

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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October 25, 2021

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

Dear Attorney General Garland:

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

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

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

² *Id.*

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

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

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

Sincerely,



Jim Jordan
Ranking Member



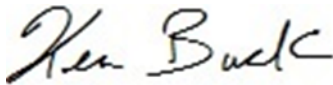
Steve Chabot
Member of Congress



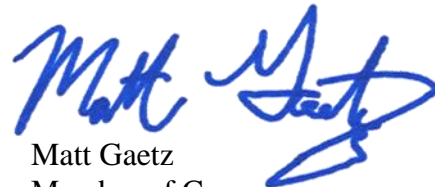
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Mike Johnson
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Subcommittee on the Constitution,
Civil Rights and Civil Liberties

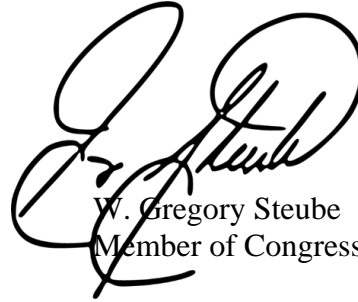


Andy Biggs
Ranking Member
Subcommittee on Crime, Terrorism
and Homeland Security

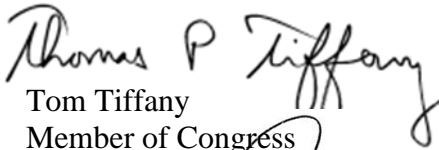
⁵ Memorandum from NSBA Board of Directors, Message to NSBA Members (Oct. 22, 2021).



Tom McClintock
Ranking Member
Subcommittee on Immigration
and Citizenship



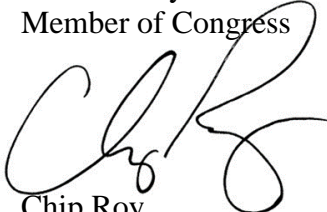
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Member of Congress



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Victoria Spartz
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Scott Fitzgerald
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Cliff Bentz
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Burgess Owens
Member of Congress

cc: The Honorable Jerrold L. Nadler
Chairman