

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 2, 2021

Mr. Mark Lesko  
Acting Assistant Attorney General  
National Security Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Mr. Lesko:

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 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.

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."<sup>1</sup> 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."<sup>2</sup> 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.<sup>3</sup> Thus, we write to request additional information about the Division's role in the Biden Administration's efforts to target 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

---

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

<sup>2</sup> *Id.*

<sup>3</sup> *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.<sup>4</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>5</sup> 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.<sup>6</sup>

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.<sup>7</sup> 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.”<sup>8</sup> 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.”<sup>9</sup>

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.”<sup>10</sup> (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.<sup>11</sup> When parents, however, cross the line to commit a violent act or issue a criminal threat,<sup>12</sup> 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.

---

<sup>4</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>5</sup> *Id.*

<sup>6</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); 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>7</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>8</sup> *Id.*

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

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

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

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

To assist our investigation, we request that you produce the following documents and information:

1. All documents and communications referring or relating to the establishment of the Department's task force and the National Security Division's role as a member of the task force;
2. All documents and communications between employees of the Department of Justice and U.S. intelligence agencies referring or relating to alleged threats posed by concerned parents at local school board meetings, the NSBA's letter dated September 29, 2021, or the Attorney General's memo dated October 4, 2021;
3. All agendas, minutes, and notes created by or relied upon by National Security Division employees referring or relating to the Department's task force;
4. Please explain the National Security Division's role in the Department's task force, including what federal statutes within the Division's jurisdiction it intends to use in investigating concerned parents at school board meetings;
5. Please identify by name and title all National Security Division employees involved in the Department's task force; and
6. Please provide all recommendations, both formal and informal, that the National Security Division has made to the Department's task force.

Please provide this material as soon as possible but no later than 5:00 p.m. on November 16, 2021.

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



Jim Jordan  
Ranking Member

Sincerely,



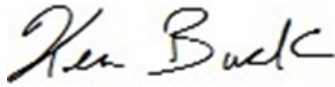
Steve Chabot  
Member of Congress



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



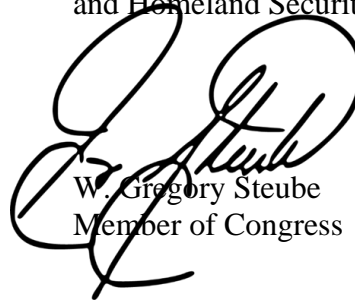
Mike Johnson  
Ranking Member  
Subcommittee on the Constitution,  
Civil Rights and Civil Liberties



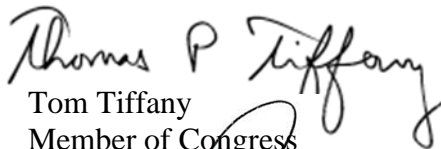
Andy Biggs  
Ranking Member  
Subcommittee on Crime, Terrorism  
and Homeland Security



Tom McClintock  
Ranking Member  
Subcommittee on Immigration  
and Citizenship



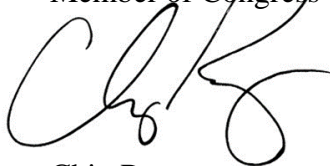
W. Gregory Steube  
Member of Congress



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

Mr. Mark Lesko  
November 2, 2021  
Page 5



Scott Fitzgerald  
Member of Congress



Cliff Bentz  
Member of Congress



Burgess Owens  
Member of Congress

cc: The Honorable Jerrold L. Nadler  
Chairman