

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

November 3, 2021

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

Dear Director Wray:

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

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

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

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

³ *Id.*

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

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

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

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

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

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

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

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

⁸ *Id.*

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

¹⁰ *Id.* at 95.

¹¹ *Id.* at 62.

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

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

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

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

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

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

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

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

Sincerely,



Jim Jordan
Ranking Member



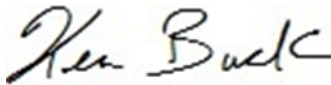
Steve Chabot
Member of Congress



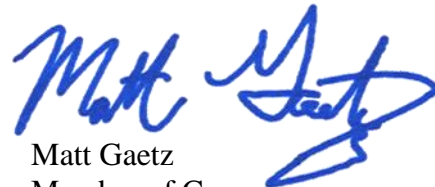
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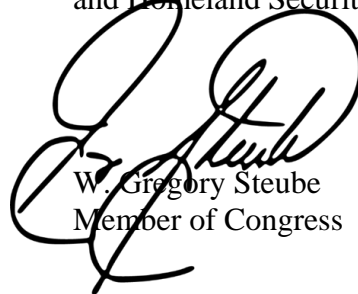
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Andy Biggs
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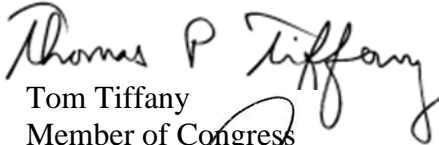


W. Gregory Steube
Member of Congress

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Dan Bishop
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Victoria Spartz
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Cliff Bentz
Member of Congress

cc: The Honorable Jerrold L. Nadler
Chairman