



**A “MANUFACTURED” ISSUE AND “MISAPPLIED” PRIORITIES:
SUBPOENAED DOCUMENTS SHOW NO LEGITIMATE BASIS FOR THE
ATTORNEY GENERAL’S ANTI-PARENT MEMO**

Interim Staff Report of the

**Committee on the Judiciary
and the**

Select Subcommittee on the Weaponization of the Federal Government

U.S. House of Representatives



March 21, 2023

EXECUTIVE SUMMARY

The Committee on the Judiciary is conducting oversight of the Biden Administration’s use of federal law-enforcement and counterterrorism resources against parents voicing concerns about controversial curricula and education-related policies at local school board meetings. This oversight began in October 2021 following the issuance of a memorandum from Attorney General Merrick Garland directing the Federal Bureau of Investigation and all U.S. Attorney’s Offices—among other Department components—to examine and address threats posed by parents at school board meetings.

Although the Biden Administration declined to cooperate with this oversight in the 117th Congress, whistleblower disclosures and a report commissioned by the National School Boards Association (NSBA) shed some light on how the Biden Administration colluded with the NSBA to create a justification to use federal law-enforcement and counterterrorism resources against parents. There were gaps in the information available to the Committee then, primarily because the Biden administration did not participate in the NSBA’s third-party report. On February 3, 2023, Chairman Jordan subpoenaed the Justice Department, FBI, and Education Department for documents necessary to advance the Committee’s oversight and inform potential legislative reforms.

From the initial set of material produced in response to the subpoenas, it is apparent that the Biden Administration misused federal law-enforcement and counterterrorism resources for political purposes. The Justice Department’s own documents demonstrate that there was no compelling nationwide law-enforcement justification for the Attorney General’s directive or the Department components’ execution thereof.¹ After surveying local law enforcement, U.S. Attorney’s offices around the country reported back to Main Justice that there was no legitimate law-enforcement basis for the Attorney General’s directive to use federal law-enforcement and counterterrorism resources to investigate school board-related threats. For example:

- One U.S. Attorney reported that “this issue was very poorly received” by his local law-enforcement community and “described by some as a manufactured issue.”² He continued: “No one I spoke with in law enforcement seemed to think that there is a serious national threat directed at school boards, which gave the impression that our priorities are misapplied.”³
- Another U.S. Attorney’s Office reported that the local FBI field office in the area “did not see any imminent threats to school boards or their members . . . , nor did they ascertain any worrisome trends in that regard.”⁴

¹ In fact, Attorney General Garland admitted as much in his October 2021 testimony to the Committee, conceding that the National School Boards Association letter was the only basis for the Department’s actions. *See Oversight of the United States Department of Justice: Hearing Before the H. comm. on the Judiciary*, 117th Cong. at 68 (2021) (testimony from Hon. Merrick Garland, Atty Gen., U.S. Dep’t of Justice).

² DOJ-HJC-0000212.

³ *Id.*

⁴ DOJ-HJC-0000127.

- Local law-enforcement officials noted that local officials should properly respond to school board threats. In Montana, several law-enforcement offices rightly advised the Justice Department that “local law enforcement authorities are best suited to address criminal threats against school board administrators.”⁵
- Most threats reported back to Main Justice had little connection to school board matters. For example, the Southern District of Alabama reported that although one of the school board member’s houses was shot at, the incident was the “unfortunate consequence of gun violence in the city” and not related to school board decisions or policies.⁶

The documents received pursuant to the Committee’s subpoena show the absence of a legitimate nationwide basis for the Attorney General’s directive to insert federal law enforcement into local school board matters. The documents also shed light onto how the Administration worked with education special interests to generate the predicate for the Attorney General’s directive. It appears, from these documents and the information received previously, that the Administration’s actions were a political offensive meant to quell swelling discord over controversial education curricula and unpopular school board decisions. The Attorney General’s directive came just weeks before a pivotal gubernatorial election in Virginia, in which education policies were hotly debated and a local school board’s actions were under intense scrutiny.⁷ The inference from the initial tranche of subpoenaed documents is that the Justice Department’s actions were a reaction to these political circumstances rather than a legitimate law-enforcement response to any serious, nationwide threat.

In response to the Committee’s subpoena, the FBI acknowledged for the first time that it opened 25 “Guardian assessments” of school board threats, and that six of these investigations were run by the FBI’s Counterterrorism Division.⁸ These admissions supplement whistleblower disclosures about the FBI’s actions, including disclosures the FBI investigated a mom because she belonged to a “right-wing mom’s group” and “is a gun owner” and a dad because “he rails against the government.” According to the FBI, none of the school board-related investigations have resulted in federal arrests or charges, highlighting the political motives behind the Attorney General’s actions. The Administration’s goal seems to have been silencing the critics of its radical education policies and neutralizing an issue that was threatening Democrat Party prospects in the close gubernatorial race in Virginia.

This weaponization of law-enforcement powers against American parents exercising their First Amendment rights is dangerous. The Justice Department subjected moms and dads to the opening of an FBI investigation about them, the establishment of an FBI case file that includes their political views, and the application of a “threat tag” to their names as a direct result of their exercise of their fundamental constitutional right to speak and advocate for their children. The Committee has called on Attorney General Garland to rescind his memorandum, which he has

⁵ DOJ-HJC-0000082.

⁶ DOJ-HJC-0000219.

⁷ See generally Emily Crane, *Loudoun County school board faces parents again after sexual assault controversy*, N.Y. POST (Dec. 1, 2021).

⁸ Letter from Mr. Christopher Dunham, Acting Assistant Director, Fed. Bureau of Investigation, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Mar. 1, 2023).

refused to do. From the documents and information received pursuant to the subpoena, it is crystal clear that Attorney General Garland should rescind his unwise and unsupported directive to insert federal law enforcement into local school board matters.

The House Committee on the Judiciary, through and with its Select Subcommittee on the Weaponization of the Federal Government, is charged with investigating “violations of the civil liberties of citizens of the United States.”⁹ This interim staff report fulfills the ongoing obligation to identify and report on instances of the weaponization of the federal government—here, the misuse of federal law-enforcement and counterterrorism resources against parents exercising their First Amendment rights at school board meetings. While the documents produced to date help to better understand what transpired, they do not tell the whole story. The Committee and the Select Subcommittee will continue to pursue the relevant facts to inform legislative reforms to protect American civil liberties.

⁹ H. Res. 12 § 1(b)(D).

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BACKGROUND

In October 2021, House Judiciary Committee Republicans opened an investigation into the Biden Administration’s misuse of federal law-enforcement resources to target concerned parents. Since then, Committee Republicans have sent over 100 letters to Department of Justice components requesting documents and information related to this investigation.¹⁰ Additionally, Republicans have sent four letters to the Department of Education.

With help from brave whistleblowers and the NSBA-commissioned report, the Committee uncovered initial information in the 117th Congress about the Biden Administration’s misuse of its authorities. From the information available then, the Committee learned the following:

- The NSBA collaborated with the Biden White House to develop the language of the NSBA’s September 29, 2021 letter to President Biden urging the use of federal law-enforcement and counterterrorism tools, including the Patriot Act, against parents.¹¹
- The NSBA shared the draft language of its letter with the White House, which apparently raised no concerns with the reference to counterterrorism tools or the inclusion of the Patriot Act in the letter.¹²
- Five days after the NSBA letter to President Biden, on October 4, Attorney General Garland issued a memorandum that inserted federal law enforcement into local school board meetings.¹³
- Attorney General Garland established a task force—including the Department’s National Security Division, with responsibility for enforcing federal counterterrorism statutes—to examine school board-related threats and highlighted the FBI’s National Threat

¹⁰ See Letter from Rep. Mike Johnson *et al.*, to Hon. Merrick Garland, Att’y Gen., U.S. Dep’t of Just. (Oct. 13, 2021); Letter from Rep. Jim Jordan *et al.*, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Att’y Gen., U.S. Dep’t of Just. (Oct. 25, 2021); Letter from Rep. Jim Jordan *et al.*, Ranking Member, H. Comm. on the Judiciary, to Mr. E. Bryan Wilson *et al.*, Acting U.S. Att’y, Dist. of Alaska (Nov. 1, 2021); Letter from Rep. Jim Jordan *et al.*, Ranking Member, H. Comm. on the Judiciary, to Mr. Mark Lesko, Acting Assistant Att’y Gen., Nat’l Sec. Div., U.S. Dep’t of Just. (Nov. 2, 2021); Letter from Rep. Jim Jordan *et al.*, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Nov. 3, 2021); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Att’y Gen., U.S. Dep’t of Just. (Nov. 16, 2021); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Nov. 18, 2021); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Feb. 10, 2022); Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Att’y Gen., U.S. Dep’t of Just. (May 11, 2022); Letter from Rep. Jim Jordan *et al.*, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Att’y Gen., U.S. Dep’t of Just. (Jun. 14, 2022).

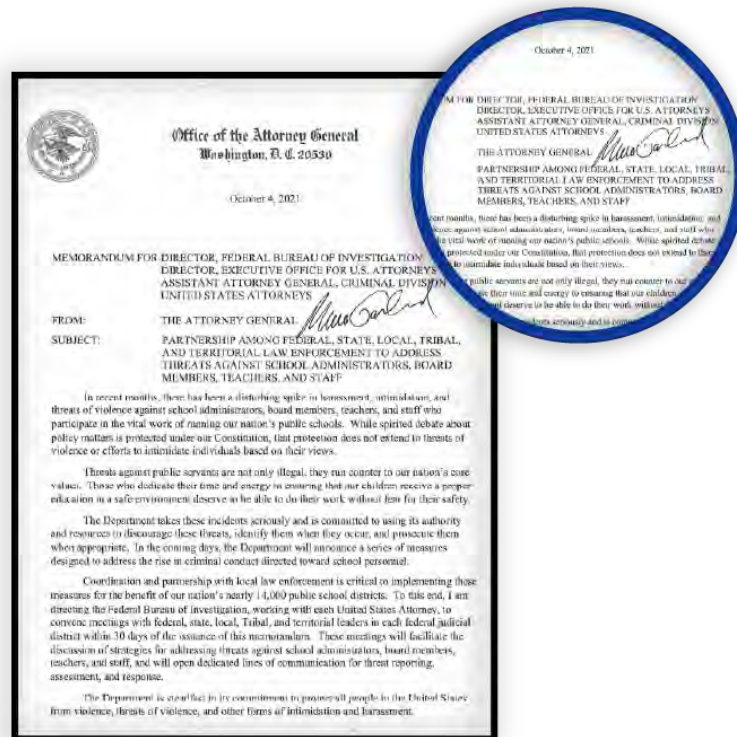
¹¹ Callie Patteson, *WH ‘actively engaged’ with NSBA before ‘domestic terror’ letter: memo* N.Y. POST (Nov. 11, 2021).

¹² *Final Report On the Events Surrounding the National School Boards Association’s September 29, 2021, Letter to the President*, NAT’L SCHOOL BOARDS ASSOC. (May 20, 2022).

¹³ Memorandum from Att’y 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).

Operations Center to serve as a snitch-line for tips about parents at school board meetings.¹⁴

- In testimony to the Committee, Attorney General Garland admitted that the sole basis of his memorandum was the NSBA letter sent to President Biden.¹⁵
- On October 20, 2021, the FBI’s Counterterrorism and Criminal Divisions operationalized the Attorney General’s directive, announcing to all FBI special agents in charge the creation of a new threat tag—EDUOFFICIALS—to track school board-related threats.¹⁶



The FBI later opened dozens of investigations into parents’ conduct at school board meetings, using the EDUOFFICIALS threat tag, in almost every region of the country and relating to all types of educational settings.¹⁷ Whistleblower disclosures to the Committee showed how, as a direct result of Attorney General Garland’s October 4 directive, federal law enforcement is using counterterrorism resources to investigate protected First Amendment activity. For example:

¹⁴ Press Release, U.S. Dep’t of Justice, Justice Department Addresses Violent Threats Against School Officials and Teachers (Oct. 4, 2021).

¹⁵ *Oversight of the United States Department of Justice: Hearing Before the H. Comm. on the Judiciary*, 117th Cong. At 92 (2021) (testimony from Hon. Merrick Garland, Att’y Gen., U.S. Dep’t of Justice).

¹⁶ See Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Att’y Gen., U.S. Dep’t of Just. (May 11, 2022).

¹⁷ *Id.*

- In one investigation, an FBI field office interviewed a mom for allegedly telling a local school board “we are coming for you.” The complaint, which came into the FBI through the National Threat Operations Center snitch-line, alleged that the mom was a threat because she belonged to a “right wing mom’s group” known as “Moms for Liberty” and because she “is a gun owner.” When the FBI interviewed the mom, she told the agent that she was upset about the school board’s mask mandates and that her statement was a warning that her organization would seek to replace the school board with new members through the electoral process.
- An FBI field office opened an investigation into a dad opposed to mask mandates. The complaint came in through the National Threat Operations Center snitch-line and alleged that the dad “fit the profile of an insurrectionist” because he “rails against the government,” “believes all conspiracy theories,” and “has a lot of guns and threatens to use them.” When an FBI agent interviewed the complainant, the complainant admitted they had “no specific information or observations of . . . any crimes or threats,” but they contacted the FBI after learning the Justice Department had a website “to submit tips to the FBI in regards to any concerning behavior directed toward school boards.”
- In another case, an FBI field office opened an investigation into Republican state elected officials after a state Democrat party official accused them of making an “online terroristic threat by politicians against school board members.” This complaint also came into the FBI through the National Threat Operations Center snitch-line. It alleged that one Republican official “incited violence” against school board members by expressing displeasure with school districts’ vaccine mandates.

These investigations into concerned parents were the direct result of Attorney General Garland’s October 4 directive. Each of the cases was initiated following the directive and the complaints came into the FBI through the same snitch-line—the National Threat Operations Center—highlighted in the press release accompanying the October 4 memorandum. One complainant even told an FBI agent that they reported the tip to the FBI because of the snitch-line, despite having “no specific information” about any actual threat.

The FBI later disclosed—only after Chairman Jordan’s subpoena to Director Wray—that it had opened 25 “Guardian assessments” with the EDUOFFICIALS threat tag.¹⁸ The FBI assigned seventeen of the investigations to the Criminal Investigative Division, six to the Counterterrorism Division, and two to the Weapons of Mass Destruction Directorate.¹⁹ The FBI acknowledged that it “has not observed an uptick of threats directed at school officials since it began tracking the data.”²⁰ Of the 25 investigations, the FBI determined that only one warranted opening a “Full Investigation,” and referred the majority of the remaining cases to state and local authorities.²¹ There have still been no federal prosecutions.

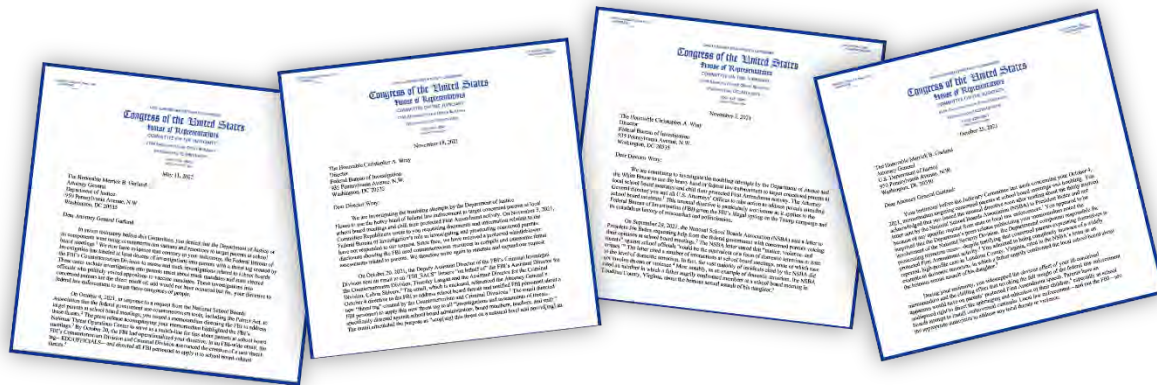
¹⁸ Letter from Mr. Christopher Dunham, Acting Assistant Director, Fed. Bureau of Investigation, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Mar. 1, 2023).

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

The Administration did not comply fully with the Committee’s oversight in the 117th Congress. Early in the 118th Congress, Chairman Jordan renewed the outstanding requests to the Justice Department, FBI, Education Department, and White House.²² Still, the Administration declined to comply fully and on February 3, 2023, the Committee issued a subpoena to compel the production of documents. On February 28, 2023—the day before the Justice Department was required to comply with the Committee’s subpoena—the Department produced 448 pages of documents. On the same day, the Education Department produced 1,004 pages of heavily redacted documents. Both departments indicated that they would continue to produce responsive material going forwards.²³



²² See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Miguel Cardona, Sec’y, U.S. Dep’t of Edu. (Jan. 17, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Merrick Garland, Att’y Gen., U.S. Dep’t of Just. (Jan. 17, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Mr. Ronald Klain, Ass’t to the President and Chief of Staff (Jan. 17, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Jan. 17, 2023).

²³ Letter from Hon. Carlos Uriarte, Assistant Att’y Gen., U.S. Dep’t of Just., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Feb. 28, 2023); Letter from Hon. Gwen Graham, Assistant Sec’y, U.S. Dep’t of Educ., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Feb. 28, 2023).

The Committee’s subpoenas have returned new information that demonstrates how the Biden Administration misused its federal law-enforcement and counterterrorism resources on school board-related threats. The documents shed new light on the Administration’s coordination with education special interests to generate the predicate for the Justice Department’s actions. The subpoenaed documents show there was no legitimate nationwide basis for the Attorney General’s directive to insert federal law enforcement into local school board matters. In fact, almost universally, local law enforcement rejected the directive and expressed strong preference that local authorities handle local matters.

I. Internal Executive Branch communications show that the Biden Administration and NSBA extensively colluded prior to the Attorney General’s memorandum.

As the radical left continued to push a woke agenda on America’s children, parents across the country started to speak out at school board meetings against critical race theory, mask mandates, and controversial curricula. As more parents spoke out, the NSBA and the Biden Administration colluded to create a justification, articulated in an October 4 memorandum from Attorney General Garland, to use federal law-enforcement tools to silence parents. The initial documents produced in response to the Committee’s subpoena provide more details on the extent of that coordination.

A. Prior to the October 4 memorandum, the Department of Education and White House worked with a left-leaning group to promote calls for federal law-enforcement intervention.

On September 16, 2021, CEO of the National Association of Secondary School Principals (NASSP) Ronn Nozoe emailed Mary C. Wall, of the White House COVID-19 Response Team, about NASSP’s September 16, 2021, press release calling for the “federal government to protect school leaders from threats and violence.”²⁴ Mr. Nozoe asked Ms. Wall to share it with her networks.²⁵ That same day, employees at the Department of Education set a meeting to discuss the NASSP’s press release.²⁶ The Education Department redacted much of these internal communications among its employees, preventing the Committee from fully understanding the nature and circumstances of these discussions.²⁷

On September 20, 2021, Dr. Aaliyah Samuel, Deputy Assistant Secretary, Local, State and National Engagement in the Office of Communications and Outreach at the Department of Education, emailed Mr. Nozoe requesting a time to talk.²⁸ Mr. Nozoe sent an email with the

²⁴ HJC-118-0000337; HJC-118-0000338. In the press release, Mr. Nozoe called for the “full authority of the federal government to help us remove or ban threatening individuals from our schools who are determined to do nothing more than disrupt learning or potentially harm us or our staff” and for the Department of Education to issue specific guidance on the authority school leaders possess to oust concerned parents.

²⁵ HJC-118-0000338.

²⁶ See HJC-118-0000352; HJC-118-00003363; HJC-118-0000364.

²⁷ The Department of Education did not provide justifications for its redactions throughout the document production, in its cover letter, or in the document production itself.

²⁸ See HJC-118-0000793.

following three requests:

- “Build safe zones around schools – similar to drug free zones. Make it a federal crime to threaten any educator/school staff on school property.”²⁹
- “Set up a 911 Network to report physical and social threats. Establish an ombudsman at the federal level with a direct line to the FBI/Justice Department. Do not leave it solely up to local authorities to determine the severity of the threats.”³⁰
- “Provide legal protections for all educators by creating a legal defense fund so school leaders who have been maligned in their community can get legal assistance to protect/repair their reputations. . . . [W]e are asking for a fund to be set up so school leaders who have had their reputations smeared in public/social media/local media because of mask/no mask vax/no vax mandates do not have to dig into their personal savings to hire attorneys for defamation of character/slander legal action necessary to clear their names.”³¹

Dr. Samuel forwarded the chain to other employees at the Department of Education, but the Department redacted the majority of the content of these communications. Additionally, Dr. Samuel added Ms. Wall to an email thread among Department of Education officials discussing the NASSP’s requests, but Ms. Wall’s message back to the group was also redacted.³²

B. The NSBA sent the Department of Education its letter before it was public.

On September 29, 2021, Chip Slaven, the Interim Director and CEO of the NSBA, emailed the NSBA’s letter to President Biden regarding threats against school officials to Julie Rodriguez at the White House and copied Dr. Samuel at the Department of Education.³³ Dr. Samuel forwarded the NSBA’s letter to several other Department of Education officials.³⁴ In the email, Mr. Slaven thanked the Department of Education for “the recent opportunity to discuss these issues with the White House and Administration officials.”³⁵ Mr. Slaven further explained that the NSBA’s letter to President Biden requests that “federal law enforcement and relevant agencies work with state and local authorities and public schools to address these ongoing threats.”³⁶ Mr. Slaven did well to ensure that the Department of Education received the NSBA’s letter one day before its public release.³⁷ On October 1, 2021, there are emails involving several

²⁹ HJC-118-0000792; HJC-118-0000793.

³⁰ The reference to social threats here indicates the NASSP desired, and the Department of Justice and/or Department of Education may have considered, silencing parents for merely criticizing school board officials. Furthermore, the NASSP’s proposal of creating a reporting phone line mirrors the hotline created by the Justice Department just two weeks later. *See* Press Release, U.S. Dep’t of Just., Justice Department Addresses Violent Threats Against School Officials and Teachers (Oct. 4, 2021).

³¹ HJC-118-0000792; HJC-118-0000793.

³² HJC-118-0000073.

³³ *See* HJC-118-0000508.

³⁴ *See* HJC-118-0000526.

³⁵ HJC-118-0000508.

³⁶ *Id.*

³⁷ *Id.* The NSBA sent the letter to the Biden Administration and its members on Sept. 29, 2021; however, the letter was “embargoed” until Sept. 30, 2021, when it was made available to the media. *See id.*

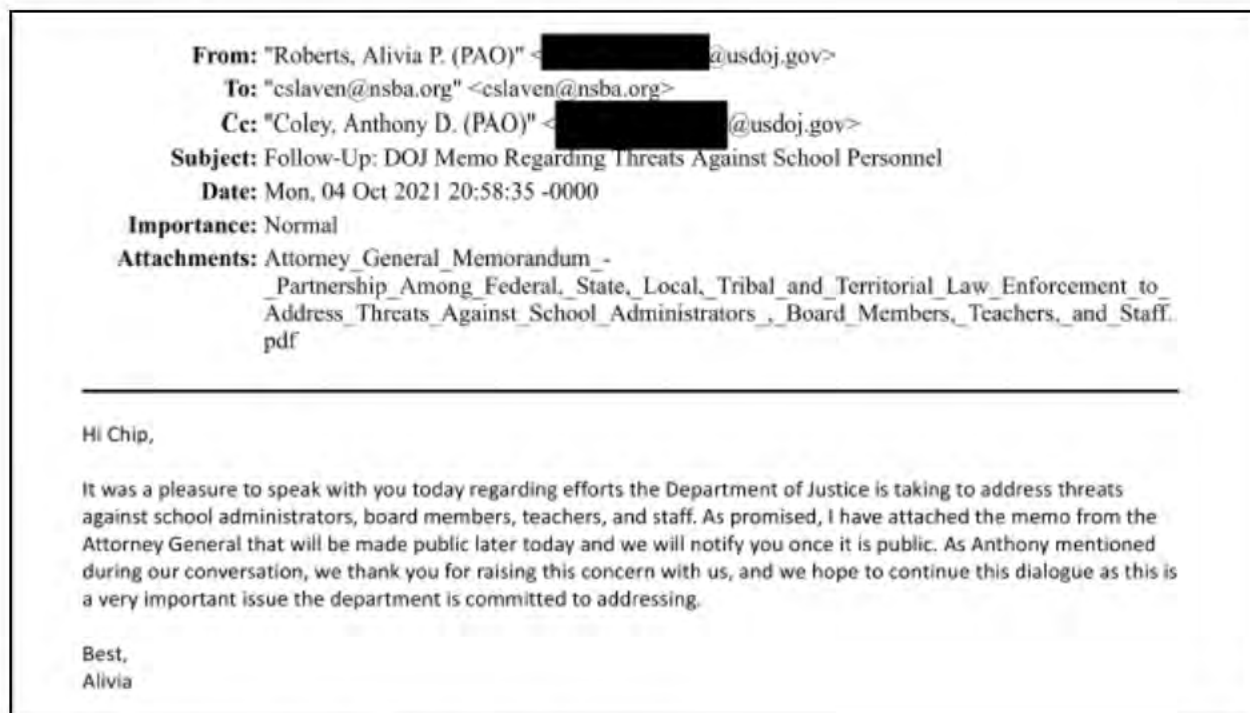
Department of Education officials—Sheila Nix, Chief of Staff; Suzanne Goldberg, Deputy Assistant Secretary for Strategic Operations and Outreach, Office of the Assistant Secretary for Civil Rights at the Department of Education; Dr. Aaliyah Samuel; Scott Sargrad, Deputy Chief of Staff for Policy and Programs; and Emma Leheny, formerly Principal Deputy General Counsel and Acting General Counsel—asking if anyone had “any more thoughts” on the NSBA letter, but the Department redacted the content of those conversations as well.³⁸

C. The Justice Department and the NSBA coordinated prior to the release of Attorney General Garland’s October 4, 2021 memorandum.

On October 4, 2021, Alivia Roberts, from the Justice Department’s Public Affairs Office, sent an email to NSBA Interim Executive Director and CEO Chip Slaven attaching the Attorney General’s memorandum before it was publicly released, writing:

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. . . . [W]e 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.³⁹

Mr. Slaven responded by writing, “[NSBA] stand[s] ready to work with you on efforts going forward. Please let us [know] how we can support your efforts.”⁴⁰



³⁸ HJC-118-0000823; 0000825; 0000833; 0000835; 0000843.

³⁹ DOJ-HJC-0000441.

⁴⁰ DOJ-HJC-0000446.

On October 6, 2021, Mr. Slaven reached out to Anthony Coley, also from the Justice Department’s Public Affairs Office, notifying him that calls and emails to NSBA were increasing and saying they had reported several to the Alexandria Police Department.⁴¹ He also asked for a contact at the FBI with whom the NSBA could communicate. Mr. Coley responded that threats of violence should be reported to the local FBI office or the FBI’s National Threat Operations Center tip line.⁴²

D. There was collaboration between the Justice Department and the Department of Education.

Three days prior to Attorney General Garland issuing his October 4, 2021 memorandum, Shaylyn Cochran, Chief of Staff in the Office of the Assistant Attorney General for the Civil Rights Division, connected Myesha Brayden, a Justice Department employee, to Suzanne Goldberg, Deputy Assistant Secretary for Strategic Operations and Outreach, at the Department of Education, because both were “looking into” the issue of alleged threats directed at school board officials.⁴³ Ms. Cochran suggested that the two “may benefit from connecting to determine any joint equities between DOJ and ED-OCR.”⁴⁴

A week later, Ms. Goldberg’s assistant scheduled time for her to speak with another Associate Deputy Attorney General, Kevin Chambers, who was also involved in the issue.⁴⁵ Whether or not they eventually spoke—and what about—is not clear. On October 5, 2021, Emma Leheny at the Department of Education shared the October 4 Justice Department press release on addressing threats against school officials with Ms. Goldberg, who indicated she “never heard back from the point-person there.”⁴⁶

Officials at the Department of Education responded with approval to the NSBA’s successful attempt to involve federal law enforcement at local school board meetings.⁴⁷ After the release of the Attorney General’s October 4, 2021 memorandum, officials at the Department of Education praised the move, calling it “noteworthy.”⁴⁸ In fact, Ms. Goldberg wrote to Associate Deputy Attorney General Kevin Chambers that she was “very glad to see the memo.”⁴⁹

⁴¹ DOJ-HJC-0000447.

⁴² *See id.*

⁴³ HJC-118-0000821.

⁴⁴ *Id.*

⁴⁵ HJC-118-0000089.

⁴⁶ HJC-118-0000850.

⁴⁷ *See* HJC-118-0000520; HJC-118-0000570.

⁴⁸ HJC-118-0000655.

⁴⁹ HJC-118-000570.

From: Goldberg, Suzanne
Subject: Re: [EXTERNAL] RE: DOJ-ED connection, school board meeting disruptions
To:
Cc: Chambers, Kevin (ODAG); Zinsner, Addie
Sent: October 6, 2021 7:32 AM (UTC-04:00)

Kevin, Thanks for your voicemail on Monday. I am not sure why but it only just popped up on my phone this morning.

I was very glad to see the memo, and it would be great to talk in the coming day or two. My schedule is quite cramped as I imagine yours is as well so I am copying Addie Zinsner here to help us find time.

Looking forward to talking soon.

Best,
Suzanne

II. If the Justice Department performed due diligence before promulgating the Attorney General’s memorandum, the Department would have learned it lacked a legitimate predicate.

The documents produced indicate that Attorney General Garland’s October 4, 2021 memorandum—inserting federal law enforcement into local school board meetings—was a misuse of federal authority. Internal Justice Department communications show that had Attorney General Garland performed a modicum of due diligence prior to issuing his memorandum, he would have learned that there was no “disturbing spike” in alleged threats and violence at school board meetings, as he alleged in his memorandum.⁵⁰ The documents show that beyond the NSBA’s letter—which it has since retracted—the evidence does not support any legitimate, nationwide predicate for deploying federal law-enforcement resources against America’s parents.

A. In the days following the issuance of the October 4, 2021 memorandum, Justice Department officials expressed confusion as to how to implement the Attorney General’s directive.

On October 7, 2021, the Deputy Director of the Justice Department’s Office of Public Affairs⁵¹ sent an email to “USAEO-Public Affairs Officers”⁵² list recipients clarifying the Attorney General’s October 4 memorandum and addressing “a rash of misinformation about this memo suggesting it somehow limits parental free speech or label[s] parents as ‘domestic terrorists.’”⁵³ The email included a “set of facts/talking points for use by [U.S. Attorney Offices] in meeting with law enforcement partners, community stakeholders, and the press to keep the record straight as this process plays out.”⁵⁴ The email also included sections of the Attorney General’s memorandum in bold type to emphasize how it should be interpreted and portrayed to stakeholders.⁵⁵

⁵⁰ Memorandum from Hon. Merrick Garland, Atty Gen., 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).

⁵¹ The Justice Department redacted this federal employee’s name from its production to the Committee.

⁵² “USAEO” likely refers to the Executive Office for the United States Attorneys.

⁵³ DOJ-HJC-0000409.

⁵⁴ *Id.*

⁵⁵ *See id.*

On October 21, 2021, a person, whose name is redacted, from the U.S. Attorney’s Office for the Southern District of Indiana sent an email to a redacted list of recipients, including the Justice Department’s Public Affairs Office, asking if they had any guidance other than the October 7, 2021 talking points, as they were getting questions about what actions their office was taking concerning threats or disruptions to local school boards.⁵⁶ After some back and forth, the Southern District of Indiana employee explained that their response was “[t]he U.S. Attorney’s Office will comply with the Attorney General’s request as set forth in his memo of October 4, 2021,” to which the Public Affairs Office replied, “That seems fine.”⁵⁷

In addition, employees from different U.S. Attorney’s Offices reached out to each other to learn of other Districts’ plans in response to the Attorney General’s memo. An email from the U.S. Attorney’s Office for the District of Oregon to the USAEO-LEC listserv group asked what plans the Districts have made in response to the Attorney General’s memorandum.⁵⁸ An employee in the U.S. Attorney’s Office for the District of Alaska responded by stating their office was “proposing a joint virtual training with state [law enforcement] agency heads” and “hoping to include [the] state Director of Law in the training.”⁵⁹ The employee stated the USAO and FBI were “awaiting additional guidance and more information regarding the ‘series of measures designed to address the rise in criminal conduct directed towards school personnel’ as referenced in the AG’s memo.”⁶⁰

B. Reported instances of school board officials being threatened were almost nonexistent.

On October 20, 2021, Monty Wilkinson, Director of the Executive Office for United States Attorneys, sent a memorandum to all U.S. Attorneys’ Offices with guidance for implementing the Attorney General’s October 4, 2021 memorandum.⁶¹ Director Wilkinson’s memorandum directed U.S. Attorneys’ Offices to convene a meeting by November 3, 2021, with appropriate district law enforcement leaders and to notify the Executive Office that they had held the meeting, identify which agencies participated, and note any significant issues for the Deputy Attorney General’s attention.⁶² The memorandum specified 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”⁶³

The overwhelming majority of judicial districts reported not having heard of any instances of threats or violence being levied at school board officials.⁶⁴ One U.S. Attorney

⁵⁶ See DOJ-HJC-0000403; 0000404; 0000405.

⁵⁷ DOJ-HJC-0000403.

⁵⁸ DOJ-HJC-0000408.

⁵⁹ DOJ-HJC-0000429.

⁶⁰ *Id.*

⁶¹ See DOJ-HJC-0000304; 0000305; 0000306; 0000307; 0000308.

⁶² See DOJ-HJC-0000304; 0000305; 0000306; 0000307; 0000308.

⁶³ DOJ-HJC-0000307.

⁶⁴ See, e.g., DOJ-HJC-0000016 (“During the meeting, it was established that there had not yet been a single reported incident concerning a threat of violence directed toward any school board or school board members in Arkansas.”); DOJ-HJC-0000186 (“I can report that none of the elected sheriffs or representatives from the Florida Department of Law Enforcement have encountered any threats directed toward school administrative officials, board members, teachers, or staff . . . there have been no disruptions to any school board meetings in their respective counties or

reported that threats against school officials was “described by some as a manufactured issue.”⁶⁵ In the Middle District of Louisiana, Brian Frazier, the U.S. Attorney Office’s Criminal Division Chief stated, “[t]he FBI representatives acknowledged that DOJ has seen fit to elevate perceived school board security issues to a national level. Nevertheless, they did not see any imminent threats to school boards or their members in the local [area of responsibility], nor did they ascertain any worrisome trends in that regard.”⁶⁶

From: "Frazier, Brian (USALAM)" <[REDACTED]@usa.doj.gov>
Date: November 1, 2021 at 2:28:34 PM CDT
To: "Travis, Ellison (USALAM)" <[REDACTED]@usa.doj.gov>
Subject: Law Enforcement Meeting--School Board Issue

On Tuesday, October 26, I met with FBI representatives to ensure coordination, if needed, on any violence or threats related to school board proceedings. The FBI representatives acknowledged that DOJ has seen fit to elevate perceived school board security issues to a national level. Nevertheless they did not see any imminent threats to school boards or their members in the local ADR, nor did they ascertain any worrisome trends in that regard. Our office and the FBI are in constant communication with local authorities on all areas of federal criminal concern and I am confident this will continue. The FBI representatives and their local task force officers and coordinators are aware of the statutes at hand to deal, for example, with threats in interstate communications, and I am confident we will continue to address threats of violence on a federal level if appropriate and jurisdictional requirements are met.

Brian K. Frazier
Chief, Criminal Division
United States Attorney's Office
Middle District of Louisiana
777 Florida Street
Baton Rouge, LA 70801
Phone: ([REDACTED])

Other reported threats were too vague to be independently substantiated or so innocuous as to not be of any real concern.⁶⁷ For instance, Acting U.S. Attorney for the District of South Dakota Dennis Holmes reported that “[o]fficials could remember only [one] incident” to report.⁶⁸ In that case, “an irate parent, who was upset about mask mandate[s], had to be removed from a school board meeting by the school resource officer,” but, Mr. Holmes clarified, “[n]o threats were made to board members or school staff.”⁶⁹ In another case, Acting U.S. Attorney for the

areas of responsibility.”); DOJ-HJC-0000204 (“It does not appear that threats against School Administrators, Board Members, Teachers, and Staff is a significant issue within the District of Alaska.”); DOJ-HJC-0000206 (“[S]uch threats have not been a problem here in the District of Columbia.”); DOJ-HJC-0000209 (“[T]here have been no known complaints regarding these types of issues in the Northern District of Mississippi.”).

⁶⁵ DOJ-HJC-0000210-13.

⁶⁶ DOJ-HJC-0000127.

⁶⁷ See, e.g., DOJ-HJC-0000043 (“[R]eceived from PIO--pursuant to my request to follow media coverage of both the Florida Governor's conference and the AG's letter--media report of potential threats against school board official.”)

⁶⁸ DOJ-HJC-0000133.

⁶⁹ *Id.*

Middle District of Tennessee Mary Jane Stewart reported only that “one school district has experienced heated board meetings with the public, which resulted in threats of violence and received national exposure in the news.”⁷⁰ Ms. Stewart provided no other details of the incident.

In these meetings, local law enforcement expressed concerns about other, more pressing issues. For example, the few law enforcement agencies that actually attended the meeting held by the Middle District of Alabama reported no issues with threats against school officials and instead “voiced more concern over the safety of students from other threats, such as gang and gun violence.”⁷¹

In general, participating agencies voiced more concern over the safety of students from other threats, such as gang and gun violence. ATF reported on their program to identify and remove guns from schools. The Auburn Police Chief was very interested in this program and wanted to follow up with the ATF representative on their efforts in his schools.

Similarly, U.S. Attorney Sean Costello of the Southern District of Alabama reported that one of the school board member’s houses was shot at, but the incident was unrelated to the school board member’s service on the school board and instead an “unfortunate consequence of gun violence in the city.”⁷²

On October 26, I traveled to the Northern Division of our district and met with the district attorney, the Dallas County Sheriff, and the Selma police chief to have the same discussion with them. They did not identify any significant issues, though they did note that the home of a city school board member was shot into recently. This incident does not appear to be related to service on the school board, and is believed to be merely an unfortunate consequence of the gun violence in the city.

C. The U.S. Attorney for the Northern District of Georgia deployed domestic terrorism resources against parents after finding only one alleged threat of violence within the district.

The U.S. Attorney’s Office for the Northern District of Georgia was an exception among U.S. Attorney’s Offices, doubling down on the Attorney General’s directive to use domestic terrorism resources against parents.⁷³ When that office reported back to Main Justice, the correspondence noted how Ryan Buchanan, in his former role as Assistant U.S. Attorney and Anti-terrorism Advisory Council Coordinator, had proactively contacted FBI officials in the Atlanta Field Office “to discuss the new guidance and FBI’s plans for contacting and engaging with other federal, as well as, local law enforcement partners” about the Attorney General’s directive.⁷⁴ Specifically, Mr. Buchanan reported that “the FBI’s [domestic terrorism] Squad would take the lead in acting as point-of-contact for referrals concerning school violence threats

⁷⁰ DOJ-HJC-0000075.

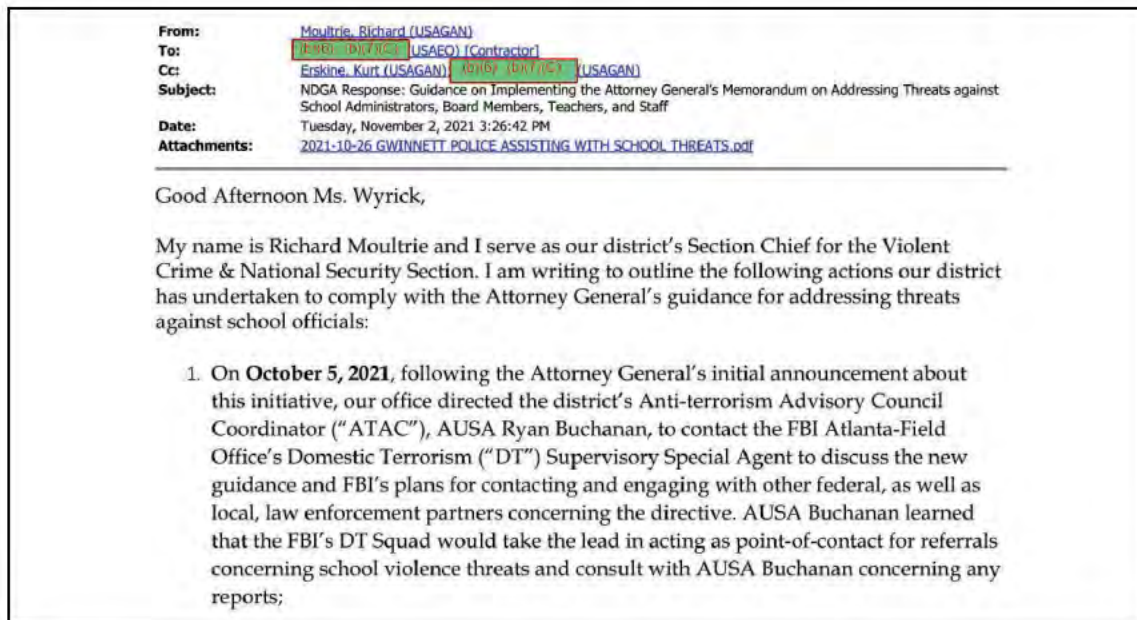
⁷¹ DOJ-HJC-0000169; 170.

⁷² DOJ-HJC-0000219.

⁷³ E-mail from Mr. Richard S. Moutrie, Jr., Chief, Violent Crime & Nat’l Sec. Section, U.S. Atty’s Off., N.D. Ga., to Exec. Off. for U.S. Attys (Nov. 2, 2021); *see also* DOJ-HJC-0000099. Note: The Department of Justice provided the cited email in a less redacted form under the *Freedom of Information Act* to an outside group that is available online.

⁷⁴ *Id.*

and consult with AUSA Buchanan concerning any reports.”⁷⁵ Just days afterward, President Biden nominated Buchanan to be the U.S. Attorney for the Northern District of Georgia.⁷⁶



Notably, in the same report to Main Justice in which the Northern District of Georgia reported that it was activating the FBI's Domestic Terrorism Squad to be the "lead" against school board-related threats, the office cited only one "threat of violence" in the district that was "circulated on social media."⁷⁷ Although the specific nature of this threat is not discussed in the document production, publicly available information suggests that the office was likely referencing a social media post, later determined to be a hoax,⁷⁸ from a student threatening to perpetrate a school shooting in revenge for being bullied.⁷⁹ This incident appears to be unrelated to the Justice Department's ostensible goal of protecting school officials from parent-related threats.

III. Local officials generally opposed federal intervention at local school board meetings.

In reports back to Main Justice, many of the U.S. Attorneys' Offices noted that their local law-enforcement partners opposed federal intervention at local school board meetings. Assistant U.S. Attorney for the District of Montana Joe Thaggard wrote that "[redacted] as well as the Cascade County Attorney, Cascade County Sheriff, and the Great Falls Chief of Police have all . . . written to [Acting U.S. Attorney Leif] Johnson advising that the local law enforcement authorities are best suited to address criminal threats against school administrators and other

⁷⁵ *Id.*

⁷⁶ See U.S. Dep't of Just., U.S. Atty's Off. N.D. of Ga., Meet the U.S. Attorney, <https://www.justice.gov/usao-ndga/meet-us-attorney> (last visited Mar. 6, 2023).

⁷⁷ DOJ-HJC-000099.

⁷⁸ See WSBTV.com News Staff, *5 teens arrested in connection to social media threats to Gwinnett schools*, WSB-TV (Oct. 28, 2021).

⁷⁹ Thom Chandler, *Gwinnett County Police are investigating threats against schools*, GA. SUN (Oct. 26, 2021).

school officials.”⁸⁰ Additionally, Mr. Thaggard noted, “Mr. Johnson has received telephone calls from a concerned citizen, a county attorney, and the press. Most, but not all, of those people have indicated a desire for the local authorities to handle any investigations and prosecutions.”⁸¹

The U.S. Attorney for the Northern District of West Virginia, William Ihlenfeld, II, reported that “[Redacted], Superintendent of the West Virginia State Police, explained his belief that most situations involving threats or harassment of school officials can be handled by state and local officials.”⁸² He continued:

[Redacted], Chief of the Martinsburg (W.Va.) Police Department, said that there have been a handful of situations in Berkeley County in which attendees at board of education meetings have been boisterous and disruptive. However, he said these incidents were able to be handled at the local level without the need for federal assistance.⁸³

Perhaps the most striking response to the Attorney General’s directive and the Justice Department’s guidance was described by Steven D. Weinhoft, the United States Attorney for the Southern District of Illinois.⁸⁴ Mr. Weinhoft explained that “this issue was very poorly received” among the participants to the meetings in that District and was “described by some as a manufactured issue.”⁸⁵ Mr. Weinhoft offered the following summary of his experiences at the meetings:

No one I spoke with in law enforcement seemed to think that there is a serious national threat directed at school boards, which gave the impression that our priorities are misapplied. Some expressed concerns that the federal government was meddling in an area where it does not belong. I heard concerns over the federal government inserting itself into issues of local politics and local choices on education. But more frequently, I heard unease over the [F]irst [A]mendment implications.⁸⁶

Due to the strong negative reactions from local law enforcement, Mr. Weinhoft “advise[d] against further national action on this matter.”⁸⁷

In addition to receiving pushback from local officials regarding federal intervention at school board meetings, U.S. Attorneys’ Offices noted a lack of enthusiasm and participation in their meetings mandated by Main Justice. For example:

⁸⁰ DOJ-HJC-0000082.

⁸¹ *Id.*

⁸² DOJ-HJC-0000007.

⁸³ *Id.*

⁸⁴ *See* DOJ-HJC-0000210.

⁸⁵ DOJ-HJC-0000212.

⁸⁶ DOJ-HJC-0000212; 0000213.

⁸⁷ DOJ-HJC-0000213.

- In her report to Main Justice, Acting U.S. Attorney Sandra J. Stewart of the Middle District of Alabama explained how the office invited 30 organizations and paired the meeting with another quarterly meeting to drive attendance, but only four organizations showed up.⁸⁸ Ms. Stewart noted how the attendance was “remarkably low” compared to the typical 75 to 80 percent attendance at the quarterly meeting.⁸⁹ Ms. Stewart explained that “some invitees decided not to participate because of the subject matter of the meeting,” referring to school board threats.⁹⁰
- U.S. Attorney Clifford D. Johnson explained that the Northern District of Illinois office invited 630 entities, but only 18 attended the meeting.⁹¹
- Acting U.S. Attorney for the Middle District of Florida Karin Hoppmann canceled her scheduled meeting “[i]n light of the paucity of responses received” and instead opted to meet individually with the five agencies that had responded from among the 50 that were invited.⁹²
- The U.S. Attorney’s Office for the District of Oregon highlighted the office’s already strained relationship between local law enforcement and local school boards due to “ideological differences.”⁹³

⁸⁸ DOJ-HJC-0000169; 0000170.

⁸⁹ DOJ-HJC-0000170.

⁹⁰ *Id.*

⁹¹ DOJ-HJC-0000221.

⁹² DOJ-HJC-0000044.

⁹³ DOJ-HJC-0000164.

CONCLUSION

Internal Executive Branch documents indicate that the Biden Administration’s use of federal law-enforcement and counterterrorism resources is an example of government weaponization against American parents. If the Justice Department performed any due diligence prior to the issuance of the Attorney General’s memorandum, it would have understood clearly and forcefully that federal intervention was unwarranted. Because that due diligence did not occur—and the Administration acted out of political motivations rather than for law-enforcement reasons—parents around the country had FBI “assessments” opened into them.⁹⁴

Ensuring the effective and even-handed use of federal law-enforcement authority should be a noncontroversial priority. Americans deserve to have confidence that the enormous power and reach of federal law enforcement will be used fairly and free of any indication of politicization. Committee Republicans have repeatedly called on Attorney General Garland to rescind his memorandum. He has declined to do so to date. The use of these resources chills protected First Amendment activity as parents rightfully fear that their passionate advocacy for their children could result in a visit from federal law enforcement.

The Committee’s and the Select Subcommittee’s work is not complete. This oversight will continue as the Justice Department and the Education Department continue to produce responsive documents. In addition, the FBI has produced only fourteen pages of documents to date in response to the Committee’s subpoena—a flagrant disregard of the serious concerns about the Bureau’s misuse of its authorities against parents.⁹⁵ There remain open questions about the development and issuance of Attorney General Garland’s memorandum—issued only five days after receipt of the NSBA’s letter to President Biden—and the coordination between the Justice Department and White House on that point. There remain open questions about how the FBI quickly operationalized the Attorney General’s directive, and whether the Bureau objected to the civil liberty concerns inherent in the Attorney General’s memorandum. The Committee has outstanding subpoenas for testimony from Chip Slaven and Viola Garcia, senior NSBA officials who signed the letter to President Biden. Until all responsive documents are produced and interviews with the necessary parties take place, the Committee and the Select Subcommittee will continue its oversight to uncover facts that will inform potential legislative reforms.

⁹⁴ See Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Att’y Gen., U.S. Dep’t of Just. (May 11, 2021); Letter from Christopher Dunham, Acting Assistant Director, Fed. Bureau of Investigation, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Mar. 1, 2023).

⁹⁵ The FBI has provided *in camera* access to an additional 346 pages of documents, but it did not physically produce that material to the Committee. See Letter from Christopher Dunham, Fed. Bureau of Investigation, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Mar. 8, 2023).