programming can cover this issue.

Best,

Myesha

From: Nguyen, Eric (ODAG) <[REDACTED]>

Sent: Thursday, September 23, 2021 10:45 AM

To: Singh, Anita M. (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]>

Thiemann, Robyn (ODAG) <[REDACTED]>

Subject: RE: [EXTERNAL] FW:

Just circling back. Myesha – is this something you'd want to connect with WHCO on (to the extent there are questions about DOJ resources for school disruption – not sure if this is something wrapped up in SROs, DOJ grants, etc.)?

From: Nguyen, Eric (ODAG)

Sent: Wednesday, September 22, 2021 11:23 AM

To: Singh, Anita M. (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]>

Thiemann, Robyn (ODAG) <[REDACTED]>

Subject: FW: [EXTERNAL] FW:

I have not looked closely at these materials, but WHCO said it has gotten questions about what role if any DOJ could play in addressing COVID-related threats in schools (understanding that this may be largely a state/local or Department of Education issue). Is there a good POC here for this issue?

-Eric

From: McDowell, Ephraim A. EOP/WHO <[REDACTED]>

Sent: Wednesday, September 22, 2021 11:00 AM

To: Nguyen, Eric (ODAG) <[REDACTED]>

Subject: [EXTERNAL] FW:

From: Wall, Mary C. EOP/WHO

Sent: Tuesday, September 21, 2021 11:31 PM

To: McDowell, Ephraim A. EOP/WHO <[REDACTED]> Bains, Chiraag EOP/WHO

<[REDACTED]> Tracey-Mooney, Maureen EOP/WHO <[REDACTED]>

McKinney, Jessica A. EOP/WHO <[REDACTED]> Knackstedt, Kimberly M. EOP/WHO

<[REDACTED]> Shah, Reema B. EOP/WHO <[REDACTED]>

Subject: RE: safety issues for school boards, principals, school staff

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Thanks again for your leadership,
Chip

From: "Robyn.Thiemann [REDACTED]" <[REDACTED]>

To: "Nguyen, Eric (ODAG)" <[REDACTED]>

Subject: Re: [EXTERNAL] RE:

Date: Sat, 25 Sep 2021 07:11:07 -0400

Importance: Normal

At this point, I think you send the original email to Anita, explain that Iris believes it is out of her lane, Myesha doesn't see a role for OJP, and Kevin thinks it is a local issue. We haven't heard from Rush yet, but it may make sense for her to assign a POC to work with the WH. This is ridiculous.

On Sep 24, 2021, at 11:51 PM, Nguyen, Eric (ODAG) [REDACTED] wrote:

Begin forwarded message:

From: "Lan, Iris (ODAG)" [REDACTED]

Date: September 24, 2021 at 11:12:47 PM EDT

To: "Nguyen, Eric (ODAG)" [REDACTED]

Subject: Re: [EXTERNAL] RE:

Just FYI - David Newman covers FBI Nat Sec and NSD. The below appears outside my lanes.

Draft//Deliberative//Pre-Decisional

On Sep 24, 2021, at 11:03 PM, Nguyen, Eric (ODAG) [REDACTED] wrote:

(NSD)

On Sep 24, 2021, at 11:02 PM, Nguyen, Eric (ODAG) [REDACTED] wrote:

+ Iris and Rush for any FBI or NSC equities

On Sep 24, 2021, at 10:34 PM, Nguyen, Eric (ODAG) [REDACTED] wrote:

I think it will help WHCO to have explained the issue and then gotten DOJ's reaction as to any role DOJ could play or what it could say about the issue, even if it is largely a state/local one (or largely a non-DOJ one to the extent it implicates federal interests). Touching base quickly with WHCO on the front end might make sense. It mentioned this in the context of an unrelated discussion, so we said we'd try to loop the right people.

On Sep 24, 2021, at 9:49 PM, Chambers, Kevin (ODAG) [REDACTED] wrote:

[ODAG ONLY]

Happy to discuss, though I don't know the context.

At first blush, this strikes me as state/local in character. Though, in saying that, I don't mean to take away from their very real concerns. Available in slots on Mon/Tue if further discussion/background warranted.

From: Nguyen, Eric (ODAG) <[REDACTED]>
Sent: Friday, September 24, 2021 7:05 PM
To: McDowell, Ephraim A. EOP/WHO <[REDACTED]>
Cc: Chambers, Kevin (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]>
Thiemann, Robyn (ODAG) <[REDACTED]>
Subject: Re: [EXTERNAL] RE:

Thanks, Ephraim. I'm copying my colleagues Kevin Chambers and Myesha Braden, who may be able to better address questions on this.

On Sep 24, 2021, at 6:33 PM, McDowell, Ephraim A. EOP/WHO <[REDACTED]> wrote:

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Subject: FW:

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Shah, Reema B. EOP/WHO <[REDACTED]>
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Thanks again for your leadership,
Chip

From: "McDowell, Ephraim A. EOP/WHO" <[REDACTED]>
To: "Nguyen, Eric (ODAG)" <[REDACTED]>
Cc: "Chambers, Kevin (ODAG)" <[REDACTED]> "Braden, Myesha (ODAG)" <[REDACTED]>
"Thiemann, Robyn (ODAG)" <[REDACTED]>

Subject: RE: [EXTERNAL] RE:

Date: Mon, 27 Sep 2021 08:34:03 -0400

Importance: Normal

Thanks, Eric. Kevin and Myesha – do you have any availability for a quick call this afternoon, so that I can explain the inquiry here? I'm currently free between 2-4 if anything in that window might work.

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To: McDowell, Ephraim A. EOP/WHO <[REDACTED]>
Cc: Chambers, Kevin (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]>
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Subject: Re: [EXTERNAL] RE:

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Sent: Wednesday, September 22, 2021 10:59 AM
To: Nguyen, Eric (ODAG) <[REDACTED]>
Subject: FW:

From: Wall, Mary C. EOP/WHO
Sent: Tuesday, September 21, 2021 11:31 PM
To: McDowell, Ephraim A. EOP/WHO <[REDACTED]> Bains, Chiraag EOP/WHO <[REDACTED]>
Tracey-Mooney, Maureen EOP/WHO <[REDACTED]>
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Subject: RE: safety issues for school boards, principals, school staff

Hi all – for our huddle at 930am – attaching everything I have from the school boards association, and the junior high/high school principal association re: safety concerns and what they're calling on us to do

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To: "Chambers, Kevin (ODAG)" <[REDACTED]>

Subject: [EXTERNAL] FW: safety issues for school boards, principals, school staff

Date: Mon, 27 Sep 2021 15:31:46 -0400

Importance: Normal

Attachments: Internal_NSBA_Summary_on_School_Board_Disruption.docx

Embedded: Re: Time to chat;

[EXTERNAL] Heads up: NASSP Calls on Federal Officials to Protect School Leaders from Threats and Violence

Kevin – Thanks for chatting. This is the info that WH policymakers sent to me about the school safety issue. Let me know if you have any thoughts/ideas about next steps.

Best,
Ephraim

From: Wall, Mary C. EOP/WHO

Sent: Tuesday, September 21, 2021 11:31 PM

To: McDowell, Ephraim A. EOP/WHO <[REDACTED]> Bains, Chiraag EOP/WHO

<[REDACTED]> Tracey-Mooney, Maureen EOP/WHO <[REDACTED]>

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From: "Braden, Myesha (ODAG)" <[REDACTED]>
To: "Chambers, Kevin (ODAG)" <[REDACTED]>
Cc: "Nguyen, Eric (ODAG)" <[REDACTED]> "Thiemann, Robyn (ODAG)" <[REDACTED]>

Subject: RE: [EXTERNAL] RE:

Date: Mon, 27 Sep 2021 16:10:19 -0400

Importance: Normal

Happy to link-up. But you can be a Proudboy and/or Nazi salute all day long if you don't do so while or relatedly before doing something that violates a person's constitutional rights. The constitutional right part is what appears to be missing from this picture.

From: Chambers, Kevin (ODAG) <[REDACTED]>
Sent: Monday, September 27, 2021 3:40 PM
To: Braden, Myesha (ODAG) <[REDACTED]>
Cc: Nguyen, Eric (ODAG) <[REDACTED]> Thiemann, Robyn (ODAG) <[REDACTED]>
Subject: RE: [EXTERNAL] RE:

I spoke to Ephraim. Unclear exactly what he needs, but wants to know what DOJ can do/say to respond to a spate of threats against school boards, administrators, etc. He raised the same concern that I did, which is that this seems mostly state/local.

I don't think we should be making statements promising to use our resources to combat misconduct when we don't have enforcement authority. But I may not be thinking creatively enough. For example, one report mentions the Proud Boys and another mentions the use of Nazi salutes (presumably to intimidate). Do these, by themselves, have some federal dimension?

Myesha, do you want to link up tomorrow to discuss?

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Sent: Monday, September 27, 2021 3:00 PM
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Cc: Braden, Myesha (ODAG) <[REDACTED]> Thiemann, Robyn (ODAG) <[REDACTED]>
Subject: RE: [EXTERNAL] RE:

WHCO just pinged me again on whether someone could call back today. Ephraim's number is [REDACTED]

From: Nguyen, Eric (ODAG)
Sent: Monday, September 27, 2021 2:05 PM
To: Chambers, Kevin (ODAG) <[REDACTED]>
Cc: Braden, Myesha (ODAG) <[REDACTED]> Thiemann, Robyn (ODAG) <[REDACTED]>
Subject: RE: [EXTERNAL] RE:

Robyn and I have a meeting with the DAG in that window, but no need for us to be involved – we were just making the connection.

From: Chambers, Kevin (ODAG) <[REDACTED]>
Sent: Monday, September 27, 2021 1:59 PM
To: Nguyen, Eric (ODAG) <[REDACTED]>
Cc: Braden, Myesha (ODAG) <[REDACTED]> Thiemann, Robyn (ODAG) <[REDACTED]>
Subject: RE: [EXTERNAL] RE:

[ODAG]

I'm free today 315 to 4p in this window. Some openings tomorrow as well.

From: McDowell, Ephraim A. EOP/WHO <[REDACTED]>
Sent: Monday, September 27, 2021 8:34 AM
To: Nguyen, Eric (ODAG) <[REDACTED]>
Cc: Chambers, Kevin (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]>
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Subject: FW:

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Tracey-Mooney, Maureen EOP/WHO <[REDACTED]>
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Shah, Reema B. EOP/WHO <[REDACTED]>
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To: "[REDACTED] (CRT)" <[REDACTED]> "[REDACTED] (CRT)"

Cc: "Sooknanan, Sparkle (OASG)" <[REDACTED]>

Subject: FW: [EXTERNAL] FW:

Date: Mon, 27 Sep 2021 15:01:46 -0400

Importance: Normal

Attachments: Internal_NSBA_Summary_on_School_Board_Disruption.docx

Embedded: [EXTERNAL] Heads_up:_NASSP_Calls_on_Federal_Officials_to_Protect_School_Leaders_from_Threats_and_Violence

Hi, [REDACTED] and [REDACTED].

Just verifying that this would not fall under CRT, since it involves the behavior of parents at school board meetings, and not the actual education of children. It seems more related to the election threats work CRM is doing, but please let me know if I've missed something.

Thanks,

Myesha

From: Nguyen, Eric (ODAG) <[REDACTED]>

Sent: Wednesday, September 22, 2021 11:23 AM

To: Singh, Anita M. (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]>

Thiemann, Robyn (ODAG) <[REDACTED]>

Subject: FW: [EXTERNAL] FW:

I have not looked closely at these materials, but WHCO said it has gotten questions about what role if any DOJ could play in addressing COVID-related threats in schools (understanding that this may be largely a state/local or Department of Education issue). Is there a good POC here for this issue?

-Eric

From: McDowell, Ephraim A. EOP/WHO <[REDACTED]>

Sent: Wednesday, September 22, 2021 11:00 AM

To: Nguyen, Eric (ODAG) <[REDACTED]>

Subject: [EXTERNAL] FW:

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<[REDACTED]> Tracey-Mooney, Maureen EOP/WHO <[REDACTED]>

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- NSBA is interested in getting the assistance and resources of the U.S. Department of Justice, Federal Bureau of Investigation (FBI), U.S. Department of Homeland Security, U.S. Secret Service, and its National Threat Assessment Center regarding the level of risk to public schoolchildren, educators, board members, and facilities/campuses. We would also like to see the assistance of the U.S. Postal Inspection Service to intervene against threatening letters and cyberbullying attacks that have been transmitted to students, school board members, district administrators, and other educators.
- NSBA is considering requesting a joint expedited review by the U.S. Departments of Justice, Education, and Homeland Security, along with the appropriate training, coordination, investigations, and enforcement mechanisms from the Federal Bureau of Investigation (FBI), including any technical assistance necessary from, and state and local coordination with, its National Security Branch and Counterterrorism Division, as well as any other federal agency with relevant jurisdictional authority and oversight.

- Additionally, NSBA is interested in a review of appropriate enforceable actions against these crimes and acts of violence under the Gun-Free School Zones Act, the PATRIOT Act in regards to domestic terrorism, Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, Violent Interference with Federally Protected Rights statute, Conspiracy Against Rights statute, an Executive Order to enforce all applicable federal laws for the protection of students and public school district personnel, and any related measure.

The letter will go into greater detail and will also contain additional clarity and examples of incidents school board members are facing. Many of the examples that will be cited are from the attached internal document. Please let me know if you have any questions and/or comments. Our members need a strong stance and leadership from NSBA so that is what I am hoping to do with the letter. My hope is this just the beginning of additional collaboration. We very much want to be part of the solution going forward and work with you.

Thanks again for your leadership,
Chip

From: "Chambers, Kevin (ODAG)" <[REDACTED]>

To: "Braden, Myesha (ODAG)" <[REDACTED]> "Newman, David A. (ODAG)" <[REDACTED]>

Subject: RE: School Boards Letter

Date: Fri, 01 Oct 2021 13:21:09 -0400

Importance: Normal

Attachments: NSBA_Letter_to_President_Biden_Concerning_Threats_to_Public_Schools_and_School_Board_Members.pdf

Completely understood.

@David, JPC suggested that we get input from someone in NSD to consider the threats, as he views some of the alleged conduct as potentially implicating DT. Thoughts on who that would be?

@Iris: Please see discussion below and let's talk about who from FBI we can have consider these issues.

From: Braden, Myesha (ODAG) <[REDACTED]>

Sent: Friday, October 1, 2021 12:28 PM

To: Chambers, Kevin (ODAG) <[REDACTED]> Newman, David A. (ODAG) <[REDACTED]>

Subject: RE: School Boards Letter

Hi, Kevin.

Happy to be helpful, but I've spoken with CRT about this and it's really outside their lane. Their only way in would be if actions at the school board meetings create a hostile environment for students based on race or sex. This does not appear to be that. Seems the disruption of a government function or threats to elected officials is the center of the matter. COPS or OJP might be better for that, but only from the perspective of training and support for local law enforcement in addressing the disruptions.

Best,

Myesha

From: Chambers, Kevin (ODAG) <[REDACTED]>

Sent: Friday, October 1, 2021 12:02 PM

To: Braden, Myesha (ODAG) <[REDACTED]> Newman, David A. (ODAG) <[REDACTED]>

Subject: School Boards Letter

Myesha/David:

Have been asked to work on department response to letter to POTUS from the association of school boards (attached and at this [link](#)). The letter speaks about various threats that local school board members have been subjected to in recent months related to COVID-19 mandates/protocols and teaching of critical race theory. The letter asks for federal assistance from multiple agencies including Justice and invokes a number of federal statutes and components of DOJ including NSD, CRT, FBI, and CRM.

As I've mentioned to Myesha previously, we have a challenge attacking this from a federal standpoint, given that these crimes are largely local/state. We ought to consider how we could go about identifying and enforcing crimes that are federal in nature, providing non-enforcement assistance in terms of guidance or other support, or at minimum, review and least say that we have no role here. I'm reluctant to recommend launching a task force, but think it would be help to have reps from each of the four components listed above sit down for a meeting and brainstorm on what a DOJ response could look like or how we could help. Do you guys have thoughts on this approach or a sense of who would be good to include in such a meeting.

kAC

<https://www.washingtonpost.com/education/2021/09/30/school-boards-threat-help/>

From: "McDowell, Ephraim A. EOP/WHO" <[REDACTED]>

To: "Chambers, Kevin (ODAG)" <[REDACTED]>

Subject: [EXTERNAL] RE: NSBA Letter to the President

Date: Fri, 01 Oct 2021 12:33:46 -0400

Importance: Normal

Hi Kevin – I just had a call with folks in DPC, NSC, and the WH COVID team. All view these issues as fairly urgent and are interested to hear what DOJ is thinking about them. Do you have a sense of timing for when you and I might be able to talk again to chart out some next steps?

Thanks so much.

From: Chambers, Kevin (ODAG) <[REDACTED]>

Sent: Thursday, September 30, 2021 9:25 AM

To: McDowell, Ephraim A. EOP/WHO <[REDACTED]>

Subject: RE: NSBA Letter to the President

Thanks, Ephraim. We're discussing internally and I will reach back out to you soon. To manage expectations, it will not be before this letter is sent to the President.

Best,
Kevin

From: McDowell, Ephraim A. EOP/WHO <[REDACTED]>

Sent: Thursday, September 30, 2021 9:11 AM

To: Chambers, Kevin (ODAG) <[REDACTED]>

Subject: [EXTERNAL] NSBA Letter to the President

Hi Kevin – Please find attached a letter that the National School Boards Association will be sending to the President today. Let me know if you've had a chance to think through the issues we discussed earlier this week. It would be great to have an update at some point soon. Thanks!

From: "Braverman, Adam L. (ODAG)" <[REDACTED]>

To: "Gannon, Anne (ODAG)" <[REDACTED]> "Chambers, Kevin (ODAG)" <[REDACTED]>

Subject: RE: Threats against school board officials

Date: Fri, 01 Oct 2021 13:41:02 -0400

Importance: Normal

Members of Congress depend on being easily accessible and communicating regularly with their constituents, and receive a significant amount of telephone calls, mail, and e-mail each day expressing views. The First Amendment protects our right to voice disagreement with the actions of our government. Communications cross the line from lawful First Amendment speech to criminal conduct when they contain a "threat." The Supreme Court has explained that true threats "encompass those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals." *Virginia v. Black*, 538 U.S. 343, 359 (2003).

Federal prosecutors can use several statutes to prosecute those who threaten Members of Congress and other protectees:

- **18 U.S.C. § 115 – Influencing, Impeding, or Retaliating against a Federal official**

Applies to one who "threatens to assault, kidnap, or murder" a United States official "with intent to impede, intimidate, or interfere with such official . . . while engaged in the performance of official duties, or with intent to retaliate against such official . . . on account of the performance of official duties."

- **18 U.S.C. § 875(c) – Interstate Communications of Threats**

Applies to one who "transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another."

- **18 U.S.C. § 876 – Mailing Threatening Communications**

Applies to one who knowingly deposits or knowingly causes to be delivered a threatening communication.

- **18 U.S.C. § 2261A(b) – Stalking**

Applies to one who, with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail or another facility of interstate commerce and engages in a course of conduct that:

- places that person in reasonable fear of the death or serious bodily injury of that person, immediate family member, spouse or intimate partner, or pet, service animal, emotional support animal, or horse of that person; or
- causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in the statute.

- **47 U.S.C. § 223(a)(1)(C) – Obscene or Harassing Telephone Calls**

Prohibits anyone from making a telephone call or utilizing a telecommunications device without disclosing his or her identity and with intent to abuse, threaten, or harass any specific person.

While many of these cases are challenging from a First Amendment perspective, the Department can take several concrete steps to improve handling of these cases. The EOUSA could establish a point of contact to provide subject matter expertise and guidance on how to deal with these cases, and improve communications with Members through the USCP to explain why a USAO may decline a prosecution in certain cases. The EOUSA did not identify any significant legislative gaps that should be fixed in this arena.

From: Gannon, Anne (ODAG) <[REDACTED]>
Sent: Friday, October 1, 2021 1:32 PM
To: Chambers, Kevin (ODAG) <[REDACTED]> Braverman, Adam L. (ODAG) <[REDACTED]>
Subject: RE: Threats against school board officials

I will send a Teams meet now to you and hopefully Adam can join or I will speak to him later.

From: Chambers, Kevin (ODAG) <[REDACTED]>
Sent: Friday, October 1, 2021 10:30 AM
To: Gannon, Anne (ODAG) <[REDACTED]> Braverman, Adam L. (ODAG) <[REDACTED]>
Subject: RE: Threats against school board officials

Available now if you guys are.

From: Gannon, Anne (ODAG) <[REDACTED]>
Sent: Friday, October 1, 2021 1:29 PM
To: Braverman, Adam L. (ODAG) <[REDACTED]> Chambers, Kevin (ODAG) <[REDACTED]>
Subject: FW: Threats against school board officials

Are you available for a quick call on this? I have a meeting from 11-11:30 but otherwise am available.

From: Singh, Anita M. (ODAG) <[REDACTED]>
Sent: Friday, October 1, 2021 10:09 AM
To: Braverman, Adam L. (ODAG) <[REDACTED]> Chambers, Kevin (ODAG) <[REDACTED]> Gannon, Anne (ODAG) <[REDACTED]> Robertson, Ashley E. (ODAG) <[REDACTED]>
Cc: Carlin, John P. (ODAG) <[REDACTED]>
Subject: Threats against school board officials

Adam/Anne/Kevin –

I understand JPC spoke with Kevin about this issue more generally earlier today, but also looking to see if USMS may have resources/authorities we can offer here. I.e., can USMS escort people if there are threats? Legal/policy analysis? Can you please advise ASAP? Would love to have an answer in the next couple of hours. Anne – can you coordinate among the group and take lead for responding back to JPC/me? Available to discuss if needed.

Thanks,
Anita

Anita M. Singh
Chief of Staff
United States Department of Justice
Office of the Deputy Attorney General

O: [REDACTED]
C: [REDACTED]

From: "Toscas, George (NSD)" <[REDACTED]>
To: "Jensen, Steven J. (CTD) (FBI)" <[REDACTED]>
Cc: "[REDACTED] (NSD)" <[REDACTED]> "Chambers, Kevin (ODAG)" <[REDACTED]> "Newman, David A. (ODAG)" <[REDACTED]> "Blue, Matt (NSD)" <[REDACTED]> "Lan, Iris (ODAG)" <[REDACTED]> "Tarasca, James A. (CTD) (FBI)" <[REDACTED]> "[REDACTED] A. (CTD) (FBI)" <[REDACTED]>

Subject: [EXTERNAL EMAIL] - Re: Threats to School Boards

Date: Fri, 01 Oct 2021 20:53:05 -0400

Importance: Normal

Kevin: What kind of public statement do you think will be made? I will defer to the FBI on the answers to your original questions, but just wanted to flag that something could technically meet the definition of domestic terrorism in 18 USC 2331 (pasted below) and still not be a federal violation, so we would defer to the FBI on how or whether they could/would track that threat info to make determinations about whether such events meet the DT definition. And, of course, with respect to the other questions about tracking the referenced threats for trends and serving as a clearinghouse for incoming threat info, we also defer to the Bureau on those questions.

(5) the term "domestic terrorism" means activities that—

(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(C) occur primarily within the territorial jurisdiction of the United States;

On Oct 1, 2021, at 8:36 PM, Steven Jensen <[REDACTED]> wrote:

[REDACTED]
You characterized our conversation correctly. The only other topic was the National Threat Operations Center (NTOC). Which handles threats, tips and leads from the public and forwards them to the appropriate field office for additional investigation, if warranted. From these tips/complaints field offices determine potential federal violations as well as ideological motivation.

Steve

From: [REDACTED] (NSD) <[REDACTED]>
Sent: Friday, October 1, 2021 7:41:08 PM
To: Chambers, Kevin (ODAG) (JMD) <[REDACTED]>
Cc: Jensen, Steven J. (CTD) (FBI) <[REDACTED]> Newman, David A. (ODAG) (JMD) <[REDACTED]>

Blue, Matt (NSD) (JMD) <[REDACTED]> Toscas, George (NSD) (JMD) <[REDACTED]> Lan, Iris (ODAG) (JMD) <[REDACTED]>

Subject: [EXTERNAL EMAIL] - Re: Threats to School Boards

Kevin,

Steve and I conferred on this matter this afternoon.

We discussed the FBI's current protocols for processing threat streams and agreed to regroup on Monday after FBI DTOS has a chance to confer with FBI Criminal Division (Steve please jump in if I mischaracterized our discussion).

Although I defer to Steve on the particulars, we also concluded that whether a particular threat stream rises to the level of domestic terrorism (and would be run by the FBI as such) generally is up to the FBI field office who owns the investigation based on the facts presented.

We also tentatively agreed that we (FBI and CTS) would benefit from further discussions about harmonizing our approach to politically or ideologically motivated threats in general.

Steve did I get that right?

[REDACTED]

[REDACTED]
Counsel for Domestic Terrorism
Counterterrorism Section
U.S. Department of Justice
[REDACTED]

On Oct 1, 2021, at 7:04 PM, Chambers, Kevin (ODAG) [REDACTED] wrote:

Checking to see you have any feedback about FBI's capabilities in this area. DOJ may need to make a public statement tomorrow.

From: [REDACTED] (NSD) <[REDACTED]>
Sent: Friday, October 1, 2021 2:39 PM
To: Chambers, Kevin (ODAG) <[REDACTED]> Jensen, Steven J. (CTD) (FBI) <[REDACTED]>
Cc: Newman, David A. (ODAG) <[REDACTED]> Blue, Matt (NSD) <[REDACTED]> Toscas, George (NSD) <[REDACTED]> Lan, Iris (ODAG) <[REDACTED]>
Subject: RE: Threats to School Boards

Kevin,

I will confer with Steve on this right away.

[REDACTED]

[REDACTED]
Counsel for Domestic Terrorism

(o)
(c)

From: Chambers, Kevin (ODAG) <[REDACTED]>
Sent: Friday, October 1, 2021 2:00 PM
To: [REDACTED] (NSD) <[REDACTED]> Jensen, Steven J. (CTD) (FBI) <[REDACTED]>
Cc: Newman, David A. (ODAG) <[REDACTED]> Blue, Matt (NSD) <[REDACTED]> Toscas, George (NSD) <[REDACTED]> Lan, Iris (ODAG) <[REDACTED]>
Subject: Threats to School Boards
Importance: High

[REDACTED] and Steve,

Good afternoon, David Newman suggested that I reach out to you.

Leadership has asked me to reach out to the FBI regarding a request from a national school board association for assistance in dealing with the recent spate of threats occurring at school board meetings, often related to the imposition of COVID-19 vaccine or mask mandates. NSBA letter attached to this email. Link to [article here](#).

We realize that many of these threats are local in nature and may not obviously implicate federal laws (especially when they do not involve the mail or wires), but we are nonetheless interested in understanding how FBI can

1. Determine whether and when these crimes rise to the level of Domestic Terrorism
2. Track threats against school board officials to identify patterns or trends
3. Serve as a clearing house to receive information about threats and hand off to the appropriate agency, where appropriate

From: "Vorndran, Kevin (CTD) (FBI)" <[REDACTED]>

To: "Jensen, Steven J. (CTD) (FBI)" <[REDACTED]>

[REDACTED] (CTD) (FBI)" <[REDACTED]>

Cc: [REDACTED] (CTD) (FBI)" <[REDACTED]>

Subject: Re: Threats to School Boards

Date: Sat, 02 Oct 2021 07:33:13 -0400

Importance: Normal

One question and two comments.

Did DoJ suggest what federal criminal statute they might employ to prosecute a threat at a school board meeting? On it's surface, the only logical statute seems to be 875 but that would need to be interstate and likely not a result of any interaction specific to an in person school board meeting. Separately, I get concerned when I see DoJ/CTS write "...politically...motivated threats..." To your point, the approach of the FBI has been focused on the violence or actions of the individual and to not broadly label an individual a DT subject based on the fact s/he has a policy or political disagreement with elected officials.

From: Jensen, Steven J. (CTD) (FBI) <[REDACTED]>

Sent: Friday, October 1, 2021 9:05 PM

To: [REDACTED] <[REDACTED]> [REDACTED] <[REDACTED]> [REDACTED] <[REDACTED]> [REDACTED] <[REDACTED]> (CTD) (FBI) <[REDACTED]>

Cc: [REDACTED] (CTD) (FBI) <[REDACTED]>

Subject: Fwd: Threats to School Boards

This is potentially dangerous ground, to blanket label generalized activity that constitutes DT regardless of federal violations.

Tom's earlier question focused on the FBI creating guidance for blanket categories that threats to school boards or politicians is DT.

I believe we need to stay focused on actions of individuals and the individual motivation. Not all who oppose school board actions or legislative decisions are Domestic Terrorists. Not all who threaten politicians are DT subjects.

I welcome any input for response to DOJ

From: Toscas, George (NSD) <[REDACTED]>

Sent: Friday, October 1, 2021 8:53:05 PM

To: Jensen, Steven J. (CTD) (FBI) <[REDACTED]>

Cc: [REDACTED] (NSD) (JMD) <[REDACTED]> Chambers, Kevin (ODAG) (JMD) <[REDACTED]> Newman, David A. (ODAG) (JMD) <[REDACTED]> Blue, Matt (NSD) (JMD) <[REDACTED]> Lan, Iris (ODAG) (JMD) <[REDACTED]> Tarasca, James A. (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>

Subject: [EXTERNAL EMAIL] - Re: Threats to School Boards

Kevin: What kind of public statement do you think will be made? I will defer to the FBI on the answers to your original questions, but just wanted to flag that something could technically meet the definition of domestic

terrorism in 18 USC 2331 (pasted below) and still not be a federal violation, so we would defer to the FBI on how or whether they could/would track that threat info to make determinations about whether such events meet the DT definition. And, of course, with respect to the other questions about tracking the referenced threats for trends and serving as a clearinghouse for incoming threat info, we also defer to the Bureau on those questions.

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(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

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On Oct 1, 2021, at 8:36 PM, Steven Jensen <[REDACTED]> wrote:

[REDACTED]
You characterized our conversation correctly. The only other topic was the National Threat Operations Center (NTOC). Which handles threats, tips and leads from the public and forwards them to the appropriate field office for additional investigation, if warranted. From these tips/complaints field offices determine potential federal violations as well as ideological motivation.

Steve

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Sent: Friday, October 1, 2021 7:41:08 PM
To: Chambers, Kevin (ODAG) (JMD) <[REDACTED]>
Cc: Jensen, Steven J. (CTD) (FBI) <[REDACTED]> Newman, David A. (ODAG) (JMD) <[REDACTED]>
Blue, Matt (NSD) (JMD) <[REDACTED]> Toscas, George (NSD) (JMD) <[REDACTED]> Lan, Iris
(ODAG) (JMD) <[REDACTED]>
Subject: [EXTERNAL EMAIL] - Re: Threats to School Boards

Kevin,

Steve and I conferred on this matter this afternoon.

We discussed the FBI’s current protocols for processing threat streams and agreed to regroup on Monday after FBI DTOS has a chance to confer with FBI Criminal Division (Steve — please jump in if I mischaracterized our discussion).

Although I defer to Steve on the particulars, we also concluded that whether a particular threat stream rises to the level of domestic terrorism (and would be run by the FBI as such) generally is up to the FBI field office who owns the investigation based on the facts presented.

We also tentatively agreed that we (FBI and CTS) would benefit from further discussions about harmonizing our **approach to politically or ideologically motivated** threats in general.

Steve did I get that right?

[REDACTED]

[REDACTED]

Counsel for Domestic Terrorism
Counterterrorism Section
U.S. Department of Justice

[REDACTED]

On Oct 1, 2021, at 7:04 PM, Chambers, Kevin (ODAG) [REDACTED] wrote:

Checking to see you have any feedback about FBI's capabilities in this area. DOJ may need to make a public statement tomorrow.

From: [REDACTED] (NSD) <[REDACTED]>
Sent: Friday, October 1, 2021 2:39 PM
To: Chambers, Kevin (ODAG) <[REDACTED]> Jensen, Steven J. (CTD) (FBI) <[REDACTED]>
Cc: Newman, David A. (ODAG) <[REDACTED]> Blue, Matt (NSD) <[REDACTED]> Toscas, George (NSD) <[REDACTED]> Lan, Iris (ODAG) <[REDACTED]>
Subject: RE: Threats to School Boards

Kevin,

I will confer with Steve on this right away.

[REDACTED]

[REDACTED]
Counsel for Domestic Terrorism
Counterterrorism Section
U.S. Department of Justice

[REDACTED] (o)
[REDACTED] (c)

From: Chambers, Kevin (ODAG) <[REDACTED]>
Sent: Friday, October 1, 2021 2:00 PM
To: [REDACTED] (NSD) <[REDACTED]> Jensen, Steven J. (CTD) (FBI) <[REDACTED]>
Cc: Newman, David A. (ODAG) <[REDACTED]> Blue, Matt (NSD) <[REDACTED]> Toscas, George (NSD) <[REDACTED]> Lan, Iris (ODAG) <[REDACTED]>
Subject: Threats to School Boards
Importance: High

[REDACTED] and Steve,

Good afternoon, David Newman suggested that I reach out to you.

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We realize that many of these threats are local in nature and may not obviously implicate federal laws (especially when they do not involve the mail or wires), but we are nonetheless interested in understanding how FBI can

1. Determine whether and when these crimes rise to the level of Domestic Terrorism
2. Track threats against school board officials to identify patterns or trends
3. Serve as a clearing house to receive information about threats and hand off to the appropriate agency, where appropriate

From: "Amundson, Corey (CRM)" <[REDACTED]>

To: "Driscoll, Kevin (CRM)" <[REDACTED]>

Subject: Re: Draft Documents to be Circulated Later Today

Date: Sat, 02 Oct 2021 12:39:07 -0400

Importance: Normal

Agreed. Also, makes no sense to have DOJ/FBI suddenly become the threats police. No limiting principle at all.

On Oct 2, 2021, at 12:36 PM, Driscoll, Kevin (CRM) [REDACTED] wrote:

We will not do this. There is no conceivable connection to PIN (indeed, I'm not seeing a federal interest of any kind.). And if they're going to make the AG's memo to the field about this and election threats, I'm going to strongly recommend that they not send it.

Kevin Driscoll
Deputy Assistant Attorney General
Criminal Division, Department of Justice
Desk: [REDACTED]
Mobile: [REDACTED]

On Oct 2, 2021, at 12:33 PM, Amundson, Corey (CRM) [REDACTED] wrote:

Exactly! Stupid, stupid, stupid

On Oct 2, 2021, at 12:31 PM, Driscoll, Kevin (CRM) [REDACTED] wrote:

It's like they've affirmatively trying to make this thing not work and look political. If they do this, they might as well rename the damn thing the Anti-MAGA Task Force.

Kevin Driscoll
Deputy Assistant Attorney General
Criminal Division, Department of Justice
Desk: [REDACTED]
Mobile: [REDACTED]

On Oct 2, 2021, at 12:29 PM, Amundson, Corey (CRM) [REDACTED] wrote:

This would be horrible.

On Oct 2, 2021, at 12:25 PM, Driscoll, Kevin (CRM) [REDACTED] wrote:

Fysa.

Kevin Driscoll
Deputy Assistant Attorney General
Criminal Division, Department of Justice
Desk: [REDACTED]
Mobile: [REDACTED]

Begin forwarded message:

From: "Driscoll, Kevin (CRM)" [REDACTED]
Date: October 2, 2021 at 12:24:38 PM EDT
To: "McQuaid, Nicholas (CRM)" [REDACTED]
Cc: "Chambers, Kevin (ODAG)" [REDACTED]
Subject: Re: Draft Documents to be Circulated Later Today

I don't think it's possible to state how strongly I object to this. It will completely and totally nuke our election threats efforts, and will damage the reputation of the Public Integrity Section into the bargain.

Kevin Driscoll
Deputy Assistant Attorney General
Criminal Division, Department of Justice
Desk: [REDACTED]
Mobile: [REDACTED]

On Oct 2, 2021, at 12:16 PM, McQuaid, Nicholas (CRM) [REDACTED] wrote:

I strongly object to adding school official threats to the USAO meetings. They are not equivalent and treating them as such will damage our election threats work without actually having any real benefit in my view.

On Oct 2, 2021, at 11:58 AM, Chambers, Kevin (ODAG) [REDACTED] wrote:

All,

Later today I will be circulating a couple documents related to threats against election officials and school administrators and . I want to flag for your attention so that you can prepare to review them later today for any red-flag concerns.

Document 1 (primarily EOUSA and FBI) will be a draft memo from the AG to the field instructing USAOs and FBI-SACs to convene separate meetings with state and local law enforcement regarding both types of threats.

Document 2 will be a narrative document that sets forth certain steps that the Department may take to address threats against school administrators and officials. Possibilities include including creation of a task force, training, the aforementioned coordination with state and local law enforcement, and threat assessment and filtering through the National Threat Operations Center (NTOC).

I've spoken to some, but not all of you, on these issues. If others in your components need to review the documents when they come in, please forward this email (and the documents later today) to their attention.

With apologies for the Saturday fire drill,
Kevin

From: "Tarasca, James A. (CTD) (FBI)" <[REDACTED]>
To: "Langan, Timothy R. Jr. (CTD) (FBI)" <[REDACTED]> "Vorndran, Kevin (CTD) (FBI)" <[REDACTED]> "Reddan, Patrick E. Jr. (CTD) (FBI)" <[REDACTED]> "Jensen, Steven J. (CTD) (FBI)" <[REDACTED]> "A. (CTD) (FBI)" <[REDACTED]> "Greenberg, Jay (CID) (FBI)" <[REDACTED]>

Subject: Fwd: Threats to School Boards

Date: Sat, 02 Oct 2021 12:51:21 -0400

Importance: Normal

Attachments: NSBA_Letter_to_President_Biden_Concerning_Threats_to_Public_Schools_and_School_Board_Members.pdf

Just spoke to Jensen and AD Langan about this. I will make a few calls to DOJ to see what is driving the immediacy of this. As we all agree, more time should be taken to look at data and develop a more thoughtful strategy. Will advise.

From: Jensen, Steven J. (CTD) (FBI) [REDACTED]
Sent: Friday, October 1, 2021, 2:58 PM
To: Tarasca, James A. (CTD) (FBI); [REDACTED] A. (CTD) (FBI)
Subject: Fwd: Threats to School Boards

From: Chambers, Kevin (ODAG) [REDACTED]
Sent: Friday, October 1, 2021, 2:00 PM
To: [REDACTED] (NSD) (JMD); Jensen, Steven J. (CTD) (FBI)
Cc: Newman, David A. (ODAG) (JMD); Blue, Matt (NSD) (JMD); Toscas, George (NSD) (JMD); Lan, Iris (ODAG) (JMD)
Subject: [EXTERNAL EMAIL] - Threats to School Boards

[REDACTED] and Steve,

Good afternoon, David Newman suggested that I reach out to you.

Leadership has asked me to reach out to the FBI regarding a request from a national school board association for assistance in dealing with the recent spate of threats occurring at school board meetings, often related to the imposition of COVID-19 vaccine or mask mandates. NSBA letter attached to this email. Link to [article here](#).

We realize that many of these threats are local in nature and may not obviously implicate federal laws (especially when they do not involve the mail or wires), but we are nonetheless interested in understanding how FBI can

1. Determine whether and when these crimes rise to the level of Domestic Terrorism
2. Track threats against school board officials to identify patterns or trends
3. Serve as a clearing house to receive information about threats and hand off to the appropriate agency, where appropriate

From: "Chambers, Kevin (ODAG)" <[REDACTED]>
To: "Jensen, Steven J. (CTD) (FBI)" <[REDACTED]> "McQuaid, Nicholas (CRM)" <[REDACTED]>
<[REDACTED]> "Moosy, Robert (CRT)" <[REDACTED]>
"Wilkinson, Monty (USAE0)" <[REDACTED]> "Toscas, George (NSD)" <[REDACTED]>
<[REDACTED]> "Darke Schmitt, Katherine (OJP/OVC)" <[REDACTED]>
<[REDACTED]> "Tarasca, James A. (CTD) (FBI)" <[REDACTED]>
<[REDACTED]> "Blue, Matt (NSD)" <[REDACTED]> "Langan, Timothy R. Jr. (CTD) (FBI)" <[REDACTED]>
<[REDACTED]> "Reddan, Patrick E. Jr. (CTD) (FBI)" <[REDACTED]>
"Vorndran, Kevin (CTD) (FBI)" <[REDACTED]> "Lesko, Mark (NSD)" <[REDACTED]>
<[REDACTED]> "Wiegmann, Brad (NSD)" <[REDACTED]>
"Driscoll, Kevin (CRM)" <[REDACTED]> "Rossi, Rachel (OASG)" <[REDACTED]>
<[REDACTED]> "Monroe, Becky (OASG)" <[REDACTED]>
"Wong, Norman (USAE0)" <[REDACTED]>
Cc: "Carlin, John P. (ODAG)" <[REDACTED]> "Braden, Myesha (ODAG)" <[REDACTED]>
<[REDACTED]> "Newman, David A. (ODAG)" <[REDACTED]>
<[REDACTED]> "Lan, Iris (ODAG)" <[REDACTED]>

Subject: FOR REVIEW: Draft Documents Re: School Board Threats

Date: Sat, 02 Oct 2021 16:02:21 -0400

Importance: Normal

Attachments: Draft_School_Board_Threats_Response_Strategy_(10.2.21).docx;
DRAFT_AG_MEMO_TO_USAOs_AND_SACs_(10.2.21).docx;
NSBA_Letter_to_President_Biden_Concerning_Threats_to_Public_Schools_and_School_Board_Members.pdf

DRAFT/DELIBERATIVE/PREDECISIONAL

All,

Attached are two documents proposing Department responses to continuing threats against election officials and workers and recent threats against school administrators and board members.

Draft AG Memo to USAOs and SACs – draft guidance to USAOs and SACs voicing concerns about increasing threats against election officials and workers and, separately, against school administrators and board members and instructing them to convene separate meetings for each type of threat with state/local law enforcement and other affected parties.

Components Affected: EOUSA, FBI, CRM

Draft School Board Threats Response Strategy – lays out several proposals for addressing a recent uptick in threats of violence against school board members, as recently highlighted in a letter to the President from the National School Boards Association. The letter from the NSBA is also attached for reference.

Components Affected: EOUSA, FBI, CRM, CRT, NSD, CRS, and OJP

The timeline on these documents is short, but we want to provide awareness to your components and give potentially affected components the opportunity to voice views/red-flag concerns.

Best,
Kevin

Kevin Andrew Chambers (he/him/his)

Associate Deputy Attorney General
Office of the Deputy Attorney General



On September 29, 2021, the National School Board Association (NSBA) sent a letter to the President noting an increase in threats of violence to its members, who are elected school board officials in over 13,000 public school districts throughout the nation. The letter references specific incidents in numerous states, including in-person threats to officials, threats communicated by mail, and episodes of disorderly conduct.

NSBA requests the following assistance from the federal government:

- “[asking] federal law enforcement and other assistance to deal with the growing number of threats of violence and acts of intimidation occurring across the nation.”
- “[asking that] the federal government investigate, intercept, and prevent current threats and acts of violence against public school officials....”
- “Collaboration among federal law enforcement agencies, state and local law enforcement, and with public school officials.”
- “Joint expedited review by the U.S. Departments of Justice, Education, and Homeland Security, along with the appropriate training, coordination, investigations, and enforcement mechanisms from the FBI.”

The Department is committed to addressing this issue and reassuring the public that the Department will do all that it can to address the concerns raised by NSBA. The following are **DRAFT PROPOSALS** for immediate actions the Department may consider:

1. Creation of a Department of Justice Task Force

The Department can consider creating a Task Force comprising representatives from CRM, NSD, CRT, EOUSA, FBI, CRS and OJP. The primary mandate of this Task Force would be to review the array of threats against school administrators and school board members to determine how federal enforcement tools can be used to prosecute these crimes. These tools may include, but are not limited to, enforcement of applicable federal threats, civil rights, and domestic terrorism statutes.

Because there may be situations where federal enforcement authority is not available, the Task Force could also be directed to develop methods to assist local and state law enforcement with combatting threats of violence that may not constitute federal crimes. In addition to evaluating its law enforcement authority, the Task Force can also consider other methods of providing support to school boards to eliminate threats, including the use of grants designed to promote safer schools and support state and local law enforcement efforts and involvement by the Department’s Community Relations Service.

2. Development of Training Materials

The Department can also draw on its extensive experience combatting various types of criminal threats and intimidation to create specialized training and guidance for local school boards and school administrators. This training would help school board members and other potential threats victims understand the type of behavior that constitutes threats,

how to report threatening conduct to the appropriate law enforcement agencies, and how to capture and preserve evidence of threatening conduct to aid in the investigation and prosecution of these crimes.

3. Attorney General Directive to United States Attorney's Offices and FBI Field Offices

Coordination with local law enforcement is critical, given the decentralized nature of our nation's nearly 14,000 public school districts. To this end, United States Attorneys and Special Agents in Charge in each federal judicial district could convene meetings with federal, state, and local law enforcement heads. These meetings would permit law enforcement to discuss strategies for addressing threats against school administrators and school board members and allow them to open dedicated lines of communication to report threats and threat assessments and determine how best to respond to those threats.

4. Threat Assessment and Filtering

The FBI's National Threat Operations Center (NTOC) handles threats reported by the public via its national tip line (1-800-CALL-FBI) and online through the FBI website (<http://fbi.com/tips>). To ensure that threats are communicated to the appropriate authorities, NTOC would assist by directing credible threats to the appropriate FBI field offices. Those field offices would then coordinate with the appropriate United States Attorney's Office and, as appropriate, with state and local law enforcement partners. The work of the NTOC would also help the federal government identify and report increased threats in specific jurisdictions or trends indicating that threats are part of coordinated widespread efforts to intimidate, rather than discrete, unrelated events.

TO: UNITED STATES ATTORNEYS AND SPECIAL AGENTS IN CHARGE
FROM: THE ATTORNEY GENERAL
SUBJECT: COMMUNICATION AND PARTNERSHIP AMONG PROSECUTORS, LAW ENFORCEMENT, AND STATE AND LOCAL ELECTION OFFICIALS TO ADDRESS ELECTION THREATS AND THREATS AGAINST SCHOOL ADMINISTRATORS AND BOARD MEMBERS

I am greatly concerned by the recent increase in threats, harassment, and intimidation of our nation's public servants. Combatting this problem requires a focused and committed response from the Justice Department. To address this disturbing trend, and as part of the Department's commitment to the rule of law, I am instructing United States Attorney's Offices and the Federal Bureau of Investigation to take the following steps.

Threats Against Election Officials and Workers

In June of this year, at my direction, the Deputy Attorney General established an Election Threats Task Force composed of officials from the Department's Criminal and Civil Rights Divisions, the FBI, and the Department of Homeland Security.

The work of the Election Threats Task Force is now underway. But that work must be accompanied by broader, nationwide efforts to identify and respond to these incidents and threats of violence. United States Attorney's Offices and Federal Bureau of Investigation (FBI) field offices across the country must work closely with state and local law enforcement, and state and local election officials and workers, to ensure that we are identifying and reporting conduct, and taking effective steps to respond to and deter such threats, including through prosecutions of criminal violations.

The Department's response must also include robust communication with state and local election officials and workers. As top Department leadership learned in August during a teleconference with over 1400 such personnel across the country, their input is vital.

Today, I am directing the United States Attorney in each district, together with the Special Agent in Charge from the relevant FBI Field Office, to convene federal, state, and local law enforcement partners, and state and local election officials to discuss the threats facing election officials and workers in each district and how all levels of government can work together to counter those threats. These meetings, and others that will occur in the months ahead, will help us learn more about the range of threats, harassment, and intimidation that election officials and workers are facing; provide information on how such conduct should be reported to the FBI to ensure prompt routing to the Task Force; and discuss how law enforcement can most effectively respond to this conduct, including through criminal prosecution in appropriate cases.

Threats Against School Administrators and Board Members

In recent months, there has also been a disturbing spike in threats of violence against school administrators, school board members, and others who participate in the important work of managing the nation's public school systems. In some cases, these threats and acts of violence have occurred during discussions of school boards' efforts to protect children and teachers alike by requiring use of face masks to stem the spread of the COVID-19 virus. While spirited debate about this and other policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their policy, political, or ideological views.

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

To properly implement these measures for the benefit of our nation's nearly 14,000 public school districts, coordination with local law enforcement is critical. To this end, I am directing the United States Attorney and Special Agent in Charge in each federal judicial district to convene meetings with federal, state, and local law enforcement leaders. These meetings (which will be separate from and in addition to the election threats meetings described in the previous section) will permit law enforcement to discuss strategies for addressing threats against school administrators and school board members and allow them to open dedicated lines of communication to report threats and threat assessments and determine how best to respond to those threats.

* * *

Threats against public servants – whether election officials and workers or school administrators and school board members – are not only illegal, they run counter to our nation's core values. Those who dedicate their time and energy to safeguarding our electoral process or ensuring that our children receive a proper education in a safe environment deserve to be able to do their jobs free from fear. 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.

From: "Amundson, Corey (CRM)" <[REDACTED]>

To: "Driscoll, Kevin (CRM)" <[REDACTED]>

Cc: "Keller, John (CRM)" <[REDACTED]>

Subject: RE: FOR REVIEW: Draft Documents Re: School Board Threats

Date: Sat, 02 Oct 2021 18:16:18 -0400

Importance: Normal

This proposed federal effort against educator threats will be viewed by many as a partisan exercise aimed at those who do not support the Administration. By tying that effort to the election threats task force (which it clearly does), the Department would undermine our significant efforts to convince internal and external stakeholders of the non-partisan nature of our mission. Our task force - which relies on support from across the political spectrum - would be severely handicapped, as many would come to view it as an arm of the Administration's political efforts. More broadly, this would tarnish PIN's reputation as an apolitical law enforcer and contribute to the unfounded accusations of partisanship that we regularly confront in our matters. PIN has been proud to lead the effort against election-related threats, but we did not sign up for this and object in the strongest terms.

Corey R. Amundson

Chief | Public Integrity Section

Criminal Division | United States Department of Justice

1301 New York Avenue NW | Washington, D.C. 20530

Office: [REDACTED] | Cell: [REDACTED]

www.justice.gov/criminal-pin

From: Driscoll, Kevin (CRM) <[REDACTED]>

Sent: Saturday, October 2, 2021 4:48 PM

To: Amundson, Corey (CRM) <[REDACTED]> Keller, John (CRM) <[REDACTED]>

Subject: Fwd: FOR REVIEW: Draft Documents Re: School Board Threats

This is better than it was, but still bad. Let me know ASAP if you have any specific thoughts.

Kevin Driscoll

Deputy Assistant Attorney General

Criminal Division, Department of Justice

Desk: [REDACTED]

Mobile: [REDACTED]

Begin forwarded message:

From: "Chambers, Kevin (ODAG)" <[REDACTED]>

Date: October 2, 2021 at 4:02:33 PM EDT

To: "Jensen, Steven J. (CTD) (FBI)" <[REDACTED]> "McQuaid, Nicholas (CRM)" <[REDACTED]>

"Moossy, Robert (CRT)" <[REDACTED]> "Wilkinson, Monty (USAEO)" <[REDACTED]> "Toscas,

George (NSD)" <[REDACTED]> "Darke Schmitt, Katherine (OJP/OVC)"

<[REDACTED]> "Tarasca, James A. (CTD) (FBI)" <[REDACTED]> "Blue, Matt (NSD)"

<[REDACTED]> "Langan, Timothy R. Jr. (CTD) (FBI)" <[REDACTED]> "A. (CTD) (FBI)"

<[REDACTED]> "Reddan, Patrick E. Jr. (CTD) (FBI)" <[REDACTED]> "Vorndran, Kevin (CTD) (FBI)"

<[REDACTED]> "Lesko, Mark (NSD)" <[REDACTED]> "Wiegmann, Brad (NSD)"

<[REDACTED]> "Driscoll, Kevin (CRM)" <[REDACTED]> "Rossi, Rachel (OASG)"

<[REDACTED]> "Monroe, Becky (OASG)" <[REDACTED]> "Wong, Norman (USAEO)"

Cc: "Carlin, John P. (ODAG)" <[REDACTED]> "Braden, Myesha (ODAG)" <[REDACTED]>
"Newman, David A. (ODAG)" <[REDACTED]> "Lan, Iris (ODAG)" <[REDACTED]>
Subject: FOR REVIEW: Draft Documents Re: School Board Threats

DRAFT/DELIBERATIVE/PREDECISIONAL

All,

Attached are two documents proposing Department responses to continuing threats against election officials and workers and recent threats against school administrators and board members.

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Components Affected: EOUSA, FBI, CRM

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Components Affected: EOUSA, FBI, CRM, CRT, NSD, CRS, and OJP

The timeline on these documents is short, but we want to provide awareness to your components and give potentially affected components the opportunity to voice views/red-flag concerns.

Best,
Kevin

Kevin Andrew Chambers (he/him/his)
Associate Deputy Attorney General
Office of the Deputy Attorney General
[REDACTED]

From: "Driscoll, Kevin (CRM)" <[REDACTED]>

To: "McQuaid, Nicholas (CRM)" <[REDACTED]>

Subject: Fwd: FOR REVIEW: Draft Documents Re: School Board Threats

Date: Sat, 02 Oct 2021 22:35:43 -0400

Importance: Normal

From Corey. All good points.

Kevin Driscoll
Deputy Assistant Attorney General
Criminal Division, Department of Justice
Desk: [REDACTED]
Mobile: [REDACTED]

Begin forwarded message:

From: "Amundson, Corey (CRM)" <[REDACTED]>

Date: October 2, 2021 at 10:21:36 PM EDT

To: "Driscoll, Kevin (CRM)" <[REDACTED]>

Cc: "Keller, John (CRM)" <[REDACTED]>

Subject: RE: FOR REVIEW: Draft Documents Re: School Board Threats

Kevin, just a couple of additional points:

- To assist with the educator threats, the Department should consider focusing almost exclusively on grants and providing state and local law enforcement with technical assistance through COPS and/or other Department components. There are already multiple initiatives to reduce violence in schools, which could provide a natural vehicle for such efforts.
- The partisan nature of this issue is already apparent. Fox News has a story about the request for assistance entitled: "School board group asks Biden to use the Patriot Act against parents over opposition to COVID measures, CRT [critical race theory]."
- What about the reported threats against parents? A media outlet reports that a group of current and former teachers and others in Loudoun County, Virginia, compiled a lengthy list of parents suspected of disagreeing with school system actions, including its teaching of controversial racial concepts – with a stated purpose in part to "infiltrate," use "hackers" to silence parents' communications, and "expose these people publicly." According to NBC News, "the decision to compile names was perceived as a threats. Parents who had been named in the group said they didn't know what the group was planning, and they feared for their safety." The group who compiled the list were then reportedly bombarded with threats, some directed at their children. The school board added extra security at public meetings. Parents on both sides of the issue said they filed reports with the sheriff's department and installed security cameras. The conflict quickly became intertwined with political campaigns, with candidates lining up for whichever side supports their policy position. Bottom line: This is all very messy and political.

From: Amundson, Corey (CRM)

Sent: Saturday, October 2, 2021 6:16 PM

To: Driscoll, Kevin (CRM) <[REDACTED]>

Cc: Keller, John (CRM) <[REDACTED]>

Subject: RE: FOR REVIEW: Draft Documents Re: School Board Threats

This proposed federal effort against educator threats will be viewed by many as a partisan exercise aimed at those who do not support the Administration. By tying that effort to the election threats task force (which it clearly does), the Department would undermine our significant efforts to convince internal and external stakeholders of the non-partisan nature of our mission. Our task force - which relies on support from across the political spectrum – would be severely handicapped, as many would come to view it as an arm of the Administration's political efforts. More broadly, this would tarnish PIN's reputation as an apolitical law enforcer and contribute to the unfounded accusations of partisanship that we regularly confront in our matters. PIN has been proud to lead the effort against election-related threats, but we did not sign up for this and object in the strongest terms.

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1301 New York Avenue NW | Washington, D.C. 20530

Office: [REDACTED] | Cell: [REDACTED]

www.justice.gov/criminal-pin

From: Driscoll, Kevin (CRM) <[REDACTED]>
Sent: Saturday, October 2, 2021 4:48 PM
To: Amundson, Corey (CRM) <[REDACTED]> Keller, John (CRM) <[REDACTED]>
Subject: Fwd: FOR REVIEW: Draft Documents Re: School Board Threats

This is better than it was, but still bad. Let me know ASAP if you have any specific thoughts.

Kevin Driscoll
Deputy Assistant Attorney General
Criminal Division, Department of Justice
Desk: [REDACTED]
Mobile: [REDACTED]

Begin forwarded message:

From: "Chambers, Kevin (ODAG)" <[REDACTED]>
Date: October 2, 2021 at 4:02:33 PM EDT
To: "Jensen, Steven J. (CTD) (FBI)" <[REDACTED]> "McQuaid, Nicholas (CRM)" <[REDACTED]>
"Moossy, Robert (CRT)" <[REDACTED]> "Wilkinson, Monty (USAEO)" <[REDACTED]> "Toscas,
George (NSD)" <[REDACTED]> "Darke Schmitt, Katherine (OJP/OVC)" <[REDACTED]>
<[REDACTED]> "Tarasca, James A. (CTD) (FBI)" <[REDACTED]> "Blue, Matt (NSD)" <[REDACTED]>
<[REDACTED]> "Langan, Timothy R. Jr. (CTD) (FBI)" <[REDACTED]> "A. (CTD) (FBI)" <[REDACTED]>
<[REDACTED]> "Reddan, Patrick E. Jr. (CTD) (FBI)" <[REDACTED]> "Vorndran, Kevin (CTD) (FBI)" <[REDACTED]>
<[REDACTED]> "Lesko, Mark (NSD)" <[REDACTED]> "Wiegmann, Brad (NSD)" <[REDACTED]>
<[REDACTED]> "Driscoll, Kevin (CRM)" <[REDACTED]> "Rossi, Rachel (OASG)" <[REDACTED]>
<[REDACTED]> "Monroe, Becky (OASG)" <[REDACTED]> "Wong, Norman (USAEO)" <[REDACTED]>
Cc: "Carlin, John P. (ODAG)" <[REDACTED]> "Braden, Myesha (ODAG)" <[REDACTED]>
"Newman, David A. (ODAG)" <[REDACTED]> "Lan, Iris (ODAG)" <[REDACTED]>
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DRAFT/DELIBERATIVE/PREDECISIONAL

All,

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The timeline on these documents is short, but we want to provide awareness to your components and give potentially affected components the opportunity to voice views/red-flag concerns.

Best,
Kevin

Kevin Andrew Chambers (he/him/his)
Associate Deputy Attorney General
Office of the Deputy Attorney General


From: "Fitzgerald, Paige (CRT)" <[REDACTED]>

To: "Moosy, Robert (CRT)" <[REDACTED]> "Felte, James (CRT)" <[REDACTED]>

Subject: RE: FOR REVIEW: Draft Documents Re: School Board Threats

Date: Sun, 03 Oct 2021 13:32:12 -0400

Importance: Normal

I read the letter from NSBA, and looked at the links for a handful of the footnotes, and it appears to me that the vast, vast majority of the behavior cited cannot be reached by federal law. I only saw three stories that involved what sounded like a possible "true threat" and one of those (the Norfolk story) did not appear to be related to masks, etc.. Almost all of the language being used is protected by the First Amendment; the main issue seems to be disruption and obstruction of school board meetings, which could be reached by local trespassing laws or disturbance of the peace laws, but nothing remotely federal. So it seems that we are ramping up an awful lot of federal manpower for what is currently non-federal conduct.

If they want to have an impact, maybe they could try to fashion something like the FACE Act for schools and school board meetings, criminalizing physical obstruction of schools and school board meetings. Just a quick thought, and not sure how that would play out (speaking as a former college student who participated in physically obstructed administration buildings to try to get the University to divest/stop doing business with the South African government under apartheid).

From: Moosy, Robert (CRT)

Sent: Sunday, October 3, 2021 11:26 AM

To: Felte, James (CRT) <[REDACTED]> Fitzgerald, Paige (CRT) <[REDACTED]>

Subject: Fwd: FOR REVIEW: Draft Documents Re: School Board Threats

FYI. Please review if you have time. Looks like they are committing CrimSec equities. Just seeing this.

Sent from my iPhone

Begin forwarded message:

From: "Chambers, Kevin (ODAG)" <[REDACTED]>

Date: October 2, 2021 at 4:02:33 PM EDT

To: "Jensen, Steven J. (CTD) (FBI)" <[REDACTED]> "McQuaid, Nicholas (CRM)" <[REDACTED]>
"Moosy, Robert (CRT)" <[REDACTED]> "Wilkinson, Monty (USAE)" <[REDACTED]>
"Toscas, George (NSD)" <[REDACTED]> "Darke Schmitt, Katherine (OJP/OVC)" <[REDACTED]>
<[REDACTED]> "Tarasca, James A. (CTD) (FBI)" <[REDACTED]> "Blue, Matt (NSD)" <[REDACTED]>
<[REDACTED]> "Langan, Timothy R. Jr. (CTD) (FBI)" <[REDACTED]> "A. (CTD) (FBI)" <[REDACTED]>
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<[REDACTED]> "Driscoll, Kevin (CRM)" <[REDACTED]> "Rossi, Rachel (OASG)" <[REDACTED]>
<[REDACTED]> "Monroe, Becky (OASG)" <[REDACTED]> "Wong, Norman (USAE)" <[REDACTED]>

Cc: "Carlin, John P. (ODAG)" <[REDACTED]> "Braden, Myesha (ODAG)" <[REDACTED]>
"Newman, David A. (ODAG)" <[REDACTED]> "Lan, Iris (ODAG)" <[REDACTED]>

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Best,
Kevin

Kevin Andrew Chambers (he/him/his)
Associate Deputy Attorney General
Office of the Deputy Attorney General


From: "Ellis, Corey Frazier (DO) (DET)" <[REDACTED]>

To: "[REDACTED] (DO) (DET)" <[REDACTED]> "Coakley, Miriam M. (OGC) (FBI)" <[REDACTED]> "[REDACTED] (DO) (DET)" <[REDACTED]>

Cc: "Jones, Jason Allen (OGC) (FBI)" <[REDACTED]>

Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Date: Mon, 04 Oct 2021 16:14:49 -0400

Importance: Normal

The DAG mentioned this today but in fundamentally different light – focused at USAOs.

From: [REDACTED] (DO) (DET) <[REDACTED]>

Sent: Monday, October 4, 2021 4:10 PM

To: Coakley, Miriam M. (OGC) (FBI) <[REDACTED]> Ellis, Corey Frazier (DO) (DET) <[REDACTED]> [REDACTED] (DO) (DET) <[REDACTED]>

Cc: Jones, Jason Allen (OGC) (FBI) <[REDACTED]>

Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Thanks, Miriam. Do we know if this is part of a broader effort? Have we seen any research on the scope of the problem?

[REDACTED]

From: Coakley, Miriam M. (OGC) (FBI) <[REDACTED]>

Sent: Monday, October 4, 2021 4:03 PM

To: Ellis, Corey Frazier (DO) (DET) <[REDACTED]> [REDACTED] (DO) (DET) <[REDACTED]> [REDACTED] (DO) (DET) <[REDACTED]>

Cc: Jones, Jason Allen (OGC) (FBI) <[REDACTED]>

Subject: FW: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Good afternoon,

Not sure if you've seen this/weighed in – it was just raised to my attention. I hope DOJ reconsiders.

Thanks,
Miriam

From: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]>

Sent: Monday, October 4, 2021 3:54 PM

To: Greenberg, Jay (CID) (FBI) <[REDACTED]> Coakley, Miriam M. (OGC) (FBI) <[REDACTED]> McCarthy, Dawn L. (OGC) (FBI) <[REDACTED]>

Subject: FW: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Making sure you all had this from today. I'm trying to track down additional on this from today.

Tim Langan
Assistant Director
FBI Counterterrorism Division

From: Chambers, Kevin (ODAG) <[REDACTED]>
Sent: Monday, October 4, 2021 3:00 PM
To: Jensen, Steven J. (CTD) (FBI) <[REDACTED]> McQuaid, Nicholas (CRM) <[REDACTED]> Moossy, Robert (CRT) <[REDACTED]> Wilkinson, Monty (USAEO) <[REDACTED]> Toscas, George (NSD) (JMD) <[REDACTED]> Darke Schmitt, Katherine (OJP/OVC) <[REDACTED]>
Tarasca, James A. (CTD) (FBI) <[REDACTED]> Blue, Matt (NSD) (JMD) <[REDACTED]> Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> A. (CTD) (FBI) <[REDACTED]> Reddan, Patrick E. Jr. (CTD) (FBI) <[REDACTED]> Vorndran, Kevin (CTD) (FBI) <[REDACTED]> Lesko, Mark (NSD) (JMD) <[REDACTED]> Wiegmann, Brad (NSD) (JMD) <[REDACTED]> Driscoll, Kevin (CRM) <[REDACTED]> Rossi, Rachel (OASG) (JMD) <[REDACTED]> Monroe, Becky (OASG) (JMD) <[REDACTED]> Wong, Norman (USAEO) <[REDACTED]>
Cc: Braden, Myesha (ODAG) (JMD) <[REDACTED]> Newman, David A. (ODAG) (JMD) <[REDACTED]> Lan, Iris (ODAG) (JMD) <[REDACTED]>
Subject: [EXTERNAL EMAIL] - FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

All,

Please see attached documents (memo from AG and related press release) re school board threats effort. Please review and advise of any red flag concerns as soon as possible.

CRM/FBI/EOWSA: Please note that the turnaround has been [REDACTED].

From: Chambers, Kevin (ODAG)
Sent: Sunday, October 3, 2021 7:27 PM
To: 'Steven Jensen' <[REDACTED]> McQuaid, Nicholas (CRM) <[REDACTED]> Moossy, Robert (CRT) <[REDACTED]> Wilkinson, Monty (USAEO) <[REDACTED]> Toscas, George (NSD) <[REDACTED]> Darke Schmitt, Katherine (OJP/OVC) <[REDACTED]> Tarasca, James A. (CTD) (FBI) <[REDACTED]> Blue, Matt (NSD) <[REDACTED]> Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> A. (CTD) (FBI) <[REDACTED]> Reddan, Patrick E. Jr. (CTD) (FBI) <[REDACTED]> Vorndran, Kevin (CTD) (FBI) <[REDACTED]> Lesko, Mark (NSD) <[REDACTED]> Wiegmann, Brad (NSD) <[REDACTED]> 'Driscoll, Kevin (CRM)' <[REDACTED]> Rossi, Rachel (OASG) <[REDACTED]> Monroe, Becky (OASG) <[REDACTED]> Wong, Norman (USAEO) <[REDACTED]>
Cc: Braden, Myesha (ODAG) <[REDACTED]> Newman, David A. (ODAG) <[REDACTED]> Lan, Iris (ODAG) <[REDACTED]>
Subject: RE: FOR REVIEW: Draft Documents Re: School Board Threats

Team,

FYI, the proposed memo to USAOs and SACs is now drafted as a communication concerning only school boards. Draft attached.

Best,
Kevin

From: Chambers, Kevin (ODAG)
Sent: Saturday, October 2, 2021 4:02 PM
To: Steven Jensen <[REDACTED]> McQuaid, Nicholas (CRM) <[REDACTED]> Moossy, Robert (CRT) <[REDACTED]> Wilkinson, Monty (USAEO) <[REDACTED]> Toscas, George (NSD) <[REDACTED]> Darke Schmitt, Katherine (OJP/OVC) <[REDACTED]> Tarasca, [REDACTED]

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Cc: Carlin, John P. (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]> Newman,
David A. (ODAG) <[REDACTED]> Lan, Iris (ODAG) <[REDACTED]>
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DRAFT/DELIBERATIVE/PREDECISIONAL

All,

Attached are two documents proposing Department responses to continuing threats against election officials and workers and recent threats against school administrators and board members.

Draft AG Memo to USAOs and SACs – draft guidance to USAOs and SACs voicing concerns about increasing threats against election officials and workers and, separately, against school administrators and board members and instructing them to convene separate meetings for each type of threat with state/local law enforcement and other affected parties.

Components Affected: EOUSA, FBI, CRM

Draft School Board Threats Response Strategy – lays out several proposals for addressing a recent uptick in threats of violence against school board members, as recently highlighted in a letter to the President from the National School Boards Association. The letter from the NSBA is also attached for reference.

Components Affected: EOUSA, FBI, CRM, CRT, NSD, CRS, and OJP

The timeline on these documents is short, but we want to provide awareness to your components and give potentially affected components the opportunity to voice views/red-flag concerns.

Best,
Kevin

Kevin Andrew Chambers (he/him/his)
Associate Deputy Attorney General
Office of the Deputy Attorney General
[REDACTED]

From: "Greenberg, Jay (CID) (FBI)" <[REDACTED]>
To: "[REDACTED] D. (PG) (FBI)" <[REDACTED]> "[REDACTED] (INSD) (FBI)" <[REDACTED]>

Subject: RE: 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: Tue, 05 Oct 2021 09:16:57 -0400

Importance: Normal

Not in time to stop it. We can further discuss.

Deputy Assistant Director
Public Corruption and Civil Rights
Financial Crimes
Undercover Operations
[REDACTED]

Special Assistant
[REDACTED]

From: [REDACTED] D. (PG) (FBI) <[REDACTED]>
Sent: Tuesday, October 5, 2021 8:54 AM
To: Greenberg, Jay (CID) (FBI) <[REDACTED]> [REDACTED] (INSD) (FBI) <[REDACTED]>
Subject: FW: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff

Was CID aware DOJ was putting this out?

From: [REDACTED] (USAPAW) [REDACTED]
Sent: Monday, October 4, 2021 5:52 PM
To: [REDACTED] D. (PG) (FBI) [REDACTED]
Subject: [EXTERNAL EMAIL] - FW: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff

[REDACTED] We just received this memorandum. The LEAD meeting this Friday can serve as one such meeting which the AG is directing to occur. I would be glad to support you and attend any other meetings which the FBI convenes. Glad to discuss.

[REDACTED]

From: USAEO-OTD <[REDACTED]>
Sent: Monday, October 4, 2021 5:44 PM
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

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

From: "Rich, Oliver E. Jr. (DO) (FBI)" <[REDACTED]>
To: "McClendon, Caroline Josey (DO) (FBI)" <[REDACTED]> "Felder, Vanessa Danielle (HRD) (FBI)" <[REDACTED]>
Cc: "Sabatello, Jennifer A. (DO) (FBI)" <[REDACTED]> "Kern, Julie Diane (DO) (FBI)" <[REDACTED]> "Logan, Julianna I. (DO) (FBI)" <[REDACTED]> "Pugh, Erika (DO) (FBI)" <[REDACTED]>

Subject: FW: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Date: Tue, 05 Oct 2021 17:48:58 -0400

Importance: Normal

Attachments: Final.AG_MEMO_TO_USAOs_AND_SACs_(10.4.21).docx;
DRAFT_PRESS_RELEASE_-
_Threats_Against_School_Workers_(version_to_components).docx

FYSA

From: Coakley, Miriam M. (OGC) (FBI) <[REDACTED]>
Sent: Monday, October 4, 2021 4:04 PM
To: Abbate, Paul M. (DO) (FBI) <[REDACTED]> Sallet, Jeffrey S. (DO) (FBI) <[REDACTED]>
Cc: Rich, Oliver E. Jr. (DO) (FBI) <[REDACTED]> Smith, James H. III (DO) (FBI) <[REDACTED]>
Subject: FW: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Hi,

Have you seen this? Just came to me and I have concerns.

Thanks,
Miriam

From: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]>
Sent: Monday, October 4, 2021 3:54 PM
To: Greenberg, Jay (CID) (FBI) <[REDACTED]> Coakley, Miriam M. (OGC) (FBI) <[REDACTED]> McCarthy, Dawn L. (OGC) (FBI) <[REDACTED]>
Subject: FW: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Making sure you all had this from today. I'm trying to track down additional on this from today.

Tim Langan
Assistant Director
FBI Counterterrorism Division

From: Chambers, Kevin (ODAG) <[REDACTED]>
Sent: Monday, October 4, 2021 3:00 PM
To: Jensen, Steven J. (CTD) (FBI) <[REDACTED]> McQuaid, Nicholas (CRM) <[REDACTED]> Moossy, Robert (CRT) <[REDACTED]> Wilkinson, Monty (USAEO) <[REDACTED]> Toscas, George (NSD) (JMD) <[REDACTED]> Darke Schmitt, Katherine (OJP/OVC) <[REDACTED]>
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(FBI) <[REDACTED]> Vorndran, Kevin (CTD) (FBI) <[REDACTED]> Lesko, Mark (NSD) (JMD)
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<[REDACTED]> Lan, Iris (ODAG) (JMD) <[REDACTED]>
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<[REDACTED]>
Cc: Braden, Myesha (ODAG) <[REDACTED]> Newman, David A. (ODAG) <[REDACTED]>
Lan, Iris (ODAG) <[REDACTED]>
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<[REDACTED]> Vorndran, Kevin (CTD) (FBI) <[REDACTED]> Lesko, Mark (NSD) <[REDACTED]>
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<[REDACTED]>
Cc: Carlin, John P. (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]> Newman,
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Kevin

Kevin Andrew Chambers (he/him/his)
Associate Deputy Attorney General
Office of the Deputy Attorney General


From: "Greenberg, Jay (CID) (FBI)" <[REDACTED]>

To: "[REDACTED] (OGC) (FBI)" <[REDACTED]>

Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Date: Tue, 05 Oct 2021 18:21:12 -0400

Importance: Normal

Copy. SACs too on this end.

Deputy Assistant Director
Public Corruption and Civil Rights
Financial Crimes
Undercover Operations

[REDACTED]
Special Assistant
[REDACTED]

From: [REDACTED] (OGC) (FBI) <[REDACTED]>

Sent: Tuesday, October 5, 2021 5:27 PM

To: Coakley, Miriam M. (OGC) (FBI) <[REDACTED]> Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]>
Greenberg, Jay (CID) (FBI) <[REDACTED]> McCarthy, Dawn L. (OGC) (FBI) <[REDACTED]> Jensen, Steven J. (CTD) (FBI) <[REDACTED]> Tarasca, James A. (CTD) (FBI) <[REDACTED]>

Cc: Prest, Erin M. (OGC) (FBI) <[REDACTED]> Kelly, Stephen D. (OGC) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>

Subject: Re: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release FYSA...The CDCs have started to ping Heather Young and I for further guidance from JEH or DOJ.

SSA [REDACTED]
Unit Chief
Investigative Law Unit
Office of the General Counsel
Federal Bureau of Investigation
[REDACTED] (desk)
[REDACTED] (cell)

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly 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 [REDACTED]

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Sent: Tuesday, October 5, 2021 7:53 AM

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Subject: Re: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release
Good morning,

Yes, DOJ issued a press release last night without any coord - we're looking to narrow the scope of our role this morning to something that makes sense.

Thanks,
Miriam

d [REDACTED] c [REDACTED]

[REDACTED]

From: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]>
Sent: Tuesday, October 5, 2021 7:01:08 AM
To: Coakley, Miriam M. (OGC) (FBI) <[REDACTED]> Greenberg, Jay (CID) (FBI) <[REDACTED]> McCarthy, Dawn L. (OGC) (FBI) <[REDACTED]> Jensen, Steven J. (CTD) (FBI) <[REDACTED]> Tarasca, James A. (CTD) (FBI) <[REDACTED]>
Cc: Prest, Erin M. (OGC) (FBI) <[REDACTED]> Kelly, Stephen D. (OGC) (FBI) <[REDACTED]> [REDACTED] (OGC) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>
Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Miriam,
From this morning:

FBI, DOJ to Respond to 'Disturbing Spike' in Threats Against Educators

The [Associated Press](#) (10/04, Fields) reported that Attorney General Merrick Garland on Monday directed federal authorities to hold strategy sessions in the next 30 days with law enforcement to address the increasing threats targeting school board members, teachers, and other employees in the nation's public schools. According to [FOX News](#) (10/04, Lee), the move comes just four days after a leading organization representing the nation's school boards called on the Biden administration and federal law enforcement agencies to assist school boards, which the group said have seen an increase in violent threats in response to COVID-19 restrictions and critical race theory curriculum. [Politico](#) (10/04, Perez) noted that Garland directed the FBI to meet with federal, state, local, tribal, and territorial leaders in each federal judicial district to "facilitate the discussion of strategies for addressing threats." "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," Garland wrote. The [Epoch Times](#) (10/04, Pentchoukov), [Business Insider](#) (10/04, Keith), and [Bay News 9](#) (10/04, Staff Writer) also reported on the story.

Tim Langan
Assistant Director
FBI Counterterrorism Division

From: Coakley, Miriam M. (OGC) (FBI) <[REDACTED]>
Sent: Monday, October 4, 2021 5:03 PM
To: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> Greenberg, Jay (CID) (FBI) <[REDACTED]> McCarthy, Dawn L. (OGC) (FBI) <[REDACTED]> Jensen, Steven J. (CTD) (FBI) <[REDACTED]>
Cc: Prest, Erin M. (OGC) (FBI) <[REDACTED]> Kelly, Stephen D. (OGC) (FBI) <[REDACTED]> [REDACTED] (OGC) (FBI) <[REDACTED]>
Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Hi all,
Circling back after further discussion here - this is most appropriately directed to the USAOs as it is well within their scope to coordinate on something like this- we do not see this as an FBI function. DO and I are deciding on if the reach-out to ODAG comes from me or them, I'll keep you posted.

Thanks,
Miriam

From: Coakley, Miriam M. (OGC) (FBI)
Sent: Monday, October 4, 2021 4:05 PM
To: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> Greenberg, Jay (CID) (FBI) <[REDACTED]> McCarthy, Dawn L. (OGC) (FBI) <[REDACTED]>

Cc: Prest, Erin M. (OGC) (FBI) <[REDACTED]> Kelly, Stephen D. (OGC) (FBI) <[REDACTED]> [REDACTED] (OGC) (FBI) <[REDACTED]>

Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Hello,

Thank you, I had not seen it – I've flagged for DO and our EM as I think engagement is warranted.

Thanks,

Miriam

From: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]>

Sent: Monday, October 4, 2021 3:54 PM

To: Greenberg, Jay (CID) (FBI) <[REDACTED]> Coakley, Miriam M. (OGC) (FBI) <[REDACTED]> McCarthy, Dawn L. (OGC) (FBI) <[REDACTED]>

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Assistant Director

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From: Chambers, Kevin (ODAG)

Sent: Saturday, October 2, 2021 4:02 PM

To: Steven Jensen <[REDACTED]> McQuaid, Nicholas (CRM) <[REDACTED]> Moosy, Robert (CRT) <[REDACTED]> Wilkinson, Monty (USAEO) <[REDACTED]> Toscas, George (NSD) <[REDACTED]> Darke Schmitt, Katherine (OJP/OVC) <[REDACTED]> Tarasca, James A. (CTD) (FBI) <[REDACTED]> Blue, Matt (NSD) <[REDACTED]> Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> A. (CTD) (FBI) <[REDACTED]> Reddan, Patrick E. Jr. (CTD) (FBI) <[REDACTED]> Vorndran, Kevin (CTD) (FBI) <[REDACTED]> Lesko, Mark (NSD) <[REDACTED]> Wiegmann, Brad (NSD) <[REDACTED]> Driscoll, Kevin (CRM) <[REDACTED]> Rossi, Rachel (OASG) <[REDACTED]> Monroe, Becky (OASG) <[REDACTED]> Wong, Norman (USAEO) <[REDACTED]>

Cc: Carlin, John P. (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]> Newman, David A. (ODAG) <[REDACTED]> Lan, Iris (ODAG) <[REDACTED]>

Subject: FOR REVIEW: Draft Documents Re: School Board Threats

DRAFT/DELIBERATIVE/PREDECISIONAL

All,

Attached are two documents proposing Department responses to continuing threats against election officials and workers and recent threats against school administrators and board members.

Draft AG Memo to USAOs and SACs – draft guidance to USAOs and SACs voicing concerns about increasing threats against election officials and workers and, separately, against school administrators and board members and instructing them to convene separate meetings for each type of threat with state/local law enforcement and other affected parties.

Components Affected: EOUSA, FBI, CRM

Draft School Board Threats Response Strategy – lays out several proposals for addressing a recent uptick in threats of violence against school board members, as recently highlighted in a letter to the President from the National School Boards Association. The letter from the NSBA is also attached for reference.

Components Affected: EOUSA, FBI, CRM, CRT, NSD, CRS, and OJP

The timeline on these documents is short, but we want to provide awareness to your components and give potentially affected components the opportunity to voice views/red-flag concerns.

Best,

Kevin

Kevin Andrew Chambers (he/him/his)
Associate Deputy Attorney General
Office of the Deputy Attorney General
[REDACTED]

From: "Greenberg, Jay (CID) (FBI)" <[REDACTED]>

To: "[REDACTED] (KC) (FBI)" <[REDACTED]>

Cc: "[REDACTED] (KC) (FBI)" <[REDACTED]>

Subject: RE: I am sharing 'Attorney General Memorandum - Partnership Among Federal State Local Tribal and Territorial Law Enforcement to Address Threats Against School Administrators Board Mem' with you

Date: Tue, 05 Oct 2021 18:23:31 -0400

Importance: Normal

We were all caught off guard by this announcement.

We are putting out guidance this week. Essentially, this should be identical to how we already work TTL Guardians, but we'll roll out a new tag to track. This was unilaterally pushed by DOJ, and we are now working with DOJ OPA to message clear intent.

I know this is confusing, we're working on TPs for the Deputy tomorrow on the SVTC, or, at a minimum, joint email guidance from CID and CTD.

Jay

Deputy Assistant Director
Public Corruption and Civil Rights
Financial Crimes
Undercover Operations

[REDACTED]

Special Assistant

[REDACTED]

From: [REDACTED] (KC) (FBI) <[REDACTED]>

Sent: Tuesday, October 5, 2021 3:55 PM

To: Greenberg, Jay (CID) (FBI) <[REDACTED]>

Cc: [REDACTED] (KC) (FBI) <[REDACTED]>

Subject: Fwd: I am sharing 'Attorney General Memorandum - Partnership Among Federal State Local Tribal and Territorial Law Enforcement to Address Threats Against School Administrators Board Mem' with you

Do you have any additional guidance on this? Specifically the meeting in 30 days and actions on our end?

From: Chip Slaven <[REDACTED]>

To: "[REDACTED] (PAO)" <[REDACTED]>

Cc: "Coley, Anthony D. (PAO)" <[REDACTED]>

Subject: [EXTERNAL] Re: Follow-Up: DOJ Memo Regarding Threats Against School Personnel

Date: Mon, 04 Oct 2021 17:26:18 -0400

Importance: Normal

Hi [REDACTED]

Thank you for sharing the memo with me and for the phone call with Anthony briefing me on the action being taken. On behalf of all of us at NSBA, thank you to the Attorney General and your great team for demonstrating such strong leadership on this critical issue. The action on this issue will make a difference.

We stand ready to work with you on efforts going forward. Please let us how we can support your efforts.

Best,
Chip

From: [REDACTED] (PAO) <[REDACTED]>

Sent: Monday, October 4, 2021 4:58 PM

To: Chip Slaven <[REDACTED]>

Cc: Coley, Anthony D. (PAO) <[REDACTED]>

Subject: Follow-Up: DOJ Memo Regarding Threats Against School Personnel

Hi Chip,

It was a pleasure to speak with you today regarding efforts the Department of Justice is taking to address threats against school administrators, board members, teachers, and staff. As promised, I have attached the memo from the Attorney General that will be made public later today and we will notify you once it is public. As Anthony mentioned during our conversation, we thank you for raising this concern with us, and we hope to continue this dialogue as this is a very important issue the department is committed to addressing.

Best,
[REDACTED]

From: Chip Slaven <[REDACTED]>

To: "Coley, Anthony D. (PAO)" <[REDACTED]>

Subject: RE: [EXTERNAL] RE: Hello from Main Justice

Date: Wed, 06 Oct 2021 14:11:47 -0400

Importance: Normal

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: Coley, Anthony D. (PAO) <[REDACTED]>

Sent: Monday, October 4, 2021 3:41 PM

To: Chip Slaven <[REDACTED]>

Subject: Re: [EXTERNAL] RE: Hello from Main Justice

Perfect. I'll give you a call within the hour.

On Oct 4, 2021, at 3:21 PM, [REDACTED] <[REDACTED]> wrote:

Hi Anthony,

I appreciate you reaching out to me. I am available for a call. We can set up a time or you are free to reach me on my cell phone at [REDACTED] Please just let me know which option you prefer.

Thanks,
Chip

From: Coley, Anthony D. (PAO) <[REDACTED]>

Sent: Monday, October 4, 2021 3:19 PM

To: Chip Slaven <[REDACTED]>

Subject: Hello from Main Justice

Hi Chip, I hope you're well.

Wondering if you'd have a couple minutes to chat this afternoon.

Anthony D. Coley, Director
Office of Public Affairs &
Sr. Advisor to the Attorney General
U.S. Department of Justice
Direct: [REDACTED]
Cell: [REDACTED]
@AnthonyColeyDO

From: "Coley, Anthony D. (PAO)" <[REDACTED]>
To: "[REDACTED]" <[REDACTED]>
Cc: "Iverson, Dena (PAO)" <[REDACTED]> "Pietranton, Kelsey (PAO)" <[REDACTED]>
(PAO)" <[REDACTED]>

Subject: Hello from DOJ

Date: Mon, 04 Oct 2021 14:00:38 -0400

Importance: Normal

Hi Team Ed – Hope you all are well.

Later today, the Justice Department is going to have an announcement that speaks to threats against school board members and public school officials, as detailed here:

<https://news.yahoo.com/u-school-board-group-asks-201942173.html> and here:
<https://www.cbsnews.com/news/school-board-violent-threats-mask-mandates-critical-race-theory/>

We're planning to touch base with the Nat'l School Board Assn ahead of the announcement but wonder if there are a handful of other third party groups that we should touch either before or immediately after the announcement? Welcome any thoughts/guidance you all may have.

Anthony D. Coley, Director
Office of Public Affairs &
Sr. Advisor to the Attorney General
U.S. Department of Justice
Direct: [REDACTED]
Cell: [REDACTED]
@AnthonyColeyDOJ

From: "Langan, Timothy R. Jr. (CTD) (FBI)" <[REDACTED]>
To: "[REDACTED] (CTD) (FBI)" <[REDACTED]> "[REDACTED] (CTD) (FBI)" <[REDACTED]>
[REDACTED] (CTD) (FBI)" <[REDACTED]> [REDACTED] (CTD) (FBI)" <[REDACTED]>
Cc: "Reddan, Patrick E. Jr. (CTD) (FBI)" <[REDACTED]> "Tarasca, James A. (CTD) (FBI)" <[REDACTED]>
[REDACTED] "Vorndran, Kevin (CTD) (FBI)" <[REDACTED]>
Subject: Re: Task Force Representatives: School Board and School Worker Threats
Date: Wed, 10 Nov 2021 14:08:14 -0500
Importance: Normal

Thanks all for working in this. I'm at the airport on my way back from a very successful visit and conference.

From: [REDACTED] (CTD) (FBI) <[REDACTED]>
Sent: Wednesday, November 10, 2021 12:51:20 PM
To: [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>
[REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>
Cc: Reddan, Patrick E. Jr. (CTD) (FBI) <[REDACTED]> Tarasca, James A. (CTD) (FBI) <[REDACTED]> Vorndran, Kevin (CTD) (FBI) <[REDACTED]> Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]>
Subject: RE: Task Force Representatives: School Board and School Worker Threats

[REDACTED] -

EAD Sanborn called and would like summaries of the below Guardians. She wants to provide them to the Director for his Congressional prep. Based on my conversation with her, I think it's just a matter of pulling info from each of the Guardians into a short 1 or 2 paragraphs. Would you please handle this for me? I'll send you a draft format on FBINET you can use as a template. Once you've compiled them, please send to me, Jenn S. and Cagnie for initial review and then we can run through DTOS and EM for approval. EAD requested them by COB Friday.

Let me know if you have any questions -

Thanks -

[REDACTED]

SSA [REDACTED]
FBI Counterterrorism Division
[REDACTED] (desk)
[REDACTED] (cell)

From: [REDACTED] (CTD) (FBI) <[REDACTED]>
Sent: Monday, November 8, 2021 2:43 PM
To: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>
Cc: [REDACTED] <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>
Subject: FW: Task Force Representatives: School Board and School Worker Threats

Sir,

We have five CTD Guardians in regards to EDUOFFICIALS.

- 775624_HO was opened in 10/15/2021 and still opened.
- 768271_AT closed was converted into a Full Investigation (10/05/2021)
- 774247_SD closed 10/25/2021
- 781134_MP Pre-assessment on 11/05/2021
- 777630_PD referred to another agency on 10/22/2021

Let us know if you need anything more on this.

Special Assistant

FBI Counterterrorism Division Operations Branch

Email: [REDACTED] (Unclass) [REDACTED] (Secret) [REDACTED] (Top Secret)

Phone: [REDACTED] (Cell) [REDACTED] (LX Desk) [REDACTED] (LX Secure)

Office: LX-1 3W-400

From: [REDACTED] (CTD) (FBI) <[REDACTED]>
Sent: Monday, November 8, 2021 1:41 PM
To: [REDACTED] (CTD) (FBI) <[REDACTED]>
Cc: [REDACTED] A. (CTD) (FBI) <[REDACTED]>
Subject: FW: Task Force Representatives: School Board and School Worker Threats

Hi [REDACTED]

Please see below for the 5 CTD Guardians:

- 775624_HO was opened in 10/15/2021 and still opened.
- 768271_AT closed was converted into a Full Investigation (10/05/2021)
- 774247_SD closed 10/25/2021
- 781134_MP Pre-assessment on 11/05/2021
- 777630_PD referred to another agency on 10/22/2021

Thank you,

From: [REDACTED] (CTD) (FBI) <[REDACTED]>
Sent: Monday, November 8, 2021 1:13 PM
To: [REDACTED] (CTD) (FBI) <[REDACTED]>
Subject: Re: Task Force Representatives: School Board and School Worker Threats

[REDACTED]

I will send you a tracker with more details but there are 17 guardians total. The bulk of them are CRIMINAL with only five tagged CTD, and are as follow:

775624_HO was opened in 10/15/2021 and still opened.
768271_AT closed was converted into a Full Investigation (10/05/2021)
774247_SD closed 10/25/2021
781134_MP Pre-assessment on 11/05/2021
777630_PD referred to another agency on 10/22/2021

All the remaining are CID.

■

From: ■ (CTD) (FBI) <■>
Sent: Monday, November 8, 2021 1:23 PM
To: ■ (CTD) (FBI) <■>
Subject: Re: Task Force Representatives: School Board and School Worker Threats

■

I am tracking these guardians ... will provide an update on the ones that are tag DT so far ... most of them already closed but will give you an update this afternoon.

■

From: ■ (CTD) (FBI) <■>
Sent: Monday, November 8, 2021 1:13 PM
To: ■ (CTD) (FBI) <■>
Subject: FW: Task Force Representatives: School Board and School Worker Threats

Hi ■

We received an ask from the DAD's office to provide updates on which "EDUOFFICIALS" Guardians are DT. I did a pull, and it looks like there are a few that are tagged to DTOS, but not all even have a program tag.

Were you keeping track of which ones were ours? If so, can you please provide us with a list of the Guardian numbers? Here is what the DAD's office sent in terms of numbers, though based on my pull, it also looks like HO tagged one additional:

There are currently 16 EDUOFFICIALS Guardians opened throughout ■ Field Offices.

Detroit - 3
Portland -2

One each for the following: Atlanta, Chicago, Cincinnati, Denver, Indianapolis, Minneapolis, Newark, Omaha, San Diego, San Francisco, and Washington Field.

Thank you!

From: ■ (CTD) (FBI) <■>
Sent: Monday, November 8, 2021 11:53 AM
To: ■ A. (CTD) (FBI) <■>
Cc: ■ (CTD) (FBI) <■> ■ (CTD) (FBI) <■>
■ (CTD) (FBI) <■>
Subject: FW: Task Force Representatives: School Board and School Worker Threats

DTOS,

Can we confirm these are not DT Guardians?

■
Special Assistant
FBI Counterterrorism Division Operations Branch
Email: ■ (Unclass) ■ (Secret) ■ (Top Secret)

Phone: [REDACTED] (Cell) [REDACTED] (LX Desk) [REDACTED] (LX Secure)
Office: [REDACTED]

From: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]>
Sent: Monday, November 8, 2021 10:46 AM
To: [REDACTED] <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>
Subject: FW: Task Force Representatives: School Board and School Worker Threats

See below from CID.

[REDACTED]

Would your branch run down the program those Guardians are open as, I would assume the would be threats that CID will manage but looking for confirmation and if we do have any DT ones.

Thanks.

Tim Langan
Assistant Director
FBI Counterterrorism Division

From: [REDACTED] (INSD) (FBI) <[REDACTED]>
Sent: Monday, November 8, 2021 10:41 AM
To: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> [REDACTED] (DO) (DET) <[REDACTED]>
Tarasca, James A. (CTD) (FBI) <[REDACTED]> Greenberg, Jay (CID) (FBI) <[REDACTED]>
Cc: Ellis, Corey Frazier (DO) (DET) <[REDACTED]> [REDACTED] (DO) (DET) <[REDACTED]>
Subject: RE: Task Force Representatives: School Board and School Worker Threats

Highlighted change, should be 13 FOs not 16.

All FYSA,

There are currently 16 EDUOFFICIALS Guardians opened throughout [REDACTED] Field Offices.

Detroit - 3
Portland -2

One each for the following: Atlanta, Chicago, Cincinnati, Denver, Indianapolis, Minneapolis, Newark, Omaha, San Diego, San Francisco, and Washington Field.

Please advise if you have any questions,

Respectfully,

[REDACTED]

From: [REDACTED] (INSD) (FBI)
Sent: Monday, November 8, 2021 10:39 AM
To: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> [REDACTED] (DO) (DET) <[REDACTED]>
Tarasca, James A. (CTD) (FBI) <[REDACTED]> Greenberg, Jay (CID) (FBI) <[REDACTED]>
Cc: Ellis, Corey Frazier (DO) (DET) <[REDACTED]> [REDACTED] (DO) (DET) <[REDACTED]>
Subject: RE: Task Force Representatives: School Board and School Worker Threats

All FYSA,

There are currently 16 EDUOFFICIALS Guardians opened throughout 16 Field Offices.

Detroit - 3

Portland -2

One each for the following: Atlanta, Chicago, Cincinnati, Denver, Indianapolis, Minneapolis, Newark, Omaha, San Diego, San Francisco, and Washington Field.

Please advise if you have any questions,

Respectfully,

From: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]>

Sent: Sunday, November 7, 2021 11:20 AM

To: [REDACTED] (DO) (DET) <[REDACTED]> Tarasca, James A. (CTD) (FBI) <[REDACTED]>
[REDACTED] (INSD) (FBI) <[REDACTED]> Greenberg, Jay (CID) (FBI) <[REDACTED]>

Cc: Ellis, Corey Frazier (DO) (DET) <[REDACTED]> [REDACTED] (DO) (DET) <[REDACTED]>

Subject: Re: Task Force Representatives: School Board and School Worker Threats

I concur with Jay, the coordination was decided to be with the USAOs.

From: [REDACTED] (DO) (DET) <[REDACTED]>

Sent: Sunday, November 7, 2021 11:01:44 AM

To: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> Tarasca, James A. (CTD) (FBI) <[REDACTED]>
[REDACTED] (INSD) (FBI) <[REDACTED]> Greenberg, Jay (CID) (FBI) <[REDACTED]>

Cc: Ellis, Corey Frazier (DO) (DET) <[REDACTED]> [REDACTED] (DO) (DET) <[REDACTED]>

Subject: Re: Task Force Representatives: School Board and School Worker Threats

Thanks, Jay. The press conference is cyber focused. The school board info is just so the Director is prepared for off-topic questions based on the "news of the day." We've got all of the other TPs you referenced and have incorporated them.

From: Greenberg, Jay (CID) (FBI) <[REDACTED]>

Sent: Sunday, November 7, 2021 10:58:45 AM

To: [REDACTED] (DO) (DET) <[REDACTED]> Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]>
Tarasca, James A. (CTD) (FBI) <[REDACTED]> [REDACTED] (INSD) (FBI) <[REDACTED]>

Cc: Ellis, Corey Frazier (DO) (DET) <[REDACTED]> [REDACTED] (DO) (DET) <[REDACTED]>

Subject: Re: Task Force Representatives: School Board and School Worker Threats

Hi will - I've removed Steven Jensen and added in Jim Tarasca and [REDACTED] We pushed out joint guidance to all offices across multiple levels.

I believe our organizational posture was and remains that DOJ was in the lead on this and we supported by meeting with them and appropriate partners across all field offices.

We can push you our guidance on red side tomorrow morning, which will help build out our talking points. We should also have the language we pushed to DO for the Director and Deputy address to all SACs on this when it was first announced.

Not sure the volume of intake, but we also pushed out a new Tag to use in Guardian to track all related complaints we received, so we can pull those numbers for tomorrow as well.

Can you send some details on the press conference you referenced (time, attendees, speakers, etc) so we can provide relevant information to support?

Thanks.

Jay

From: [REDACTED] (DO) (DET) <[REDACTED]>
Sent: Sunday, November 7, 2021, 10:17 AM
To: Langan, Timothy R. Jr. (CTD) (FBI); Greenberg, Jay (CID) (FBI); Jensen, Steven J. (CTD) (FBI)
Cc: Ellis, Corey Frazier (DO) (DET); [REDACTED] (DO) (DET)
Subject: Fw: Task Force Representatives: School Board and School Worker Threats

Tim, Jay, and Jim,

Any update on the status of these task forces? We're trying to get the latest before the Director's press conference on Monday.

Thanks.

[REDACTED]

From: Chambers, Kevin (ODAG) <[REDACTED]>
Sent: Wednesday, October 6, 2021 9:03 AM
To: Polite, Kenneth (CRM) <[REDACTED]> McQuaid, Nicholas (CRM) <[REDACTED]>
Clarke, Kristen (CRT) <[REDACTED]> Moossy, Robert (CRT) <[REDACTED]> Greenberg, Jay (CID) (FBI) <[REDACTED]> Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> Jensen, Steven J. (CTD) (FBI) <[REDACTED]> Wilkinson, Monty (USAEO) <[REDACTED]> Wong, Norman (USAEO) <[REDACTED]> Lesko, Mark (NSD) <[REDACTED]> Toscas, George (NSD) <[REDACTED]> Wiegmann, Brad (NSD) <[REDACTED]> [REDACTED] (JMD) <[REDACTED]> Darke Schmitt, Katherine (OJP/OVC) <[REDACTED]> Monroe, Becky (OASG) <[REDACTED]> Solomon, Amy (OJP) <[REDACTED]>
Cc: Newman, David A. (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]> Singh, Anita M. (ODAG) <[REDACTED]>
Subject: Task Force Representatives: School Board and School Worker Threats

To: CRM, CRT, FBI, EOUSA, NSD, OJP and CRS

As announced in the Attorney General's Memorandum of October 4, 2021, the Department is taking steps to combat the uptick in unlawful threats of violence against school administrators, board members, teachers, and staff. One of those steps is the establishment of a Departmental task force charged with:

(1) determining how federal enforcement tools can be used to prosecute threat of violence that constitute federal crimes;

(2) identifying how best to assist state, tribal, territorial and local law enforcement in addressing threats of violence;
(3) developing appropriate training for school administrators, board members, teachers and staff regarding how to identify, report, and preserve evidence related to criminal threats of violence; and
(4) coordinating with our interagency partners, including the Dept. of Education, DHS, and others, on these efforts and sharing strategies and best practices.

Your components have been selected to serve on this task force. Please designate at least two people who can represent your component on this task force, each of whom should have authority to make decisions in principle on your behalf. Please send me the names of your component's representatives by noon on Friday, October 8, 2021. I will be in touch first thing next week to set up our initial meeting.

Thank you so much for your attention to these important issues.

Kevin Andrew Chambers (he/him/his)
Associate Deputy Attorney General
Office of the Deputy Attorney General



From: "Palmer, David (NSD)" <[REDACTED]>
To: "Toscas, George (NSD)" <[REDACTED]>
Subject: RE: Task Force Welcome / Request for Statutes
Date: Tue, 12 Oct 2021 12:27:04 -0400
Importance: Normal

FWIW, I agree with you. I'll mention it again to Mark in a meeting I have with him shortly.

From: Toscas, George (NSD) <[REDACTED]>
Sent: Tuesday, October 12, 2021 12:25 PM
To: Lesko, Mark (NSD) <[REDACTED]>
Cc: Wiegmann, Brad (NSD) <[REDACTED]> Palmer, David (NSD) <[REDACTED]>
Subject: Re: Task Force Welcome / Request for Statutes

Mark: as I previously expressed, I don't see the need for a task force like this. We don't start a narrowly focused task force every time some group believes they are the subject of threats. We (meaning DOJ and FBI) simply investigate credible criminal threats that have a federal nexus. I think we should ask that NSD be removed from this task force. There is nothing to suggest a national security nexus to the alleged threats. If the others on the task force identify a national security nexus in any particular investigation, they can loop us in (just as any usao or component is required to do). Can we make that request?

On Oct 12, 2021, at 12:18 PM, Lesko, Mark (NSD) <[REDACTED]> wrote:

George & Brad –

ODAG is moving quickly on this and has scheduled a meeting for tomorrow (Wednesday) at 4pm, so we need to designate two people to serve on the task force. George previously suggested that we designate someone from CTS and from L&P appeals and I think that's a good idea. Please send me the names of our designees and I'll make sure that they receive the invitation for tomorrow's meeting.

Thanks,
Mark

From: Chambers, Kevin (ODAG) <[REDACTED]>
Sent: Sunday, October 10, 2021 12:35 PM
To: [REDACTED] (CRT) <[REDACTED]> Blumberg, Mark (CRT) <[REDACTED]>
[REDACTED] (USAEO) <[REDACTED]> [REDACTED] (USAEO) <[REDACTED]>
[REDACTED] Darke Schmitt, Katherine (OJP/OVC) <[REDACTED]> [REDACTED]
(OJP) <[REDACTED]> [REDACTED] (JMD) <[REDACTED]> [REDACTED] (CRS)
<[REDACTED]> [REDACTED] (CRS) <[REDACTED]> [REDACTED] (CRS)
<[REDACTED]>
Cc: Polite, Kenneth (CRM) <[REDACTED]> McQuaid, Nicholas (CRM) <[REDACTED]>
Greenberg, Jay (CID) (FBI) <[REDACTED]> Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> Jensen, Steven J.
(CTD) (FBI) <[REDACTED]> Lesko, Mark (NSD) <[REDACTED]> Toscas, George (NSD)
<[REDACTED]> Wiegmann, Brad (NSD) <[REDACTED]>
Subject: Task Force Welcome / Request for Statutes

Good afternoon,

If you're receiving this email, you've been designated by your component for participation in the school board/administrators/staff threats task force. Thank you for lending your time and effort to this initiative. The first meeting will likely be on Tuesday or Wednesday of this week.

Note: CRM/NSD/FBI (on cc line) has not designated anyone for the TF. When you have designated folks, please forward this ask to your designees and let me know so I can add them to the To: line and remove you from CC. Thanks.

Before we meet, OAG has asked for a working list of **federal** statutes potentially applicable to threats made against school board members and school administrators, and workers. The below includes that list to date, based on conversations and input received from components related to this and other threats responses. Please supplement with any other potentially applicable statutes as appropriate. With apologies for the timing, please provide any supplements to me by end of day tomorrow. As simple citation to the statute is fine.

Many thanks,
Kevin

WORKING LIST OF STATUTES POTENTIALLY APPLICABLE TO SCHOOL ADMINISTRATOR THREATS

18 U.S.C. § 875 Interstate Communications RELEVANT TEXT

...

(b)Whoever, with intent to extort from any person, firm, association, or corporation, any money or other thing of value, transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than twenty years, or both.

PENALTY: Five (5) year maximum

18 U.S.C. § 876 – Mailing Threatening Communications

...

(c) [Whoever knowingly deposits in any post office or authorized depository for mail matter, to be sent or delivered by the Postal Service or knowingly causes to be delivered by the Postal Service according to the direction thereon], any communication with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined under this title or imprisoned not more than five years, or both.

PENALTY: Five (5) year maximum

18 U.S.C. § 275 Federally Protected Activities RELEVANT TEXT

...

(2)any person because of his race, color, religion or national origin and because he is or has been—
(A)

enrolling in or attending any public school or public college;

PENALTY: One (1) year maximum if no bodily injury and no use or threatened use of dangerous weapon or explosive
Ten (10) years maximum if bodily injury or use or threatened use of dangerous weapon or explosive
Life imprisonment or capital punishment if death results or kidnapping involved

47 U.S.C. § 223 – Harassing Telephone Calls

RELEVANT TEXT

(a) Prohibited acts generally

Whoever—

1. in interstate or foreign communications—

...

(C) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to abuse, threaten, or harass any specific person

PENALTY: Two (2) year maximum

From: Chambers, Kevin (ODAG)

Sent: Friday, October 8, 2021 2:32 PM

To: Polite, Kenneth (CRM) <[REDACTED]> McQuaid, Nicholas (CRM) <[REDACTED]>
Clarke, Kristen (CRT) <[REDACTED]> Moosy, Robert (CRT) <[REDACTED]> Greenberg, Jay
(CID) (FBI) <[REDACTED]> Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> Jensen, Steven J. (CTD) (FBI)
<[REDACTED]> Wilkinson, Monty (USAEO) <[REDACTED]> Wong, Norman (USAEO)
<[REDACTED]> Lesko, Mark (NSD) <[REDACTED]> Toscas, George (NSD)
<[REDACTED]> Wiegmann, Brad (NSD) <[REDACTED]> (JMD)
<[REDACTED]> Darke Schmitt, Katherine (OJP/OVC) <[REDACTED]> Monroe,
Becky (OASG) <[REDACTED]> Solomon, Amy (OJP) <[REDACTED]>

Cc: Newman, David A. (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]>
Singh, Anita M. (ODAG) <[REDACTED]>

Subject: RE: Task Force Representatives: School Board and School Worker Threats

Thanks to those who have provided names for their component designees. If you have not yet provided names, please forward along as soon as practicable. Many thanks.

From: Chambers, Kevin (ODAG)

Sent: Wednesday, October 6, 2021 9:03 AM

To: Polite, Kenneth (CRM) <[REDACTED]> McQuaid, Nicholas (CRM) <[REDACTED]>
Clarke, Kristen (CRT) <[REDACTED]> Moosy, Robert (CRT) <[REDACTED]> Greenberg, Jay
(CID) (FBI) <[REDACTED]> Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> Jensen, Steven J. (CTD) (FBI)
<[REDACTED]> Wilkinson, Monty (USAEO) <[REDACTED]> Wong, Norman (USAEO)
<[REDACTED]> Lesko, Mark (NSD) <[REDACTED]> Toscas, George (NSD)
<[REDACTED]> Wiegmann, Brad (NSD) <[REDACTED]> (JMD)
<[REDACTED]> Darke Schmitt, Katherine (OJP/OVC) <[REDACTED]> Monroe,
Becky (OASG) <[REDACTED]> Solomon, Amy (OJP) <[REDACTED]>

Cc: Newman, David A. (ODAG) <[REDACTED]> Braden, Myesha (ODAG) <[REDACTED]>
Singh, Anita M. (ODAG) <[REDACTED]>

Subject: Task Force Representatives: School Board and School Worker Threats

To: CRM, CRT, FBI, EOUSA, NSD, OJP and CRS

As announced in the Attorney General's Memorandum of October 4, 2021, the Department is taking steps to combat the uptick in unlawful threats of violence against school administrators, board members, teachers, and staff. One of those

steps is the establishment of a Departmental task force charged with:

- (1) determining how federal enforcement tools can be used to prosecute threat of violence that constitute federal crimes;
- (2) identifying how best to assist state, tribal, territorial and local law enforcement in addressing threats of violence;
- (3) developing appropriate training for school administrators, board members, teachers and staff regarding how to identify, report, and preserve evidence related to criminal threats of violence; and
- (4) coordinating with our interagency partners, including the Dept. of Education, DHS, and others, on these efforts and sharing strategies and best practices.

Your components have been selected to serve on this task force. Please designate at least two people who can represent your component on this task force, each of whom should have authority to make decisions in principle on your behalf. Please send me the names of your component's representatives by noon on Friday, October 8, 2021. I will be in touch first thing next week to set up our initial meeting.

Thank you so much for your attention to these important issues.

Kevin Andrew Chambers (he/him/his)
Associate Deputy Attorney General
Office of the Deputy Attorney General



From: "[REDACTED] (CTD) (FBI)" <[REDACTED]>
To: "[REDACTED] A. (CTD) (FBI)" <[REDACTED]> "[REDACTED] (CTD) (FBI)" <[REDACTED]>

Subject: Fw: Documents referenced in TF meeting

Date: Thu, 14 Oct 2021 12:40:22 -0400

Importance: Normal

Attachments: Working_list_of_statutes.docx

For your visibility, this is the list of the potential statues applicable for the school board threats ... this is still a draft and working list provided by the ODAG

From: Chambers, Kevin (ODAG) <[REDACTED]>
Sent: Wednesday, October 13, 2021 5:32 PM
To: [REDACTED] (CRT) <[REDACTED]> Blumberg, Mark (CRT) <[REDACTED]>
[REDACTED] (USAEO) <[REDACTED]> [REDACTED] (USAEO) <Brandy.Donini-[REDACTED]>
[REDACTED] Darke Schmitt, Katherine (OJP/OVC) <[REDACTED]> [REDACTED] (OJP)
<[REDACTED] (JMD) <[REDACTED]> [REDACTED] (CRS) (JMD)
<[REDACTED] (CRS) (JMD) <[REDACTED]> [REDACTED] (CRS) (JMD)
<[REDACTED] (CRM) <[REDACTED]> [REDACTED] Goldfoot, Josh (CRM)
<[REDACTED] (CTD) (FBI) <[REDACTED]> Lathrop, Robert L. (CID) (FBI) <[REDACTED]>
[REDACTED] (NSD) (JMD) <[REDACTED]>
Cc: Matthews-Johnson, Tamarra D. (OAG) (JMD) <[REDACTED]>
Subject: [EXTERNAL EMAIL] - Documents referenced in TF meeting

Thank you all for joining and contributing your thoughts. I referenced two documents during our call:

Attached is a working list of applicable statutes (please do not take my notes as necessarily correct; I haven't conducted legal research in some time)

Here is Sen. Grassley's letter, which lays out some objectively reasonable points about what our effort is and isn't:

https://www.grassley.senate.gov/imo/media/doc/2021-10-07_sjc_to_doj_school_boards.pdf

Best,
Kevin

**WORKING LIST OF STATUTES POTENTIALLY APPLICABLE
TO SCHOOL ADMINISTRATOR THREATS**

18 U.S.C. § 875 [Threats in] Interstate Communications

RELEVANT TEXT

...

(c) Whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both.

PENALTY: Five (5) year maximum

Notes:

- This statute likely requires more than mere use of the internet. In a recent 10th Circuit case, the court held that the government must establish that the communication actually traveled across state lines. United States v. Golightley, No. 19-3135 (10th Cir. Dec 29, 2020) (court holds and government concedes that mere use of internet does not establish transmission through interstate commerce). In the case of intrastate email communications (those communications where the sender, recipient, and all intermediate points are within the same state) this statute may not be available.
- Where threats are posted to social media, this statute likely will be available if the threat travels through social media to reside on the social media company's out-of-state servers.
- Where federal jurisdiction does not lie, threats of injury can be prosecuted under state law. In some instances, state threats laws are more comprehensive (e.g., Texas threats law prohibits threatening to commit any offense for the purpose of "influencing the conduct or activities of a branch or agency of . . . the state"). In many instances, these crimes are misdemeanors and carry lower maximums than the federal threats statute. Below is a sample of available state threats laws:
 - New York: N.Y. Penal Law § 240.30 (Aggravated harassment in the second degree)
 - California: Cal. Penal Code § 422 (Criminal Threats)
 - Florida: Fla. Stat. § 836.05 (Threats)
 - Texas: Tex. Penal Code Ann. § 22.07 (Terroristic Threat)
 - Illinois: 720 ILCS 5/12-6 (Intimidation)
 - Nevada: Nev. Rev. Stat § 200.571 (Harassment)

18 U.S.C. § 876 – Mailing Threatening Communications

RELEVANT TEXT

...

(c) [Whoever knowingly deposits in any post office or authorized depository for mail matter, to be sent or delivered by the Postal Service or knowingly causes to be delivered by the Postal Service according to the direction thereon], any communication with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to kidnap any person or any threat to

DRAFT/NON-DECISIONAL/DELIBERATIVE

injure the person of the addressee or of another, shall be fined under this title or imprisoned not more than five years, or both.

PENALTY: Five (5) year maximum

Notes:

- This threat is completed once the threatening material is placed into the U.S. mail
- Where U.S. mail is not used (e.g., threatening letter left on doorstep) the state statutes likely apply, including those which prohibit threats in writing, however communicated.

18 U.S.C. § 245 [Threats in Relation to] Federally Protected Activities

RELEVANT TEXT

...

PENALTY: One (1) year maximum if no bodily injury and no use or threatened use of dangerous weapon or explosive

Ten (10) years maximum if bodily injury or use or threatened use of dangerous weapon or explosive

Life imprisonment or capital punishment if death results or kidnapping involved

Notes:

- Section (b)(1)(E), when prosecuted, is typically prosecuted by the Criminal Division, as it does not require any showing of racial animus or animus against any protected class. We are presently conducting research into whether and how this crime has been prosecuted in the past and, specifically, into whether public schools and/or school board meetings qualify as “any program . . . receiving Federal financial assistance.”
- Section (b)(2)(A) applies to intimidation and interference of students, where motivated by a prohibited animus
- Section (b)(2)(C) applies to victims who are employed by (rather than students) of a public school system, were motivated by a prohibited animus.

47 U.S.C. § 223 – Harassing Telephone Calls

RELEVANT TEXT

...

(a) Prohibited acts generally

Whoever—

(1) in interstate or foreign communications—

...

(C) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to abuse, threaten, or harass any specific person

PENALTY: Two (2) year maximum

Notes:

- Subject to same limitations as threats in interstate communications
 - Where federal jurisdiction cannot be established, state threats/harassment/intimidation laws will govern conduct.
-

18 U.S.C. § 2261A – Cyberstalking

RELEVANT TEXT

(2) [Whoever] with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that—

(A) places that person in reasonable fear of the death of or serious bodily injury to a person, a pet, a service animal, an emotional support animal, or a horse described in clause (i), (ii), (iii), or (iv) of paragraph (1)(A); or

(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of paragraph (1)(A)

PENALTY: Five (5) year maximum if no injury results; Ten (10) to life if injury or death results, depending on type of injury (enhanced by additional five years if victim is a minor)

Notes:

- Unlike the general threats statute (18 U.S.C. § 875), this statute does not require that the threat travel through interstate commerce, only that a facility of interstate commerce be used.

From: "Klapper, Matthew B. (OAG)" <[REDACTED]>
To: "Matthews-Johnson, Tamarra D. (OAG)" <[REDACTED]>
"Ramamurti, Arjun R. (OAG)" <[REDACTED]> "Heinzelman, Kate (OAG)" <[REDACTED]>

Subject: RE: Draft EOUSA Release

Date: Sat, 16 Oct 2021 14:51:53 -0400

Importance: Normal

Attachments: Draft_EOUSA_School_Threats_Guidance_Memo_(Draft_to_OAG)_(10-15-21)_rev_(002)_mk.docx

With apologies to Tamarra, I picked up the pen following Arjun's draft earlier and just returned to it. Attaching my redlines to that version here. Tamarra, if you'd like to discuss how to reconcile our edits please give a ring. Two main points underpinning my edits:

1. It's important to go further in emphasizing the need to safeguard protected speech and focus on threats of violence and actual violence given the importance of getting that right, and how dispersed this work will be. Even with the AG emphasizing it in the second sentence of his memo, there were still misportrayals by critics that could lead to misunderstanding in the field. In other words, we need to make that point at every turn to ensure this is received as intended.
2. The memo as drafted didn't capture the purpose of the convenings. Please see my edits for my best attempt to translate the AG memo into more specific guidance.

From: Matthews-Johnson, Tamarra D. (OAG) <[REDACTED]>
Sent: Saturday, October 16, 2021 1:07 PM
To: Ramamurti, Arjun R. (OAG) <[REDACTED]> Heinzelman, Kate (OAG) <[REDACTED]>
[REDACTED] Klapper, Matthew B. (OAG) <[REDACTED]>
Subject: RE: Draft EOUSA Release

Thanks Arjun –
I have more edits in the attached revision. Thanks! T

From: Ramamurti, Arjun R. (OAG) <[REDACTED]>
Sent: Friday, October 15, 2021 6:22 PM
To: Matthews-Johnson, Tamarra D. (OAG) <[REDACTED]> Heinzelman, Kate (OAG) <[REDACTED]>
[REDACTED] Klapper, Matthew B. (OAG) <[REDACTED]>
Subject: RE: Draft EOUSA Release

I had two suggested revisions (attached).

Arjun

From: Matthews-Johnson, Tamarra D. (OAG) <[REDACTED]>
Sent: Friday, October 15, 2021 5:28 PM
To: Heinzelman, Kate (OAG) <[REDACTED]> Klapper, Matthew B. (OAG) <[REDACTED]>
[REDACTED] Ramamurti, Arjun R. (OAG) <[REDACTED]>
Subject: Fwd: Draft EOUSA Release

Hi -

As expected, this draft was just received from ODAG
Once finalized and approved the plan is to issue this through EOUSA to the field

Begin forwarded message:

From: "Chambers, Kevin (ODAG)" <[REDACTED]>
Date: October 15, 2021 at 3:48:17 PM CDT
To: "Matthews-Johnson, Tamarra D. (OAG)" <[REDACTED]>
Cc: "[REDACTED] (USAEO)" <[REDACTED]> "[REDACTED] (USAEO)" <[REDACTED]>
[REDACTED] "[REDACTED] (CRM)" <[REDACTED]>
Subject: Draft EOUSA Release

Tamarra,

Attached for OAG review is a draft communication to USAOs re the format and focus of upcoming meetings related to school board threats.

Please let us know if there are any revisions to this document and we would be happy to incorporate.

Best,
Kevin



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Room 2261, RFK Main Justice Building
950 Pennsylvania Avenue, NW
Washington, DC 20530

MEMORANDUM – Sent via Electronic Mail

DATE: October 20, 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
ALL PUBLIC AFFAIRS OFFICERS

FROM: Monty Wilkinson
Director

SUBJECT: Guidance on Implementing the Attorney General's Memorandum on
Addressing Threats against School Administrators, Board Members, Teachers,
and Staff

ACTIONS REQUIRED: (1) Convene a meeting by November 3, 2021, with appropriate district law enforcement leaders in accordance with the Attorney General's memorandum.
(2) Notify the Executive Office for United States Attorneys that you have held this meeting, identify which agencies participated, and note any significant issues for the Deputy Attorney General's attention.

DUE DATE: November 3, 2021

CONTACT PERSONS: [REDACTED] *(for meeting confirmation notifications)*

Contractor
Legal Programs Office

[REDACTED]

[REDACTED] *(for non-legal/coordination questions)*

Law Enforcement Coordinator Program Manager
Office of Legal Programs

[REDACTED]

[REDACTED]

[REDACTED] *(for legal questions)*

National Violent-Crime Coordinator
Legal Programs Office

[REDACTED]

[REDACTED]

This provides further guidance for implementing the Attorney General's October 4, 2021 memorandum entitled, ["Partnerships among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats against School Administrators, Board Members, Teachers, and Staff."](#) The memorandum instructs the United States Attorneys, as the chief federal law enforcement officers in their federal districts, to convene in partnership with the FBI, meetings with appropriate law enforcement agencies.

The Department's aim in requesting these meetings is to assess and discuss trends in violations of criminal laws regarding harassment, intimidation, threats of violence, and actual violence against school officials, teachers, and employees. These meetings should be designed to ensure open lines of communication between federal, state, local, Tribal, and territorial authorities so that appropriate law enforcement agencies are made aware of criminal conduct that falls within their jurisdiction. The problem may be more pressing in some federal districts than others.

The Attorney General's directive emphasizes that constitutionally protected speech must be safeguarded. These meetings should make clear that law enforcement must not interfere with, and should protect, spirited debate about policy matters and peaceful protest.

The Deputy Attorney General has requested that each United States Attorney's office (USAO) convene at least one meeting by November 3, 2021. Please consider the following when planning meetings:

- *Partners to include in meetings.* These meetings should include relevant federal, state, local, Tribal, and territorial law enforcement agency partners that are best suited to gauge and respond to criminal threats to school officials, teachers, and employees in your federal district. These meetings are for law enforcement partners only and are not for education system or school officials.
- *Format of meetings.* You may choose the most efficient and effective means by which to conduct these meetings. For USAOs in states that have multiple federal districts, you may consider holding a statewide or multi-district meeting in conjunction with other USAOs. If the USAO, working with the FBI, deems individual consultations with relevant law enforcement partners to be a more appropriate means of comprehensively assessing the threats, those consultations can take the place of a single joint meeting involving multiple agency representatives.

The format can be as formal or informal as you deem appropriate, through whichever means – in-person, virtual, or hybrid – you believe is most feasible and effective. For offices that plan to convene in-person meetings, please follow COVID-19 workplace safety guidance and local COVID-19 protocols, including social distancing and other safety requirements (*e.g.*, masking and other health guidelines).

- *Discussion topics.* While assessing the extent or lack of the problem in your federal district and discussing improvements to communication channels is paramount, the following topics should also be discussed:
 - How victims can be supported;
 - State, local, Tribal, and territorial laws that address this conduct. This discussion topic would be appropriate for non-federal partners to lead, as they will be the subject matter experts;
 - Relevant federal laws and the appropriate exercise of federal law enforcement authority. This discussion topic would be appropriate for the USAO, the FBI, and other federal partners to lead.
 - Outreach and training needs, including resources for threat mitigation.

If your office has already finalized planning for a meeting or held a meeting, there is no need to hold an additional meeting. Please continue to bear in mind that the purpose of these meetings is to address violations of criminal law regarding harassment, intimidation, threats of violence, and actual violence against school officials, teachers, and employees, not exercises of free speech, expression, or petition.

By November 3, 2021, please notify EOUSA of the following: (1) confirm that your office has held the required meeting with appropriate district law enforcement leaders and indicate the date of the meeting; (2) identify the law enforcement agencies that participated; and (3) note any significant issues arising from the meeting that you believe should be brought to the Deputy Attorney General's attention. Please provide this notification by email – no particular format is required – to [REDACTED] at [REDACTED]

Please direct any non-legal questions (*e.g.*, questions about the process for setting up these meetings) to [REDACTED], Law Enforcement Coordination Program Manager. For legal questions, please contact [REDACTED]. Contact information is provided above.

Thank you for your continued work to make all communities safer.

cc: All United States Attorneys' Secretaries

From: "Matthews-Johnson, Tamarra D. (OAG)" <[REDACTED]>
To: "Heinzelman, Kate (OAG)" <[REDACTED]> "Klapper, Matthew B. (OAG)" <[REDACTED]>
Cc: "Reich, Mitchell (OAG)" <[REDACTED]> "Goodlander, Margaret V. (OAG)" <[REDACTED]>
"Visser, Tim (OAG)" <[REDACTED]>
"Seidman, Ricki (OAG)" <[REDACTED]> "Ramamurti, Arjun R. (OAG)" <[REDACTED]>

Subject: Attached memo sent at 1:15pm to all the USAs.

Date: Wed, 20 Oct 2021 13:32:53 -0400

Importance: Normal

Attachments: Guidance_on_Implementing_the_Attorney_Generals_Memorandum_on_Addressing_Threats_against_School_Administrators_Board_Members_Teachers_and_Staff.pdf

From: [REDACTED] (USAEO) <[REDACTED]>
Sent: Wednesday, October 20, 2021 1:19 PM
To: Chambers, Kevin (ODAG) <[REDACTED]> Matthews-Johnson, Tamarra D. (OAG) <[REDACTED]>
Cc: [REDACTED] (USAEO) <[REDACTED]> Wong, Norman (USAEO) <[REDACTED]>
Subject: RE: Draft EOUSA Release - cleared version attached

Attached memo sent at 1:15pm to all the USAs.

/// [REDACTED] ///

Trial Attorney (Detailee) – U.S. Attorney's Office for the District of Columbia
National Violent-Crime Coordinator – Executive Office for U.S. Attorneys
U.S. Department of Justice
175 N St., N.E. – 4th Floor
Washington, DC 20530

[REDACTED]

From: "[REDACTED] (CTD) (FBI)" <[REDACTED]>
To: "Reddan, Patrick E. Jr. (CTD) (FBI)" <[REDACTED]>
Cc: "[REDACTED] A. (CTD) (FBI)" <[REDACTED]>
Subject: FW: [EXTERNAL EMAIL] - FLASH COORD REQUEST BY COB Friday 29 October: (U//FOUO) Threats to Public Schools Likely Elevated Due to Opposition of Mask and Vaccine Mandates, Perception of Critical Race Theory
Date: Fri, 29 Oct 2021 08:18:21 -0400
Importance: Normal
Attachments: (U--FOUO)_Threats_to_School_Board_IIF_28102021_Coordination.docx

Good morning Sir,

Per chain below and attached, DHS is writing what I think will be a politically charged paper on threats to school boards with some very specific proposals. They are asking for our coordination. In my opinion, we should not coordinate or give any feedback, and we should ensure it is understood we are not to be mentioned as coordinators. I think this product will show up in the news and be featured on the Hill as soon as it is released, so I wanted to get your guidance before moving forward.

[REDACTED] welcome any thoughts you have from the DTOS angle as well.

Thanks!

Best,

[REDACTED]
FBI Counterterrorism Division

[REDACTED] (open) / [REDACTED] (cell)

From: [REDACTED] P. (CTD) (FBI) <[REDACTED]>
Sent: Thursday, October 28, 2021 10:46 PM
To: [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>
[REDACTED] A. (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>
[REDACTED] (CTD) (FBI) <[REDACTED]>
Cc: [REDACTED] C. (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>
[REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>
Subject: Re: [EXTERNAL EMAIL] - FLASH COORD REQUEST BY COB Friday 29 October: (U//FOUO) Threats to Public Schools Likely Elevated Due to Opposition of Mask and Vaccine Mandates, Perception of Critical Race Theory

Thanks [REDACTED]

My initial preference would be that we do *not* coordinate on this or provide any comments back, and ensure we are not identified in any way as a coordinator, but, I will talk with the DAD tomorrow to get his preference.

This will certainly hit the press as soon as it is published.

From: [REDACTED] (CTD) (FBI) <[REDACTED]>
Sent: Thursday, October 28, 2021 12:07:56 PM
To: [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] A. (CTD) (FBI) <[REDACTED]>
[REDACTED] P. (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>
[REDACTED] (CTD) (FBI) <[REDACTED]>
Cc: [REDACTED] C. (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>

(CTD) (FBI) <[REDACTED]> (CTD) (FBI) <[REDACTED]>

Subject: FW: [EXTERNAL EMAIL] - FLASH COORD REQUEST BY COB Friday 29 October: (U//FOUO) Threats to Public Schools Likely Elevated Due to Opposition of Mask and Vaccine Mandates, Perception of Critical Race Theory

Afternoon all,

We just received this product in coordination from DHS. We will send back comments as appropriate, but given the topic, I wanted to let you all know about the product. It is an Intel In Focus on threats to public schools due to mask/vaccine mandates and CRT.

For your awareness, one of the first things that jumped out at me was a recommendation for ***“employing multi-disciplinary teams to attend contentious school board meetings...This group might include law enforcement, school resource officers, administrators, school psychologists, and others who would meet ahead of time to develop a plan of action to mitigate potential risks of violence at school board meetings set to discuss topics perceived as controversial or polarizing.”***

Thanks,

[REDACTED]

From: [REDACTED] <[REDACTED]>

Sent: Thursday, October 28, 2021 11:45 AM

To: [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>

<[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>

[REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>

<[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>

<[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]> [REDACTED] (CTD) (FBI) <[REDACTED]>

[REDACTED] (CID) (CON) <[REDACTED]> [REDACTED] (CID) (FBI) <[REDACTED]> [REDACTED] (CID) (FBI) <[REDACTED]>

[REDACTED] (CID) (FBI) <[REDACTED]> [REDACTED] (CID) (FBI) <[REDACTED]> [REDACTED] (CID) (FBI) <[REDACTED]>

<[REDACTED]> [REDACTED] (NY) (DET) <[REDACTED]> [REDACTED] (NY) (DET) <[REDACTED]>

[REDACTED] (CTD) (TFO) <[REDACTED]> [REDACTED] (LA) (DET) <[REDACTED]> [REDACTED] (LA) (DET) <[REDACTED]>

[REDACTED] J. (CID) (FBI) <[REDACTED]> [REDACTED] (CID) (FBI) <[REDACTED]> [REDACTED] (CID) (FBI) <[REDACTED]>

[REDACTED] (CID) (CON) <[REDACTED]> [REDACTED] (CID) (CON) <[REDACTED]> [REDACTED] (CID) (CON) <[REDACTED]>

Cc: [REDACTED] <[REDACTED]> [REDACTED] <[REDACTED]>

Subject: [EXTERNAL EMAIL] - FLASH COORD REQUEST BY COB Friday 29 October: (U//FOUO) Threats to Public Schools Likely Elevated Due to Opposition of Mask and Vaccine Mandates, Perception of Critical Race Theory

Good morning IC colleagues,

Attached for coordination is an IIF looking at the threats to school board officials, educators, and medical personnel in schools. We are asking for feedback **NLT COB tomorrow, Friday 29 October**. Apologies for the quick turnaround. Thank you to those who are able to review!

V/I,

[REDACTED] and [REDACTED]

[REDACTED]
[REDACTED]
Intelligence Operations Specialist
Counterterrorism Mission Center
Office of Intelligence and Analysis
U.S. Department of Homeland Security
Office: [REDACTED] [REDACTED]



OFFICE of INTELLIGENCE and ANALYSIS
INTELLIGENCE IN FOCUS

DD NOVEMBER 2021

IA-####-YY

PUBLIC SAFETY & SECURITY

(U//FOUO) Threats to Public Schools Likely Elevated Due to Opposition of Mask and Vaccine Mandates, Perception of Critical Race Theory

*(U//FOUO) **Scope Note:** This Intelligence In Focus (IIF) provides a baseline assessment of threats to personnel in the education subsector – including educators, school board officials, and medical personnel in schools – from ideologically as well as non-ideologically motivated individuals over pandemic mitigation measures and the perceived teaching of Critical Race Theory (CRT).^a This IIF focuses solely on how perceptions of CRT being taught in public schools have inspired violence and threats of violence to personnel in the education subsector.*

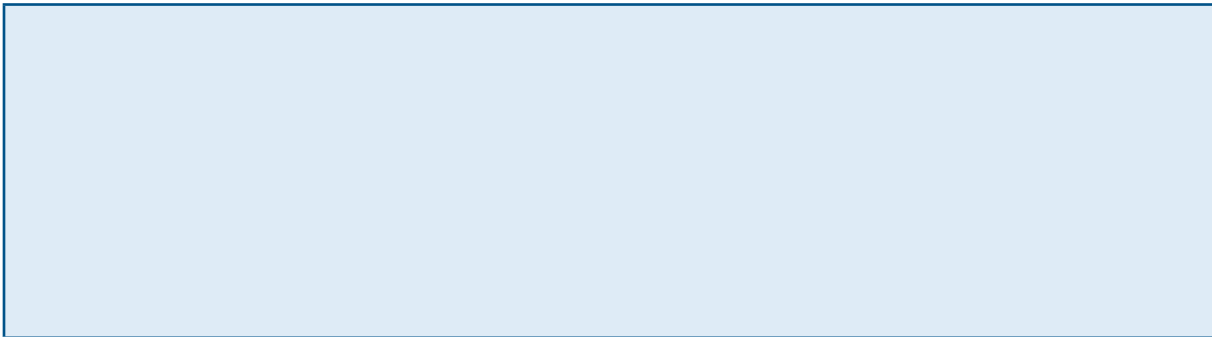
*(U//FOUO) **We assess that violent individuals who oppose mask mandates, vaccine requirements, and CRT as a topic of classroom learning, will increasingly pose a threat to school personnel over the next six months due to the expected approval of a COVID-19 vaccine for children ages 5-11, continued misinformation and disinformation related to CRT curriculum, and upcoming school board elections.*** Since the summer of 2021, at least 20 threats or acts of violence have been levied against school personnel related to the perception of government overreach and restriction of personal freedoms, according to the National School Boards Association.¹

- *(U//FOUO)* In September, following new COVID-19 mitigation measures at a school in Ohio, an unidentified individual sent threatening letters to multiple school board members that stated they were “coming after” them over mask mandates and the perception of CRT being taught, according to a media report.² In the same month, after the San Diego Unified School District mandated a vaccine requirement for students 16 and older, violent threats were posted on social media targeting the school district and its officials, according to reliable NGO reporting.³
- In September, a suspected racially or ethnically motivated violent extremist attempted to incite violence against medical personnel administering the COVID-19 vaccine to children at school stating they were a legitimate target to attack, according to DHS

^a (U) CRT is a complex legal theory that provides a lens through which to look at how different forms of discrimination can overlap and the effect of systemic discrimination throughout American history, according to Columbia University. CRT is not taught in public schools as it is a complex theory meant for law school or graduate school courses, according to the National School Boards Association.

reporting.⁴ In October violent threats were posted on social media targeting school board members, educators, and law enforcement nationwide, suggesting violent resistance at school board meetings is necessary in order to incite a civil war, according to reliable nongovernmental organization (NGO) reporting.⁵

- (U//FOUO) Misinformation and disinformation questioning the safety of the COVID-19 vaccines and the perception that CRT will be taught in public schools continues to circulate widely online.⁶ In October, a White House announcement to vaccinate 28 million children ages 5-11, once a vaccine is approved by the FDA, provoked calls on social media for individuals to join local militias and start a civil war to fight against the alleged “poison” vaccine and protect children from being vaccinated, according to reliable NGO reporting.⁷ Furthermore, on 23 June 2021, two members associated with a militia group attended a Colorado school board meeting on CRT, falsely believing it was being taught in the school, and urged parents to “rally and fight” at school board meetings, according to media reporting.⁸
- (U//FOUO) The uptick in threats of violence has led a growing number of school board officials to resign or decide against seeking reelection, according to a western news organization.⁹ Some adherents of the QAnon^b conspiracy theory have urged supporters to run for seats on school boards, hide their affiliation with the conspiracy theory, and ultimately weave QAnon narratives into curriculum.¹⁰



(U//FOUO) *We assess that opportunities exist to de-escalate the heightened threat environment at schools including enhancing digital literacy and employing multi-disciplinary teams to attend contentious school board meetings.* Several DHS components including the Center for Prevention Programs and Partnerships (CP3), The Cybersecurity and Infrastructure Security Agency (CISA), and the Department of Education (DOE) have been at the forefront in creating programs and resources to counter misinformation and increase the public’s understanding of digital literacy.

^b (U//FOUO) Generating, accessing, discussing or otherwise interacting with QAnon-related content without engaging in violence or other criminal activity is legally protected. While most adherents to the QAnon conspiracy theory have not engaged in unlawful activity, a small subset of violent extremists have conducted violence in furtherance of it.

- (U) CP3, CISA, and DOE have a suite of tools available to the public to increase understanding of digital literacy.^c SLTT's promotion of these resources within their jurisdiction through established communication channels, local initiatives and public service announcements could enhance local digital literacy and mitigate impact of threat actors' misinformation campaigns.
- (U) One opportunity to mitigate or prevent future violence at school board meetings would be to develop a multidisciplinary team of professionals trained to understand and detect concerning behaviors and intervene when necessary in order to prevent a potential act of violence. This group might include law enforcement, school resource officers, administrators, school psychologists, and others who would meet ahead of time to develop a plan of action to mitigate potential risks of violence at school board meetings set to discuss topics perceived as controversial or polarizing. Informing the audience that this team is available to assist those with concerns might also help in easing tensions and increasing public trust.

(U) Additional Resources:

- (U) I&A's National Threat Evaluation and Reporting ([NTER](#)) Program offers a Behavioral Threat Assessment Train-the-Trainer Program. This Master Trainer Program (MTP) certifies federal, state, local, tribal, and territorial homeland security partners in utilizing behavioral threat assessments against potential targeted violence perpetrators.
- (U) US Secret Service's National Threat Assessment Center ([NTAC](#)) has researched and analyzed targeted violence attacks in schools and mass attacks in other public places since 2000 and regularly provides training to state and local partners on mitigating such threats.
- (U) CISA developed and maintains the [School Safety and Security webpage](#), established after the Marjory Stoneman Douglas High School shooting in 2018.
- (U) [CP3](#) and CISA are assisting in the development of programing and sharing of lessons learned about digital literacy to improve the public's ability to identify and heighten its resilience against [misinformation, disinformation, and malinformation](#) online.
- (U//FOUO) For additional information regarding threats to schools, medical personnel, and public officials, please refer to the below products:
 - (U//FOUO) *ADMINISTRATIVE REVISION: Some Domestic Violent Extremists Likely To Target Healthcare Sector, Public Officials*. 4 October 2021
 - (U) *Mitigating the Threat of School Violence as the U.S. "Returns to Normal" from the COVID-19 Pandemic and Beyond*. 11 May 2021

^c For more information on resources to counter misinformation, CP3 has published [Media Literacy & Critical Thinking Online](#), a public document that outlines types of online content and identifies six key steps to enhance digital literacy. CISA has released [graphic novels](#), informational fact sheets, and a [videogame](#) focused on increasing one's ability to detect misinformation which can be found at: <https://www.cisa.gov/resilience-series-graphic-novels>. The Department of Education is currently working on a [Digital Literacy Accelerator](#) and have released [videos and lesson plans](#) focused on enhancing individuals of all ages' digital literacy.

Source, Reference, and Dissemination Information

Source Summary Statement	(U//FOUO) We have medium confidence in our assessment that violent individuals who oppose mask mandates, vaccine requirements, and CRT as a topic of classroom learning, will increasingly pose a threat to school personnel over the next six months. We base this on DHS reporting, reliable NGO reporting, reliable Western news reporting, and a letter from a school board association. Our confidence in this assessment would increase if we had additional information about the incidents that have occurred as well as additional government reporting indicating individuals intended to carry out violence against educators, school board members, and medical personnel in schools. (U//FOUO) We have high confidence in our second judgement that opportunities exist to de-escalate the heightened threat environment and counter misinformation being spread surrounding vaccine requirements, mask mandates, and the perception of CRT being taught in public schools. Our sources are directly associated with the agencies, offices, and teams responsible for the development and implementation of these programs to counter misinformation and increase the public's digital literacy skills. Our confidence would lessen if we were to see results of these programs being ineffective in combatting misinformation campaigns or decreasing the public's digital literacy understanding.
Definitions	(U//FOUO) Misinformation: An adversary's use of false or misleading information. An adversary's intent can change <i>misinformation</i> to <i>disinformation</i>. (U//FOUO) Disinformation: An adversary's use of false or misleading information created or spread intentionally with the purpose of altering a specific target audience's attitudes or behavior to benefit the information's creator. (U//FOUO) Malinformation: An adversary's deliberate use of otherwise verifiable information with malicious intent, such as by amplifying the information selectively or out of context, or to the detriment of specific persons. (U//FOUO) QAnon: A complex and constantly evolving conspiracy theory that is promoted by a decentralized online community that has morphed into a real-world movement. The foundational principle holds that a corrupt cabal of "global elites" and "deep state" actors run an international child sex trafficking ring and engaged in plots to conduct a coup against a former President of the United States while he was in office. These alleged crimes by members of the cabal will be punished by their mass military detention in Guantanamo Bay and their likely execution. QAnon narratives continue to expand; they now include false information about alleged election fraud, COVID-19, and the alleged dangers of 5G technology. All of these subjects are now incorporated into QAnon's master narrative. (U//FOUO) Racially or Ethnically Motivated Violent Extremists (RMVEs): Groups or individuals who facilitate or engage in the potentially unlawful use or threat of force or violence with intent to intimidate or coerce, in furtherance of political and/or social agendas, which are deemed to derive from bias, often related to race or ethnicity, held by the actor against others, including a given population or group.
Reporting Suspicious Activity	(U) To report suspicious activity, law enforcement, Fire-EMS, private security personnel, and emergency managers should follow established protocols; all other personnel should call 911 or contact local law enforcement. Suspicious activity reports (SARs) will be forwarded to the appropriate fusion center and FBI Joint Terrorism Task Force for further action. For more information on the Nationwide SAR Initiative, visit http://nsi.ncirc.gov/resources.aspx.

Dissemination	(U) Federal, state, local, tribal and territorial government agencies, law enforcement officials, homeland security advisors, fusion center directors and their staff, school officials, school resource officers, and private sector security partners.
Warning Notices & Handling Caveats	(U) Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public, the media, or other personnel who do not have a valid need to know without prior approval of an authorized DHS official. State and local homeland security officials may share this document with authorized critical infrastructure and key resource personnel and private sector security officials without further approval from DHS.

¹ (U); National School Boards Association; “Re: Federal Assistance to Stop Threats and Acts of Violence Against Public Schoolchildren, Public School Board Members, and Other Public School District Officials and Educators”; 29 SEPT 2021; accessed 20 October 2021.

² (U); WBNS; “‘Disturbing’: Worthington school board member receives threats for masks in schools”; 21 SEPT 2021; Worthington school board member receives threats over masks | 10tv.com; accessed on 20 October 2021.

³ (U); SITE Intelligence Group; “‘Start Showing Up at These Commies Houses’: Conspiracists Threaten San Diego School District and its Employees Over Student Vaccine Mandate”; 30 SEPT 2021; accessed 27 October 2021.

⁴ (U//FOUO); DHS; OSIR-04001-0789-21; 24 SEPT 2021; “A Racially or Ethnically Motivated Violent Extremist attempted to incite violence against the healthcare and public health sector in response to vaccinating children in school systems”; Extracted information is (U//FOR OFFICIAL USE ONLY); Overall classification is (U//FOR OFFICIAL USE ONLY).

⁵ (U); SITE Intelligence Group; “‘Come and Eat Led’: Far Right Furious over Announcement that FBI will Investigate Threats against School Employees”; 06 OCT 2021; accessed 20 October 2021.

⁶ (U); The New York Times; “Far-Right Extremists Move from ‘Stop the Steal’ to Stop the Vaccine”; 26 MAR 2021; <https://www.nytimes.com/2021/03/26/us/far-right-extremism-anti-vaccine.html>; accessed on 26 October 2021.

⁷ (U); SITE Intelligence Group; “‘Get Your Guns Ready’: Conspiracists Incite Executions, Forming Militias, following White House Plan to Vaccinate Children”; 10 OCT 2021; accessed 26 October 2021.

⁸ (U); Madeleine Schmidt; The Colorado Times Recorder; “Far-Right Militia Apparently Attends CO School Board Meeting on Critical Race Theory”; 1 JUL 2021; accessed on 20 October 2021.

⁹ (U); NBC News; “Garland says authorities will target school board threats”; 05 OCT 2021; <https://www.nbcnews.com/politics/justice-department/garland-says-authorities-will-target-school-board-threats-n1280774>; accessed on 20 October 2021.

¹⁰ (U); NBC News; “QAnon’s new ‘plan’? Run for school board”; 07 JULY 2021; <https://www.nbcnews.com/tech/tech-news/qanons-new-plan-run-school-board-rcna1352>; accessed on 20 October 2021.

¹¹ (U); NBC News; “Man with alleged ‘Boogaloo’ ties charged with sending threats to California health official”; 01 SEPT 2021; <https://www.nbcnews.com/news/us-news/man-alleged-boogaloo-ties-charged-sending-threats-california-health-official-n1238947>; accessed on 28 July 2021.

¹² (U); TODAY; “Dr. Fauci describes death threats and opening disturbing letter with powder”; 25 JAN 2021; <https://www.today.com/health/fauci-describes-death-threats-disturbing-letter-filled-powder-t206807>; accessed on 28 July 2021.

¹³ (U); The New York Times; “Police Cite Anti-Vaccine Motive in Killing of Pharmacist and 2 Others”; 07 OCT 2021; <https://www.nytimes.com/2021/10/07/us/jeffrey-burnham-pharmacist-brother-covid-vaccine.html>; accessed on 28 October 2021.

From: "[REDACTED] (DO) (DET)" <[REDACTED]>
To: "[REDACTED] (INSD) (FBI)" <[REDACTED]> "Milhoan, Catherine L. (OPA) (FBI)" <[REDACTED]> "Tyson, Jill Courtney (OCA) (FBI)" <[REDACTED]> "[REDACTED] T. (OPA) (FBI)" <[REDACTED]> "[REDACTED] (OPA) (FBI)" <[REDACTED]>
Cc: "Greenberg, Jay (CID) (FBI)" <[REDACTED]> "Langan, Timothy R. Jr. (CTD) (FBI)" <[REDACTED]>
Subject: RE: [EXTERNAL EMAIL] - Re: [REDACTED] query re: school board threats memo
Date: Tue, 16 Nov 2021 09:32:38 -0500
Importance: Normal
Inline-Images: image001.jpg

As for the involvement of CTD:

The FBI does not consider parents making their voices heard at school board meetings — or anywhere else — to be domestic terrorists. The FBI's focus is on violence and threats of violence that potentially violate federal law. The Criminal Investigative Division and Counterterrorism Division share responsibility for violent threats. But before either Division even opens an investigation, there must be information indicating the potential use of force or violence and a potential violation of federal law. The message to the field does not change, but rather reinforces, those preconditions to opening an investigation.

[REDACTED]

From: [REDACTED] (INSD) (FBI) <[REDACTED]>
Sent: Tuesday, November 16, 2021 9:21 AM
To: Milhoan, Catherine L. (OPA) (FBI) <[REDACTED]> Tyson, Jill Courtney (OCA) (FBI) <[REDACTED]> [REDACTED] T. (OPA) (FBI) <[REDACTED]> [REDACTED] (DO) (DET) <[REDACTED]>
Cc: Greenberg, Jay (CID) (FBI) <[REDACTED]> Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]>
Subject: FW: [EXTERNAL EMAIL] - Re: [REDACTED] query re: school board threats memo

Good morning Ms. Milhoan,

Referencing your questions below and your initial response, I assume you have a copy of the joint guidance forwarded by CID and CTD. If not, I will be happy to forward.

The EDUOFFICIALS threat tag was created in response to the 10/04/21 AG's memorandum to address a spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff. A threat tag is usually created following a crisis or as a proactive measure to identify a potential threat for the purpose of scoping the threat on a national level and/or to provide a comprehensive analysis of the threat picture for effective engagement. As referenced in the memo, to meet the aforementioned purpose field offices, in coordination with relevant United States Attorney's Offices, are being asked to evaluate any potential threat, assess if there is a federal nexus, and the motivation behind any identified threat/criminal activity.

The following are some examples of other Threat Tags:

- PVCA, PVCA2020, PVCA2021, KENOSHA2020, RIOTRELATEDTHREATS2020 (for the various protests around civil rights issues over the last several years)
- ZOOM and ZOOMBOMB2020 (for instances of individuals/groups breaking into Zoom sessions at the beginning of the pandemic)

- THREATTOLIFE (and incidents)
- DRUG TRAFFICKING, SEX TRAFFICKING, WEAPONS TRAFFICKING, POSSIBLE HUMAN TRAFFICKING
- FY21 AFGHAN SIV (for incidents in the Safe Havens involving Afghan refugees)
- FEDBUILDINGTHREATS (for incidents involving UAS and other potential threats to Federal buildings)

To date there is a total of 18 incidents being assessed (for dissemination as deemed appropriate).

The purpose of the joint message from CID/CTD is because both divisions address threat to life matters. Until the motivation/ideology behind any threat is assessed, both divisions are involved to ensure effective engagement.

Please advise if you have any additional questions.

Respectfully,

[REDACTED]
A/Deputy Assistant Director
Criminal Investigative Division
[REDACTED]

From: Greenberg, Jay (CID) (FBI) <[REDACTED]>
Sent: Tuesday, November 16, 2021 7:05 AM
To: [REDACTED] (INSD) (FBI) <[REDACTED]> [REDACTED] (HRD) (FBI) <[REDACTED]>
 [REDACTED] (CID) (FBI) <[REDACTED]> [REDACTED] (CID) (FBI) <[REDACTED]>
Subject: FW: [EXTERNAL EMAIL] - Re: [REDACTED] query re: school board threats memo

Mostly FYSA

Also, can you provide a couple of examples of other threat tags we have active in Sentinel to help us track trends for our incoming reports? Not sure if we have one for crimes against children or MMIW? Or anything else you would recommend we use to further provide clarity on what a threat tag is.

Thank you.

Jay

Deputy Assistant Director
Public Corruption and Civil Rights
Financial Crimes
Undercover Operations
[REDACTED]

Special Assistant
[REDACTED]

From: Milhoan, Catherine L. (OPA) (FBI) <[REDACTED]>
Sent: Monday, November 15, 2021 10:24 PM
To: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> Greenberg, Jay (CID) (FBI) <[REDACTED]>
Subject: Re: [EXTERNAL EMAIL] - Re: [REDACTED] query re: school board threats memo

Tim and/or Jay,

Please send me a copy of the referenced memo as well as some draft language for a response.

Thanks,
Cathy

Cathy Milhoan
Assistant Director
FBI Office of Public Affairs
[REDACTED]

From: Milhoan, Catherine L. (OPA) (FBI) <[REDACTED]>
Sent: Monday, November 15, 2021 8:05:35 PM
To: Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]> Greenberg, Jay (CID) (FBI) <[REDACTED]>
Subject: Fwd: [EXTERNAL EMAIL] - Re: [REDACTED] query re: school board threats memo

Please call me to discuss.

Thanks,
Cathy

Cathy Milhoan
Assistant Director
FBI Office of Public Affairs
[REDACTED]

From: [REDACTED] (OPA) (FBI) <[REDACTED]>
Sent: Monday, November 15, 2021 7:18:14 PM
To: Milhoan, Catherine L. (OPA) (FBI) <[REDACTED]> Tyson, Jill Courtney (OCA) (FBI) <[REDACTED]>
[REDACTED] T. (OPA) (FBI) <[REDACTED]> [REDACTED] (OCA) (FBI) <[REDACTED]>
[REDACTED] (OCA) (FBI) <[REDACTED]> [REDACTED] (OPA) (FBI) <[REDACTED]>
[REDACTED] (OPA) (FBI) <[REDACTED]> [REDACTED] (OPA) (FBI) <[REDACTED]> [REDACTED] (OPA)
(FBI) <[REDACTED]> [REDACTED] (OPA) (FBI) <[REDACTED]> [REDACTED] (KX) (FBI)
<[REDACTED]>
Subject: Fw: [EXTERNAL EMAIL] - Re: [REDACTED] query re: school board threats memo

My apologies for sending this so late. The [REDACTED] says it has an FBI memo about threats to school officials and they are seeking a response by tomorrow morning.

I called the reporter to ask for both more time on the deadline and to request the memo mentioned. The reporter said she would need to check with her source on whether she could send the memo. But she did provide the date and some details. It was not resolved whether she'll be able to get us much more time on the deadline. They want to publish around 11am tomorrow.

I am copying in OCA as you'll see there's reference to a complaint made to the Hill.

I will send this info to CTD and rely on someone from the CID portfolio to handle on that side.

[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Monday, November 15, 2021 6:39 PM
To: [REDACTED] (OPA) (FBI) <[REDACTED]>
Subject: [EXTERNAL EMAIL] - Re: [REDACTED] query re: school board threats memo

[REDACTED] thank you for your help -- I am asking if I am able to share the memo -- in the meantime, I can tell you that it is headered "A Joint Message from the Criminal Investigative Division and Counterterrorism Division," and sent on Oct. 20. It asks that investigators put a "threat tag" on all investigations and assessments of threats against educators and school board members to "help scope this threat on a national level and provide an opportunity for comprehensive analysis of the threat picture" and asks investigators to consider whether there is a federal nexus, whether a federal crime can be charged and the motivation.

[REDACTED]

└

O: [REDACTED] | M: [REDACTED]
E: [REDACTED] | T: [REDACTED]

└

[REDACTED]

On Mon, Nov 15, 2021 at 5:57 PM [REDACTED] <[REDACTED]> wrote:

Hi, [REDACTED]

I am hoping you might be able to help me out with this one, which came to my attention only a little while ago. We are aiming to run a story on this by 11 or so tomorrow am., so aiming for a 9 or 10 am deadline for comment if possible.

An FBI employee has expressed concern to lawmakers about the way the FBI is implementing the AG's school board threats memo. At issue appears to be a directive sent by Timothy Langan and Calvin Shivers asking that all investigations and assessments be flagged with a "threat tag" that the person says suggests the bureau is collecting information on parents who voice concerns at school board meetings.

_What is a threat tag, and how often are they used?

_Can you explain why the FBI created a threat tag called "EDUOFFICIALS" and how often has it been used? Is there even a rough number you can provide to show how many of these investigations have been initiated?

_Why is this memo being issued by the counterterrorism AD? Asked by lawmakers last week, Langan said the bureau does not view parents expressing heated rhetoric as domestic terrorists. But his signature on this memo seems to blur that line. Any thoughts on that?

_Is there anything else you can say about how the bureau is implementing the AG's Oct. 4 memo?

Will touch base by phone but wanted to get this to you in writing so you could see what we are looking at.

[REDACTED]



O:
E:

M:

L:



Sign up for

From: "Chambers, Kevin (ODAG)" <[REDACTED]>

To: "Loeb, Emily M. (ODAG)" <[REDACTED]>

Subject: RE: Updated Moot Materials

Date: Mon, 10 Jan 2022 17:42:40 -0500

Importance: Normal

The task force has coordinated with S/L and is tracking reports of education-official and school board related threats. I am reluctant to include the last part, which will almost certainly lead to questions about numbers and status of cases. Also, NSD has virtually no role in the TF aside from an advisory one when particular cases may have an NS component. If he provides detail on the TF's work, that would be someone inconsistent with NSD's limited role. The below is something that could work, but I think the narrative here is that NSD has limited involvement.

"The task force, through the United States Attorneys' Offices has reached out to state and local law enforcement as directed by the Attorney General. In addition, through the FBI, the task force is monitoring reports of education-official and school board related acts and threats of violence. DOJ stands ready to serve as a resource for our state and local partners who require guidance or assistance dealing with threats against school personnel or school board members in their communities."

From: Loeb, Emily M. (ODAG) <[REDACTED]>

Sent: Monday, January 10, 2022 5:35 PM

To: Chambers, Kevin (ODAG) <[REDACTED]>

Subject: RE: Updated Moot Materials

Matt is asking if there is one bullet he can have about what the task force is doing (I assume coordinating with state and locals, etc). Do you have something we can give him?

From: Chambers, Kevin (ODAG) <[REDACTED]>

Sent: Monday, January 10, 2022 2:40 PM

To: Loeb, Emily M. (ODAG) <[REDACTED]>

Subject: RE: Updated Moot Materials

Hey – additions in brackets, deletions struck through.

From: Loeb, Emily M. (ODAG) <[REDACTED]>

Sent: Monday, January 10, 2022 2:17 PM

To: Chambers, Kevin (ODAG) <[REDACTED]>

Subject: RE: Updated Moot Materials

Hi Kevin – can you take look in the next couple of hours? Need to lock these in.

From: Loeb, Emily M. (ODAG)

Sent: Monday, January 10, 2022 12:33 PM

To: Chambers, Kevin (ODAG) <[REDACTED]>

Cc: Newman, David A. (ODAG) <[REDACTED]>

Subject: FW: Updated Moot Materials

Kevin,

Are these TPs correct? For Matt Olson's hearing tomorrow before SJC.

School Board Memo

- As I understand it, the Attorney General's memorandum was about preventing violence and threats of violence against school administrators, teachers, and others who are trying to perform their jobs and participate in their communities.
- The AG directed the Department to [reach out to state and local law enforcement partners to] determine what measures we can take to address the rise in criminal conducted directed at school personnel.
- I understand there is some confusion and would encourage people to read the memo itself.
- [REDACTED]
- NSD attorneys have played a limited, advisory role in [this task force. In this role, NSD can help the task force understand when criminal threatening behavior rises to the level of a national security threat and, as importantly, when such illegal conduct does not implicate national security concerns.] ~~If threats against school administrators, teachers, or boards~~
- ~~NSD can also play an important role in ensuring that incidents are not incorrectly described as acts of terrorism if they do not meet the relevant legal standards~~

From: [REDACTED] (NSD) <[REDACTED]>
Sent: Monday, January 10, 2022 12:03 PM
To: [REDACTED] (OLA) <[REDACTED]> Woldemariam, Wintta (OLA)
<[REDACTED]> Wiegmann, Brad (NSD) <[REDACTED]> Newman, David A. (ODAG)
<[REDACTED]> Loeb, Emily M. (ODAG) <[REDACTED]> Toscas, George (NSD)
<[REDACTED]> Blue, Matt (NSD) <[REDACTED]>
Cc: Heinzelman, Kate (OAG) <[REDACTED]> [REDACTED] (NSD) <[REDACTED]> Olsen, Matthew (NSD) <[REDACTED]>
Subject: Updated Moot Materials

All,

Please find attached the updated moot packet for the SJC DT hearing, along with a document summarizing key themes and topline messages.

Thanks,

[REDACTED]

[REDACTED]
Senior Counsel
National Security Division
Office: [REDACTED]

[REDACTED] (TS)

[REDACTED] (S)