

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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March 6, 2023

Dr. Viola M. Garcia  
Trustee  
National Assessment Governing Board  
800 North Capitol Street, NW, Suite 825  
Washington, DC 20002

Dear Dr. Garcia:

The Committee on the Judiciary (Committee) is conducting oversight of the misuse of criminal and counterterrorism resources by the executive branch against concerned parents at local school board meetings and the effect on parents' protected First Amendment activity. On September 29, 2021, as President of the National School Boards Association (NSBA), you co-signed a letter to President Biden urging the executive branch to use counterterrorism tools, including the Patriot Act, in response to parents protesting controversial educational curricula and policies.<sup>1</sup> The NSBA letter led to Attorney General Garland issuing a memorandum on October 4, 2021, directing federal law enforcement to investigate parents.<sup>2</sup> Whistleblowers have disclosed that this memorandum resulted in the Federal Bureau of Investigation's (FBI) establishment of a "threat tag" and the Justice Department has confirmed that the FBI investigated at least 25 incidents as a result of the NSBA letter you co-signed.<sup>3</sup>

In a letter dated January 27, 2023, the Committee requested that you appear for a voluntary transcribed interview to provide information about the impetus for the September 29, 2021, letter and related matters.<sup>4</sup> This request remains outstanding.

The Supreme Court has recognized that Congress has a "broad and indispensable" power to conduct oversight, which "encompasses inquiries into the administration of existing laws,

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<sup>1</sup> 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).

<sup>2</sup> *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).

<sup>3</sup> Letter from Mr. Christopher Dunham, Acting Assistant Dir., Fed. Bureau of Investigation, to Rep. Jim Jordan, Chairman, H. Comm. on Judiciary (Mar. 3, 2023); *see also* Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Merrick B. Garland, Atty Gen., U.S. Dep't of Justice (May 11, 2022).

<sup>4</sup> *See* Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Dr. Viola Garcia (Jan. 27, 2023); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Dr. Viola Garcia (Nov. 12, 2021).

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studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them.”<sup>5</sup> Pursuant to the Rules of the House of Representatives, the Committee is authorized to conduct oversight of the Justice Department and FBI—including with respect to the agencies’ use of law-enforcement and counterterrorism resources and their policies to protect civil liberties—to inform potential legislative reforms.<sup>6</sup> These potential legislative reforms include, among other proposals, legislation to prescribe how federal law-enforcement entities investigate constitutionally protected activity, legislation to educate federal law-enforcement personnel on civil liberty protections, and legislation to prevent the misuse of federal law-enforcement and counterterrorism resources in the future. Based on information in publicly available documents, you have unique information that is relevant and necessary to inform our oversight and potential legislative reforms.<sup>7</sup>

Accordingly, and in light of your disregard of our earlier voluntary requests, please find attached a subpoena compelling your appearance at a deposition.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized and cursive.

Jim Jordan  
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

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<sup>5</sup> See, e.g., *Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citations omitted).

<sup>6</sup> Rules of the U.S. House of Representatives, R. X (2023).

<sup>7</sup> *Final Report on the Events Surrounding the National School Boards Association’s September 29, 2021, Letter to the President*, NATIONAL SCHOOL BOARDS ASSOCIATION (May 20, 2022).