

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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November 12, 2021

Dr. Viola M. Garcia
President
National School Boards Association
1680 Duke St., Floor 2
Alexandria, VA 22314-3493

Dear Dr. Garcia:

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.¹ Publicly available documents suggest that you, as the President of the National School Boards Association (NSBA), have information that is relevant and necessary to our investigation. Accordingly, we ask that you make yourself available for a transcribed interview with Committee staff.

On September 29, 2021, on behalf of the NSBA, you and Chip Slaven sent a letter to President Joe Biden requesting help from the federal government with concerned parents voicing their opinions at school board meetings.² Your letter stated that “malice, violence, and threats” against school officials “could be the equivalent of a form of domestic terrorism or hate crimes.”³ Your letter also cited the Patriot Act as a potential federal statute that the Biden Administration could use to prosecute parents.⁴

On October 2, 2021, in an email to NSBA board members, you explained the NSBA had “been engaged with the White House and Department of Education . . . for several weeks now” prior to the NSBA’s letter to the President.⁵ On October 13, 2021, the Biden Administration announced that it had appointed you to be one of five members of the National Assessment Governing Board.⁶

¹ Letter from Rep. Jim Jordan et al., Ranking Member, H. Comm. on the Judiciary, to Dr. Viola M. Garcia et al, President, Nat’l School Boards Assoc. (Oct. 27, 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 *Id.*

⁵ 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.

⁶ Dep’t of Ed., Five Board Members Appointed to Board Overseeing the Nation’s Report Card (Oct. 13, 2021).

Five days after your letter to the President, Attorney General Merrick Garland directed the Federal Bureau of Investigation and U.S. Attorneys' Offices to address the "disturbing spike in harassment, intimidation, and threats of violence" at school board meetings.⁷ In a press release publicizing the memorandum, the Justice Department 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."⁸ In testimony to our Committee, Attorney General Garland confirmed that your letter was the basis for his unusual directive to target parents.⁹

On October 22, 2021, following Attorney General Garland's testimony, the NSBA Board of Directors issued a new memorandum to its members apologizing for your letter, stating: "On behalf of NSBA, we regret and apologize for the letter."¹⁰ (emphasis in original). The Attorney General, however, has refused to withdraw his directive to target parents.

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.¹¹ However, your letter to President Biden never once mentioned "parents" or parents' right with respect to their children's education, although the NSBA's subsequent apology purported to value the "voices of parents."¹² 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. Therefore, to assist our investigation, we request that you make yourself available for a transcribed interview with the Committee as soon as possible.

If you have any questions and to schedule the interview, please contact Committee staff at (202) 225-6906. If you are represented by counsel, please ask your attorney to contact Committee staff on your behalf.

⁷ 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).

⁸ Press Release, U.S. Dep't of Justice, Justice Department Addresses Violent Threats Against School Officials and Teachers (Oct. 4, 2021).

⁹ *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).

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


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

¹² Compare Letter from Dr. Viola M. Garcia, *supra* note 2, with Memorandum from NSBA Board of Directors, *supra* note 10.

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Thank you for your attention to this important matter.

Sincerely,



Jim Jordan
Ranking Member

cc: The Honorable Jerrold L. Nadler
Chairman