

Congress of the United States
Washington, DC 20515

October 7, 2021

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

Dear Attorney General Garland:

Three days ago, you issued a memorandum “directing the [FBI and U.S. Attorneys] to convene meetings with ... leaders in each federal judicial district within 30 days ... [to discuss] strategies for addressing threats against school administrators, board members, teachers, and staff.” The purported factual predicate for this order was “a disturbing spike in harassment, intimidation, and threats of violence” directed against such persons “[i]n recent months.”

Although we have observed throughout this year a growing movement of parents speaking and protesting in local school board meetings against racist Critical Race Theory-based (CRT) indoctrination and specious mask mandates for students, we are not aware of any significant or widespread acts or threats of violence or property damage associated with this First Amendment-protected activity, and certainly no apparent federal crime. Your memorandum furnishes no detail of any occurrences that justify directing federal law enforcement to coordinate nationwide opposition to this political movement.

Nor can such support be found in the National School Boards Association’s September 29 letter to President Biden demanding a federal law enforcement response, which you dutifully provided in three business days. To be sure, the NSBA spewed overwrought claims of “threats and acts of violence against our public school officials” and “heinous actions [that] could be the equivalent to a form of domestic terrorism and hate crimes.” But the roughly 20 news reports referenced by the NSBA do not come close to substantiating those characterizations.

Rather, they depict three incidents of a protester or parent striking (or exchanging blows) or tussling briefly with a “school official” (in Illinois), teacher (in California),

or student (in Florida), with not a single injury reported, and no threats of violence.¹ We have identified one other report of a protesting parent shattering a glass door (in North Carolina). Otherwise, the news stories the NSBA referenced depict nothing worse than heckling, vows of political retaliation, speaking or shouting out of order, and a few trespass arrests for refusing an order to leave a meeting. There has been nothing on the order of shouting agitators cornering a United States senator in a bathroom stall, which the President dismissed as of no consequence just this week. On the other hand, many news reports have “gone viral” featuring well-spoken and impactful criticism of school board policies, and some successful or pending recall efforts have launched.

Attorney General Garland, it should be unnecessary to say that this is American democracy. We do not call ideological opposition “domestic terrorists” and “extremists.” That’s what happens in Communist China (against the Uyghurs) and totalitarian Russia (against Putin critic Alexei Navalny).

The NSBA has a political ax to grind against the nationwide, grassroots movement of moms and dads demonstrating righteous anger against irrational and un-American treatment of grade school students. You and Joe Biden sympathize with the education establishment on the defensive, no surprise, but it is highly improper to turn the FBI against the protected speech of your political adversaries.

The disreputable history of domestic surveillance by the Department of Justice for political ends should have taught this lesson by now. Too often at the direction of a president or attorney general, the FBI targeted Martin Luther King, Jr., the SCLC, Mario Savio, Students for a Democratic Society, and others, most notoriously through the COINTELPRO program, all as detailed by the Church Committee in the 1970s among others. At least in those historic instances, the FBI could claim a fig leaf of a national security justification based on fear of communist subversion. Lacking that here, the directive you just issued may be the most nakedly political misuse of federal law enforcement power in the history of the Department.

The lip service your memorandum pays to “spirited debate about policy matters” being “protected under our Constitution” does not ameliorate this political targeting. It worsens it by reflecting your awareness of the impropriety. Your conclusory assertions about a “spike in harassment, intimidation, and threats of violence” and a “rise in criminal conduct directed toward school personnel” — unless supported with substantial evidence — are pure pretext for political animus.

¹ One news item referenced by the NSBA reported some kind of threat or harassment against pharmacies administering COVID-19 vaccine, with no connection to the subject matter at hand.

Likewise, the measures that you direct and take pains to announce publicly are redolent of the propaganda techniques employed by COINTELPRO to discredit and stigmatize disfavored figures and groups. Meetings “within 30 days,” across the country, organized by FBI agents, under direction of the U.S. Attorneys, with “leaders” from all levels of government, to discuss “strategies for addressing threats against school administrators, board members, teachers, and staff” (emphasis added) appear designed to advance a narrative and build consensus around it. You are deploying the FBI to taint the parents who are speaking out by associating them with criminality in order to chill and undermine their activism. You wish to create a backlash. This is a brazen misuse of federal law enforcement authority. In fact, unless your factual basis is far more substantial than appears, it is the sort of abuse that would warrant your impeachment, and the President’s if you have acted at his direction.

Congress must perform oversight. Accordingly, we demand that you answer the following questions and provide the specified documents. Given the timeframe of the meetings you have directed the FBI to undertake, this information must be provided within not more than ten days and before any meetings.

1. Did you communicate with the President about the NSBA letter of September 29 or the request that it communicated before issuing your directive? Did the President instruct you to take that action?
2. Provide all correspondence (or documented indicia of communications) with the White House (including President Biden) precipitating, connected with or relating to your memorandum and the associated actions.
3. Provide documentation of all occurrences predicating your assertions in the memo that there have been “a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff” and a “rise in criminal conduct directed toward school personnel.”
4. Provide all correspondence (or documented indicia of communications) within the Department of Justice connected with or relating to your memorandum, the preparation thereof, analysis of the factual predicate for it, and the preparation of the “series of measures” related thereto, which the memorandum announces will be announced “[i]n the coming days.”
5. At least ten days in advance of any meeting to be conducted by FBI pursuant to the direction in your memorandum, provide the date, time and location of the meeting, list of invitees, all correspondence with invitees and all materials to be furnished, presented, or shared at the meeting. Explain and detail all content in the meeting to distinguish and validate the propriety of and respect for First

Amendment-protected activity relating to the issues addressed in the memorandum. Provide assurances that any member of Congress will be admitted to any such meeting. Preserve the content of each meeting through video recording and provide all such recordings.

Sincerely,



Dan Bishop
Member of Congress



Chip Roy
Member of Congress



Ted Budd
Member of Congress



Lauren Boebert
Member of Congress



Mike Johnson
Member of Congress



Richard Hudson
Member of Congress



Andy Biggs
Member of Congress



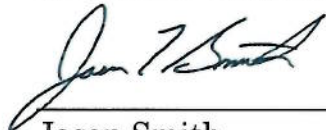
Jody Hice
Member of Congress



Ralph Norman
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Yvette Herrell
Member of Congress



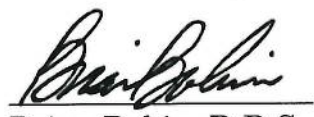
Jason Smith
Member of Congress

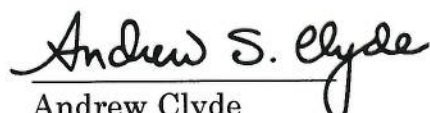


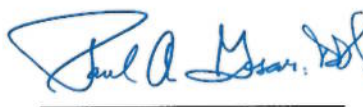
Jeff Duncan
Member of Congress


Michael Cloud
Member of Congress

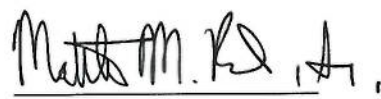

Warren Davidson
Member of Congress


Brian Babin, D.D.S.
Member of Congress


Andrew Clyde
Member of Congress

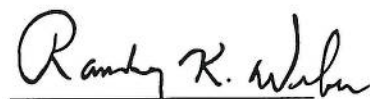

Paul A. Gosar, D.D.S.
Member of Congress

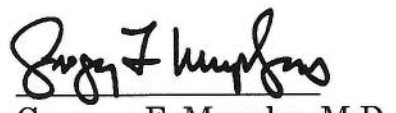

David Schweikert
Member of Congress


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Gregory F. Murphy, M.D.
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Thomas Massie
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