

ONE HUNDRED SEVENTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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October 13, 2021

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

Dear Attorney General Garland:

This letter is to express our serious concerns about your recent decision to involve federal law enforcement entities in local school board debates and to stifle First Amendment-protected political speech. Your actions are not just inappropriate, but also appear to have been improperly influenced by politics and by your family's interest in the matter. As members of the House Committee on the Judiciary, we have a responsibility to conduct oversight of the U.S. Department of Justice (DOJ) and we trust that you will fully cooperate with our inquiry.

On October 4, 2021, you issued a memorandum directing the Federal Bureau of Investigation and U.S. Attorneys' offices to strategize with state and local leaders in response to perceived threats against public school officials.<sup>1</sup> Local law enforcement should properly address and prevent legitimate threats and any actual violence against school board officials. But there is little—if any—basis to interject the immense powers of the federal government into these local matters. Your directive to do so will only serve to discourage parents from voicing concerns or disagreement about the important issues of education policy in their communities.

Your memorandum appears to be motivated by politics more than by any pressing federal law enforcement need. You issued your directive just days after President Biden received a letter from the National School Board Association (NSBA) that equated concerned parents with domestic terrorists and perpetrators of hate crimes.<sup>2</sup> This letter referred to what are legitimate parental concerns about far-left curricula such as Critical Race Theory, radical gender identity ideology, and oppressive coronavirus-related mandates in their local schools.<sup>3</sup> The NSBA urged

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<sup>1</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>2</sup> Letter from Ms. 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>3</sup> *Id.*

“the federal government’s intervention against individuals or hate groups who are targeting our schools and educators.”<sup>4</sup>

Even more concerning is the appearance that a member of your family has a financial stake in local school boards adopting a far-left educational curriculum. Reports allege that your son-in-law is the co-founder of Panorama Education, Inc., a company that publishes and sells Critical Race Theory and “anti-racism” materials and works with school districts nationwide to obtain and analyze data on students.<sup>5</sup> The company’s surveys reportedly include intrusive questions such as whether a student feels “gender fluid.”<sup>6</sup> To avoid student privacy laws and collect student data without parental consent, Panorama Education staff members are classified as “school officials.”<sup>7</sup> The company has reportedly surveyed more than 13 million students in 21,000 schools in all 50 states to date<sup>8</sup> and has received funding from liberal activists such as Mark Zuckerberg.<sup>9</sup>

Your actions appear to run afoul of relevant rules of federal ethics. According to the Code of Federal Regulations, an employee of the Executive Branch is discouraged from engaging in conduct that is likely to affect the financial interests of “a person with whom he has a covered relationship.”<sup>10</sup> A covered relationship includes “a relative with whom the employee has a close personal relationship.”<sup>11</sup> You and your daughter and son-in-law may meet this criterion, and it is unclear whether you consulted with the Department’s designated agency ethics official on this matter prior to issuing your memorandum.<sup>12</sup>

As our nation’s top law enforcement official, your most fundamental responsibility is to uphold the standards of equal justice under the law and to protect the constitutional rights and liberties of all Americans. The circumstances around the issues of your memorandum jeopardize these standards and call into question the propriety of your actions. More fundamentally, your directive to insert the might of the federal government into legitimate debates about local education policies shows a serious misunderstanding of the duties of your office.

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

<sup>5</sup> Mark Moore, *Parents group: AG Garland has conflict of interest with Facebook, critical race theory*, N. Y. Post (Oct. 6, 2021, 3:54 PM), <https://nypost.com/2021/10/06/parents-group-garland-has-conflict-of-interest-with-facebook/>.

<sup>6</sup> Elizabeth Elkind, *Daughter of Attorney General who ordered DOJ to probe angry parents for domestic terrorism is married to founder of education group that promotes Critical Race Theory: Merrick Garland accused of a conflict of interest*, Daily Mail (Oct. 8, 2021, 12:37 PM), <https://www.dailymail.co.uk/news/article-10069425/Garland-accused-conflict-ties-education-group-promoting-Critical-Race-Theory.html>.

<sup>7</sup> Fairfax County increases five-year contract to \$2.4 million to Panorama Education, a government contractor cofounded by son-in-law of U.S. Attorney General, Parents Defending Education, <https://defendinged.org/incidents/panorama-education-datamining/> (last visited Oct. 8, 2021).

<sup>8</sup> Panorama, Our Story, <https://www.panoramaed.com/about> (last visited Oct. 7, 2021).

<sup>9</sup> Press Release, Newswire, *Serving 5 Million Students, Panorama Education Raises \$16M to Expand Reach of Social-Emotional Learning and Increase College Readiness in Schools* (Nov. 7, 2017).

<sup>10</sup> Impartiality in Performing Official Duties, 5 C.F.R. §§ 2635.501(a) & 2635.502(b)(1)(ii) (1997).

<sup>11</sup> *Id.*

<sup>12</sup> U.S. Dep’t of Justice, Dep’t Ethics Office, Conflicts, <https://www.justice.gov/jmd/conflicts> (last visited Oct. 8, 2021).

Thus, we request you promptly consult with the designated agency ethics official to determine if your actions in this matter have resulted in an ethics violation for a breach of impartiality. The results of this inquiry must be made public and reported to the House and Senate Committees on the Judiciary in order to protect the integrity of the office of Attorney General. Furthermore, depending on the result, your recusal from this issue may be warranted, and the rescission of the memorandum required.

Thank you for your prompt attention to this matter. We await your response.

Sincerely,



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



Jim Jordan  
Ranking Member



Dan Bishop  
Member of Congress



Steve Chabot  
Member of Congress



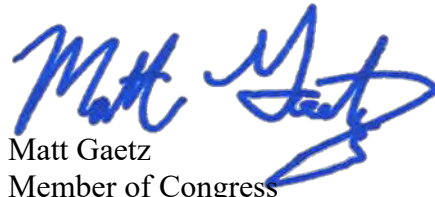
Louie Gohmert  
Member of Congress



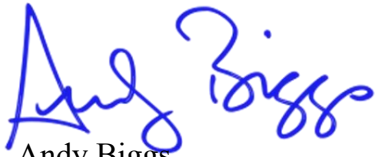
Darrell Issa  
Ranking Member  
Subcommittee on Courts, Intellectual  
Property and the Internet



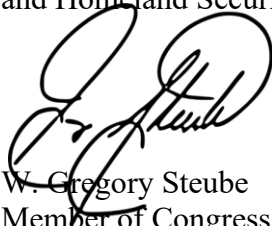
Ken Buck  
Ranking Member  
Subcommittee on Antitrust,  
Commercial and Administrative Law



Matt Gaetz  
Member of Congress



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




W. Gregory Steube  
Member of Congress



Thomas Massie  
Member of Congress



Michelle Fischbach  
Member of Congress



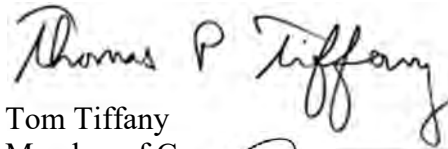
Scott Fitzgerald  
Member of Congress



Burgess Owens  
Member of Congress



Tom McClintock  
Ranking Member  
Subcommittee on Immigration and  
Citizenship



Tom Tiffany  
Member of Congress



Chip Roy  
Member of Congress



Victoria Spartz  
Member of Congress



Cliff Bentz  
Member of Congress