

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 18, 2022

The Honorable Miguel A. Cardona, EdD
Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Dear Secretary Cardona:

As we prepare for the 118th Congress, we write again to obtain your voluntary compliance with the outstanding requests for documents and information necessary for our oversight. We appreciate your prompt attention to these outstanding matters.

Over the past twenty-one months, we have made several requests for information and documents concerning the Biden Administration's misuse of federal criminal and counterterrorism resources to target concerned parents at school board meetings. We reiterated and itemized these requests in our recent letter of October 17, 2022, which is enclosed for your convenience. To date, you have ignored these requests, or you have failed to respond sufficiently. Please be aware that if our requests remain outstanding at the beginning of the 118th Congress, the Committee may be forced to resort to compulsory process to obtain the material we require.

In addition, to advance our oversight of the Biden Administration's use of federal law enforcement with respect to school board-related threats, we may require prompt testimony from Department of Education employees in hearings or transcribed interviews, including Kimberly Watkins-Foote. We expect your unfettered cooperation in arranging for the Committee to receive testimony from Department employees. As an initial matter, we anticipate requiring testimony, in hearings or transcribed interviews, from the following employees early in the 118th Congress:

1. Kimberly Watkins-Foote, Director, National Engagement Division;
2. Larry Bowden, Senior Advisory to the Secretary; and
3. Nicholas Simmons, Special Assistant, Office of the Secretary.

To avoid any unnecessary delay in receiving the testimony of these employees, we ask that you direct your staff to work with Committee staff now on scheduling these events. Please be advised that this testimony is in addition to periodic hearings we may convene, if necessary, with

Assistant Secretary for Legislation and Congressional Affairs Gwen Graham concerning the status of outstanding requests for documents and testimony.

The congressional oversight power, rooted in Article I of the Constitution, is “broad and indispensable.”¹ This authority “encompasses inquiries into the administration of existing laws, studies of proposed law, and surveys of defects in our societal, economic, or political system for the purpose of enabling the Congress to remedy them.”² The Judiciary Committee is authorized to conduct oversight of matters involving civil liberties and criminal law enforcement pursuant to the Rules of the House of Representatives.³

Thank you for your prompt attention to this 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

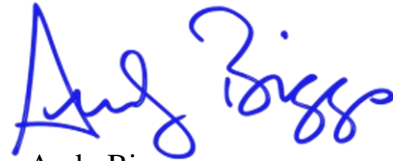
¹ See, e.g., *Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (citing *Watkins v. United States*, 354 U.S. 178, 187, 215 (1957)) (internal quotation marks and citations omitted).

² *Id.*

³ Rules of the U.S. House of Representatives, R. X (2021).



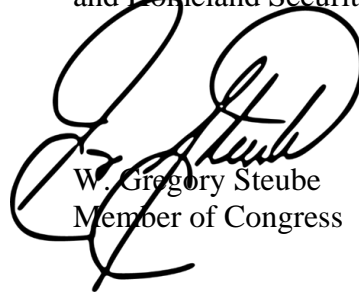
Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties



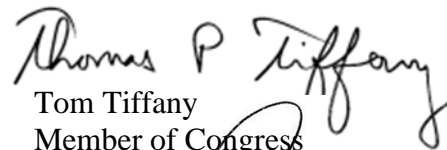
Andy Biggs
Ranking Member
Subcommittee on Crime, Terrorism
and Homeland Security



Tom McClintock
Ranking Member
Subcommittee on Immigration
and Citizenship



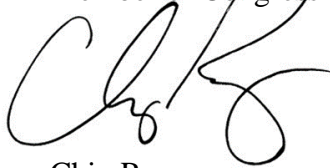
W. Gregory Steube
Member of Congress



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

Enclosure

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October 17, 2022

The Honorable Miguel A. Cardona, EdD
Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202

Dear Secretary Cardona:

We are investigating the Biden Administration's misuse of federal criminal and counterterrorism resources to target concerned parents at school board meetings. We know from publicly available information that the Biden Administration, including the Education Department, colluded with the National School Boards Association to manufacture a pretext for the use of federal law-enforcement authorities against parents.¹ The American people, however, deserve much more accountability and transparency.

On November 16, 2021, we wrote to you requesting documents and information regarding your Department's interactions with the NSBA and the subsequent appointment of then-NSBA President Dr. Viola Garcia to the National Assessment Governing Board.² To date, over eleven months later, the Department has only responded with a generic, hollow response letter, and has not produced any of the requested documents or information.³ This letter did not sufficiently respond to our reasonable requests or alleviate our concerns.

Parents voicing their concerns at school board meetings are not domestic terrorists. Yet, the Attorney General's anti-parent directive of October 4, 2021, remains in effect, and as a result, the threat of federal law enforcement continues to chill the First Amendment rights of American parents. Committee Republicans intend to continue to pursue this serious misuse of federal law-enforcement resources, including if necessary into the 118th Congress. We reiterate our requests, which are itemized in the attached appendix and incorporated herein, and ask that you, as the custodian of all Departmental records, produce the entirety of the requested material as soon as

¹ See E-mail from Dr. Viola Garcia, President, Nat'l School Boards Assoc. (Oct. 2, 2021, 6:59 AM); *Final Report On the Events Surrounding the National School Boards Association's September 29, 2021, Letter to the President*, NATIONAL SCHOOL BOARDS ASSOCIATION at 38 (May 20, 2022).

² Letter from Rep. Jim Jordan, Ranking Member, H. Comm on the Judiciary & Rep. Virginia Foxx, Ranking Member, H. Comm. on Edu. & Labor, to Hon. Miguel A. Cardona, Sec'y, U.S. Dep't of Edu. (Nov. 16, 2021).

³ Letter from Ms. Gwen Graham, Assistant Sec'y, Leg. & Cong. Affairs, U.S. Dep't of Edu., to Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary (Apr. 1, 2022).

The Honorable Miguel A. Cardona, EdD

October 17, 2022

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possible but no later than October 31, 2022.

Furthermore, this letter serves as a formal request to preserve all existing and future records and materials in your possession relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

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

Enclosure

Appendix: Document Requests to the Department of Education

November 16, 2021:

1. All documents and communications for the period January 20, 2021, to the present referring or relating to the NSBA;
2. All documents and communications for the period January 20, 2021, to the present between or among Department of Education employees or staff and any NSBA officer, Board member, delegate, or staff referring or relating to the September 29, 2021 letter to President Biden or the October 4, 2021, memorandum from Attorney General Garland;
3. All documents and communications for the period January 20, 2021, to the present between or among Department of Education employees or staff and Executive Office of the President employees or staff referring or relating to the September 29, 2021 letter to President Biden or the October 4, 2021, memorandum from Attorney General Garland;
4. All documents and communications for the period January 20, 2021, to the present between or among Department of Education employees or staff and Department of Justice employees or staff referring or relating to the September 29, 2021 letter to President Biden or the October 4, 2021, memorandum from Attorney General Garland;
5. All documents and communications for the period January 20, 2021, to the present regarding Dr. Viola Garcia's appointment to the National Assessment Governing Board; and
6. All documents and communications for the period January 20, 2021, to the present between or among Department of Education employees or staff and White House employees or staff regarding Dr. Viola Garcia's appointment to the National Assessment Governing Board.