

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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October 11, 2022

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Garland:

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 whistleblowers and publicly available information that the Biden White House colluded with the National School Boards Association to manufacture a pretext for the use of federal law-enforcement authorities against parents, which you operationalized via a memorandum dated October 4, 2021. The American people, however, deserve much more accountability and transparency.

Since October 2021, we have sent over 100 letters to Departmental components requesting documents and information regarding the Biden Administration's misuse of law-enforcement resources.¹ To date, the Department has responded to these requests with only two half-page letters, and has not produced any of the requested documents or information. These letters do not sufficiently respond to our reasonable requests or alleviate our concerns.

¹ See Letter from Rep. Mike Johnson et al, to Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice (Oct. 13, 2021); Letter from Rep. Jim Jordan et al, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice (Oct. 25, 2021); Letter from Rep. Jim Jordan et al, Ranking Member, H. Comm. on the Judiciary, to Mr. E. Bryan Wilson et al, Acting U.S. Atty, District of Alaska (Nov. 1, 2021); Letter from Rep. Jim Jordan et al, Ranking Member, H. Comm. on the Judiciary, to Mr. Mark Lesko, Acting Assistant Atty Gen., Nat'l Sec. Division, U.S. Dep't of Justice (Nov. 2, 2021); Letter from Rep. Jim Jordan et al, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Nov. 3, 2021); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice (Nov. 16, 2021); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Nov. 18, 2021); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Christopher Wray, Dir., Fed. Bureau of Investigation (Feb. 10, 2022); Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice (May 11, 2021); Letter from Rep. Jim Jordan et al, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice (Jun. 14, 2022).

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Parents voicing their concerns at school board meetings are not domestic terrorists. Yet, your anti-parent directive remains in effect, and as a result, the threat of federal law enforcement continues to chill the First Amendment rights of American parents. We intend to continue to pursue this serious misuse of federal law-enforcement resources. 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 possible but no later than October 25, 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.



Jim Jordan
Ranking Member

Sincerely,



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

cc: The Honorable Jerrold L. Nadler
Chairman

Enclosure

Appendix: Document Requests to Departmental Components

Attorney General Merrick Garland

May 11, 2022:

1. All documents and materials identified in our letters to Departmental components dated November 1, 2021, November 2, 2021, November 3, 2021, and November 18, 2021, immediately; and

June 14, 2022:

1. All documents and communications between Mary Wall, Senior Policy Advisor to the President, and any Department of Justice employees referring or relating to the National School Boards Association's letter dated September 29, 2021; the Attorney General's memorandum dated October 4, 2021; or alleged threats or violence at school board meetings; and
2. All documents and communications between Department of Justice employees and National School Boards Association staff, officers, and/or executive board members, including but not limited to the communications sent or received by Anthony Coley, Senior Advisor to the Attorney General, and Alivia Roberts, Special Assistant to the Director of Public Affairs.

February 28, 2022:

1. All documents requested from various Departmental components regarding the Department's misuse of federal counterterrorism resources to target parents.

FBI Director Christopher Wray

November 3, 2021:

1. All documents and communications referring or relating to convening meeting(s) with U.S. Attorneys' Offices in accordance with the Attorney General's October 4, 2021 memorandum, the establishment of the Department's task force, or the FBI's role as a member of the task force;
2. All agendas, minutes, and notes created or relied upon by FBI employees referring or relating to meeting(s) in each judicial district in accordance with the Attorney General's October 4, 2021 memorandum or the FBI's role as a member of the task force;
3. Please explain whether you consider the Attorney General's October 4, 2021 memorandum to be lawful and whether you intend to direct FBI agents and employees to enforce the Attorney General's directives;

4. Please explain whether you have issued any internal guidance to FBI field offices or special agents in charge referring or relating to the Attorney General's October 4, 2021 memorandum;
5. Please explain the FBI's role in convening meetings as directed by the Attorney General's October 4, 2021 memorandum;
6. Please explain the FBI's role in the Department's task force, including what federal statutes the FBI intends to use in investigating concerned parents at school board meetings;
7. Please identify by name, title, and field office each FBI employee involved in the meeting(s) and task force referenced in the Attorney General's October 4, 2021 memorandum;
8. Please identify all federal, state, local, Tribal, and territorial organizations invited to or that have attended the meetings convened in accordance with the October 4, 2021 memorandum;
9. Please provide all recommendations, both formal and informal, and any meeting minutes produced at the meeting(s) in accordance with the Attorney General's October 4, 2021 memorandum; and
10. Please provide all recommendations, both formal and informal, that the FBI has made to the Department's task force.

November 18, 2021:

1. Provide the number of parents who have been tagged by FBI with the EDUOFFICIALS threat tag;
2. All documents and communications referring or relating to the EDUOFFICIALS threat tag;
3. All documents and communications referring or relating to investigations identified and labeled with the EDUOFFICIALS threat tag; and
4. All documents and communications referring or relating to FBI investigations of school board threats sent or received by the following individuals:
 - a. Carlton L. Peebles, Deputy Assistant Director, Criminal Investigative Division;
 - b. Jay Greenberg, Deputy Assistant Director, Criminal Investigative Division;

- c. Calvin A. Shivers, Assistant Director, Criminal Division;
- d. Brian M. Cohen, Criminal Division;
- e. Timothy R. Langan Jr., Assistant Director, Counterterrorism Division; and
- f. Kevin Vorndran, Deputy Assistant Director, Counterterrorism Division.

February 10, 2022:

1. All documents and materials requested in the November 3 and November 18, 2021 letters.

All 93 U.S. Attorneys' Offices

November 1, 2021:

1. All documents and communications referring or relating to convening meeting(s) in your judicial district in accordance with the Attorney General's October 4, 2021 memorandum;
2. All agendas, minutes, and notes created or relied upon by U.S. Attorney's Office employees referring or relating to meeting(s) in your judicial district in accordance with the Attorney General's October 4, 2021 memorandum;
3. Please explain when meeting(s) in your judicial district in accordance with the Attorney General's October 4, 2021 memorandum have occurred or will occur;
4. Please identify by name and title of all U.S. Attorney's Office employees involved in the meeting(s) in your judicial district in accordance with the Attorney General's October 4, 2021 memorandum ;
5. Please identify all federal, state, local, Tribal, and territorial organizations invited to or that have attended the meetings convened in your judicial district in accordance with the October 4, 2021 memorandum; and
6. Please provide all recommendations, both formal and informal, and any meeting minutes produced at the meeting(s) in your judicial district in accordance with the Attorney General's October 4, 2021 memorandum.

Assistant Attorney General of the National Security Division

November 2, 2021:

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.