

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

October 27, 2021

Dr. Viola M. Garcia, President  
Mr. Frank S. Henderson, Jr., President-elect  
Ms. Kristi Sweet, Secretary-Treasurer  
Mr. Charlie Wilson, Immediate Past President  
National School Boards Association  
1680 Duke St., Second Floor  
Alexandria, VA 22314-3493

Dear Dr. Garcia, Mr. Henderson, Ms. Sweet, and Mr. Wilson:

We are investigating 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. Because you are the officers of the National School Boards Association's (NSBA) board of directors, which exercises "supervision, control and direction of the affairs of the Association,"<sup>1</sup> we respectfully request your assistance with our investigation.

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 meetings.<sup>2</sup> 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."<sup>3</sup> The letter cited a number of interactions at school board meetings, the vast majority of which did not involve violence or threats.<sup>4</sup> Notably, as one "example" of alleged domestic terrorism, the NSBA cited an instance in Loudoun County, Virginia, where a father angrily confronted members at a school board meeting about the heinous sexual assault of his daughter.<sup>5</sup>

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<sup>1</sup> Nat'l School Board Assn., Constitution and Bylaws of the National School Board Association, Art. VI, sec. 1 (as amended Aug. 13, 2021), <https://www.nsba.org/-/media/NSBA/File/nsba-constitution-and-bylaws-8-13-21.pdf?la=en&hash=2AD2BB0EDE213D8D4BE90ADC3B833FE73EE78B95>.

<sup>2</sup> 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)

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*; see also 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).

<sup>5</sup> *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).

On October 4, 2021, a mere five days after the NSBA sent its letter to President Biden, Attorney General Merrick Garland issued an unusual memorandum that directed the Federal Bureau of Investigation (FBI) and U.S. Attorneys' Offices to address the "disturbing spike in harassment, intimidation, and threats of violence" at school board meetings.<sup>6</sup> In a press release publicizing the memorandum, the Justice Department indicated its directive would "open dedicated lines of communication for threat reporting, assessment and response by law enforcement"—in other words, a snitch line for complaints about concerned parents.<sup>7</sup> The press release noted that the Department's National Security Division—the Department component responsible for prosecuting terrorism cases—would be part of a task force "to determine how federal enforcement tools can be used to prosecute these crimes."<sup>8</sup>

On October 21, 2021, Attorney General Garland testified before our Committee. During his testimony, Attorney General Garland acknowledged that he relied upon the NSBA letter as the basis for issuing his memorandum.<sup>9</sup> In addition, a news report published the same day revealed that the NSBA communicated with the White House about the September 29 letter *prior* to its transmission.<sup>10</sup> In one email dated September 29—the same date as the NSBA letter—the NSBA Interim Executive Director & CEO, Chip Slaven, wrote:

[I]n talks over the last several weeks with White House staff, they requested additional information on some of the specific threats, so the letter also details many of the incidents that have been occurring.<sup>11</sup>

Similarly, on October 2, the NSBA's President, Dr. Viola Garcia, separately wrote that the NSBA had "been engaged with the White House and Department of Education . . . for several weeks now."<sup>12</sup> On October 13, less than a month after the NSBA letter to President Biden, the Biden Administration announced that it had appointed Dr. Garcia to be one of five members of a federal education advisory board.<sup>13</sup>

The Biden Administration seemingly relied upon the NSBA letter—which it coordinated in advance with the NSBA—as justification to unleash the full weight of the federal law enforcement apparatus upon America's parents. During his testimony, Attorney General Garland

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<sup>6</sup> 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).

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

<sup>8</sup> *Id.*

<sup>9</sup> *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).

<sup>10</sup> Caroline Downey, *National school board group communicated with White House while crafting letter likening parents to terrorists*, NAT'L REV. (Oct. 21, 2021).

<sup>11</sup> Email from Chip Slaven (Sept. 29, 2021, 8:18 p.m.), available at [https://defendinged.org/wp-content/uploads/2021/10/Email-Correspondence\\_NSBA-Letter-to-President-Biden\\_Redacted.pdf](https://defendinged.org/wp-content/uploads/2021/10/Email-Correspondence_NSBA-Letter-to-President-Biden_Redacted.pdf).

<sup>12</sup> Email from Viola Garcia (Oct. 2, 2021, 6:59 a.m.), available at [https://defendinged.org/wp-content/uploads/2021/10/Email-Correspondence\\_NSBA-Letter-to-President-Biden\\_Redacted.pdf](https://defendinged.org/wp-content/uploads/2021/10/Email-Correspondence_NSBA-Letter-to-President-Biden_Redacted.pdf).

<sup>13</sup> Press Release, Dep't of Education, Five Board Members Appointed to Board Overseeing the Nation's Report Card (Oct. 13, 2021).

denied that the intent of his memorandum was to threaten parents or chill their protected First Amendment activity. However, on October 22, 2021, following Attorney General Garland'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."<sup>14</sup> (emphasis in original).

Parents have an undisputed right to direct the upbringing and education of their children, including expressing concerns about the inclusion of controversial curricula in their child's education.<sup>15</sup> Unsurprisingly, the NSBA's September 29 letter to President Biden never once mentioned "parents" or parents' role in their children's education—although its subsequent apology memorandum purported to value the "voices of parents."<sup>16</sup> Concerned parents are absolutely not domestic terrorists and, to the extent actual threats exist, local law enforcement—and not the FBI—are the appropriate authorities to address those situations. Parents cannot tolerate this collusion between the NSBA and the Biden Administration to construct a justification for invoking federal law enforcement to intimidate and silence parents using their Constitutional rights to advocate for their child's future.

To assist our investigation, we request that you produce the following documents concerning the NSBA's September 29 letter and its October 22 memorandum:

1. All documents and communications for the period January 20, 2021, to the present referring or relating to the NSBA's September 29, 2021 letter to President Biden;
2. All documents and communications for the period January 20, 2021, to the present referring or related to the NSBA's October 22, 2021 memorandum;
3. All documents and communications for the period January 20, 2021, to the present between or among Executive Office of the President employees or staff and any NSBA officer, Board member, delegate, or staff referring or relating to the September 29, 2021 letter or October 22, 2021 memorandum;
4. All documents and communications for the period January 20, 2021, to the present between or among Department of Justice officials or employees, including those at the FBI, and any of NSBA officer, Board members, delegate, or staff referring or relating to the September 29, 2021 letter or October 22, 2021 memorandum;
5. All documents and communications for the period January 20, 2021, to the present referring or relating to the Biden Administration's selection of Dr. Viola Garcia to the National Assessment Governing Board; and

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<sup>14</sup> Memorandum from NSBA Board of Directors, Message to NSBA Members (Oct. 22, 2021).

<sup>15</sup> *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (citing *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923)).

<sup>16</sup> Compare Letter from Dr. Viola M. Garcia, *supra* note 2, with Memorandum from NSBA Board of Directors, *supra* note 14.

6. Any guidance issued by the NSBA regarding parental engagement at school board meetings.

In addition, please provide the following information:

7. Please explain whether the NSBA will urge Attorney General Garland to withdraw or rescind his October 4 memorandum.
8. Please detail all NSBA interactions with officials from the Justice Department or FBI following the Attorney General's October 4 memorandum. Please include the date(s), participant(s), and topic(s) of these interactions.
9. Please describe in detail the "formal review" that the NSBA will conduct of its internal processes and procedures. When does the NSBA expect to announce the results? Will the NSBA commit to being transparent about its review?

Please produce this material and schedule the briefing as soon as possible but no later than 5:00 p.m. on November 10, 2021. In addition, we ask that you arrange for a staff briefing on this matter.

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



Louie Gohmert  
Member of Congress



Darrell Issa  
Ranking Member  
Subcommittee on Courts, Intellectual  
Property, and the Internet



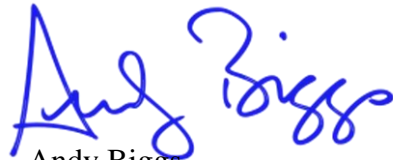
Ken Buck  
Ranking Member  
Subcommittee on Antitrust, Commercial  
and Administrative Law



Matt Gaetz  
Member of Congress



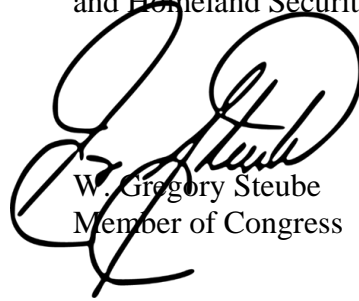
Mike Johnson  
Ranking Member  
Subcommittee on the Constitution,  
Civil Rights and Civil Liberties



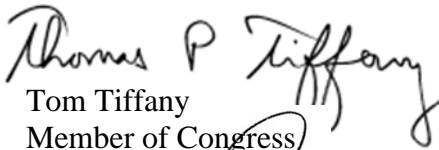
Andy Biggs  
Ranking Member  
Subcommittee on Crime, Terrorism  
and Homeland Security



Tom McClintock  
Ranking Member  
Subcommittee on Immigration  
and Citizenship



W. Gregory Steube  
Member of Congress



Tom Tiffany  
Member of Congress



Thomas Massie  
Member of Congress



Chip Roy  
Member of Congress



Dan Bishop  
Member of Congress



Michelle Fischbach  
Member of Congress



Victoria Spartz  
Member of Congress



Scott Fitzgerald  
Member of Congress



Cliff Bentz  
Member of Congress



Burgess Owens  
Member of Congress

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cc: The Honorable Jerrold L. Nadler  
Chairman