

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

March 9, 2022

Dr. John Heim, Executive Director and CEO
Dr. Viola M. Garcia, President
National School Boards Association
1680 Duke St., Second Floor
Alexandria, VA 22314-3493

Dear Drs. Heim and Garcia:

It has been over four months since we first requested documents and information about the National School Boards Association's (NSBA) letter to President Biden in which the NSBA equated parents with domestic terrorists and urged federal intervention—including use of the Patriot Act—to silence parents at school board meetings.¹ We received absolutely no response, despite several follow-up emails and phone calls, until early February 2022. Despite new CEO John Heim's effort to rehabilitate the NSBA's image and "restore trust" in the association,² you have still failed to produce a single document responsive to our requests.

The NSBA's letter to President Biden initiated a rapid and stunning response from the Biden Administration that culminated in a directive from the Attorney General for federal law enforcement entities to monitor local school board matters.³ We know from a brave whistleblower that the Federal Bureau of Investigation operationalized the Attorney General's directive, with the head of the FBI's Counterterrorism Division directing FBI agents to use a new "threat tag"—EDUOFFICIAL—to track school board-related investigations.⁴ In other words, because of the NSBA's letter to President Biden, the FBI is using federal counterterrorism tools to track and categorize an unknown number of American parents simply for standing up at school board meetings to advocate for their children's future.

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 Patrick Reilly, *NSBA head knew about AG's controversial school board memo, emails show*, N.Y. POST (Feb. 14, 2022); Laura Meckler, *National School Boards Association stumbles into politics and is blasted apart*, WASH. POST (Jan. 13, 2022).

³ See generally 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); *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).

⁴ Email from Carlton Peebles, Deputy Assistant Dir., Criminal Investigative Div., Fed. Bureau of Investigation, to FBI_SACS (Oct. 20, 2021).

Drs. John Heim & Viola M. Garcia

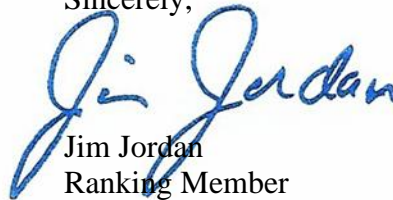
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The NSBA has expressed regret and apologized for its letter to President Biden,⁵ and has announced an internal review of the circumstances leading to the letter. However, former CEO Chip Slaven has defended the NSBA's letter, and another former senior NSBA officer, Charlie Wilson, has maintained that outrage about the letter was "distorted" and "cherry-picked."⁶ Mr. Wilson, a former NSBA President, was only forced to leave the board after his state withdrew from the association.⁷ In light of the stubborn defense of the letter by these former senior NSBA officials, as well as the NSBA's failure to date to produce any documents responsive to our investigation, we still have concerns about the NSBA's collusion with the Biden Administration to develop a pretext for invoking federal law enforcement to intimidate and silence 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.⁸ We know from publicly available information that the NSBA has information that is relevant and necessary to our investigation. We are committed to fully examining the Biden Administration's use of counterterrorism resources in relation to school board meetings at the urging of the NSBA. We reiterate our outstanding document requests from our October 27 letter and request that you produce this material immediately.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is written in a cursive, flowing style.

Jim Jordan
Ranking Member

cc: The Honorable Jerrold L. Nadler
Chairman

⁵ Memorandum from NSBA Board of Directors, Message to NSBA Members (Oct. 22, 2021).

⁶ Meckler, *supra* note 2.

⁷ *Id.*

⁸ *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (citing *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923)).