

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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October 28, 2021

The Honorable Jerrold L. Nadler
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Nadler:

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

The National Security Division was created by the Patriot Act, and its mission is to "protect the United States from threats to our national security."¹ It is organized to "ensure greater coordination and unity of purpose between prosecutors and law enforcement agencies, on the one hand, and intelligence attorneys and the Intelligence Community, on the other."² It is unclear what threat the Department believes American parents pose to our national security, nor why the Department could view any threat posed by parents as requiring coordination with our foreign intelligence agencies. Unfortunately, in testimony before the Committee, Attorney General Garland was unable or unwilling to explain why he directed the National Security Division to participate in this ill-conceived endeavor.³ Thus, we request that you convene a hearing promptly with Deputy Attorney General Lisa Monaco and Acting Assistant Attorney General Mark Lesko, head of the National Security Division, so we can get to the bottom of the Biden Administration's attack on concerned parents.

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

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

² *Id.*

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

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

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

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

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

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

⁵ *Id.*

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

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

⁸ *Id.*

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

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

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

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

We therefore request that you immediately convene a hearing with Deputy Attorney General Lisa Monaco and Acting Assistant Attorney General Mark Lesko so the Committee may examine the troubling role of the National Security Division in targeting concerned parents at school board meetings. Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Ranking Member



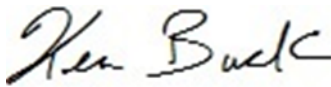
Steve Chabot
Member of Congress



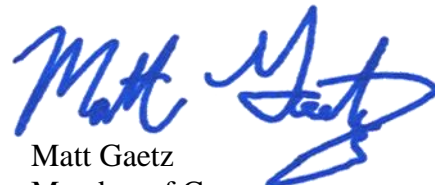
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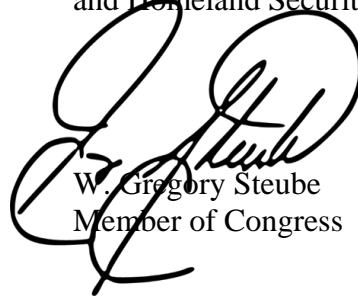
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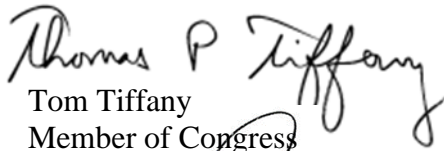
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