

From: Reich, Mitchell (OAG)
Subject: Fwd: Saline Parents/AG Memo on School Boards
To: Klapper, Matthew B. (OAG); Heinzelman, Kate (OAG); Matthews-Johnson, Tamarra D. (OAG); Ramamurti, Arjun R. (OAG); Seidman, Ricki (OASG); Goodlander, Margaret V. (OAG)
Sent: October 19, 2021 7:09 PM (UTC-04:00)
Attached: Saline Parents v. Garland Complaint 101921.pdf

FYSA

Begin forwarded message:

From: "Netter, Brian (CIV)" (b) (6)
Date: October 19, 2021 at 1:58:03 PM EDT
To: "Grogg, Adam (OASG)" (b) (6), "Henthorne, Betsy (OASG)" (b) (6), "Maltby, Jeremy (ODAG)" (b) (6), "Reich, Mitchell (OAG)" (b) (6), "Thompson, Karl (ODAG)" (b) (6), "Wolfson, Paul (OASG)" (b) (6)
Cc: "Boynton, Brian M. (CIV)" (b) (6)
Subject: Saline Parents/AG Memo on School Boards

All,

Flagging this new complaint, filed today in D.D.C. by the American Freedom Law Center, challenging the AG's memorandum (b)(5) per CIV

(b) (5)

Brian D. Netter
Deputy Assistant Attorney General
Civil Division
U.S. Department of Justice
(b) (6)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SALINE PARENTS,
an unincorporated association,
c/o American Freedom Law Center
2020 Pennsylvania Avenue NW, Suite 189
Washington, D.C. 20001

RAELYN DAVIS
c/o American Freedom Law Center
2020 Pennsylvania Avenue NW, Suite 189
Washington, D.C. 20001

XI VAN FLEET
c/o American Freedom Law Center
2020 Pennsylvania Avenue NW, Suite 189
Washington, D.C. 20001

JOSEPH CAREY MOBLEY
c/o American Freedom Law Center
2020 Pennsylvania Avenue NW, Suite 189
Washington, D.C. 20001

MICHAEL RIVERA
c/o American Freedom Law Center
2020 Pennsylvania Avenue NW, Suite 189
Washington, D.C. 20001

SHAWNTEL COOPER
c/o American Freedom Law Center
2020 Pennsylvania Avenue NW, Suite 189
Washington, D.C. 20001

Plaintiffs,

v.

MERRICK GARLAND,
in his official capacity as Attorney General of
the United States of America
Department of Justice
10th & Pennsylvania Avenue, NW
Washington, D.C. 20530

Defendant.

COMPLAINT

[Declaratory and Injunctive Relief]

Plaintiffs Saline Parents, Raelyn Davis, Xi Van Fleet, Joseph Carey Mobley, Michael Rivera, and Shawntel Cooper (collectively referred to as “Plaintiffs”), by and through undersigned counsel, bring this Complaint against the above-named Defendant, his employees, agents, and successors in office, and in support thereof allege the following upon information and belief:

INTRODUCTION

1. This is a civil action in which Plaintiffs seek to protect their fundamental rights to freedom of speech, to direct the education of their children, and to be free from unlawful discrimination based upon their political and religious beliefs and views.

2. Plaintiffs seek a preliminary and permanent injunction enjoining the recently announced policy of the Attorney General (“AG Policy”) to use federal law enforcement resources to silence parents and other private citizens who publicly object to and oppose the divisive, harmful, immoral, and racist policies of the “progressive” Left that are being implemented by school boards and school officials in public school districts throughout the United States, including in the public schools in Saline, Michigan, and in Loudoun County, Virginia.

JURISDICTION AND VENUE

3. This action in which the United States is a defendant arises under the Constitution and laws of the United States. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331, 1343(a)(4), and 1346.

4. Plaintiffs’ claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general legal and equitable powers of this Court.

5. Venue is appropriate in this district pursuant to 28 U.S.C. § 1391(e) because the office of the Attorney General of the United States is located in this district and a substantial part of the acts giving rise to Plaintiffs' claims occurred in this district.

PARTIES

6. Plaintiff Saline Parents is an unincorporated association of parents with children in the Saline Area Schools ("SAS"), which is the public school district for Saline, Michigan, and of concerned private citizens who pay taxes to support SAS.

7. Plaintiff Saline Parents and its members, including Plaintiff Raelyn Davis, are concerned about and oppose the divisive, false, harmful, immoral, and racist curricula and policies adopted and implemented by the school board for SAS.

8. Plaintiff Saline Parents and its members associate for the purpose of expressing their opposition to the divisive, false, harmful, immoral, and racist curricula and policies adopted and implemented by SAS.

9. Plaintiff Saline Parents and its members, including Plaintiff Davis, make their opposition known publicly, including at public school board meetings and in other public forums.

10. Plaintiff Raelyn Davis is a resident of Saline, Michigan, and she is a concerned parent of children in SAS. She is the mother of ten children. Plaintiff Davis currently has two children attending Saline High School. She also has children in the first, third, fifth, and seventh grades, all of whom are homeschooled because of the school district's "progressive" policies and curricula outlined in this Complaint. All of these children were, at one time, enrolled in SAS. While not enrolled as students, the fifth and seventh grade students currently participate in the school band. Plaintiff Davis's two preschool children (ages 3 and 5) have never been enrolled in

SAS, and unless SAS changes its divisive, false, harmful, immoral, and racist policies and curricula outlined in this Complaint, she may never enroll any of them.

11. Plaintiff Davis is the director and a member of Saline Parents, and she has publicly opposed at school board meetings and elsewhere the divisive, false, harmful, immoral, and racist curricula and policies adopted and implemented by SAS as set forth in this Complaint. Plaintiff Davis is also responsible for maintaining the content of the Saline Parents website, SalineParents.org.

12. As a resident of Saline, Michigan, Plaintiff Davis pays taxes that support SAS.

13. Plaintiffs Saline Parents and Davis strongly and publicly object to and oppose the divisive, false, harmful, immoral, and racist curricula and policies proposed and/or adopted and implemented by the school board for SAS, specifically including, but not limited to, the school board's transgender policy, its pornographic sexual education curricula, and its Critical Race Theory ("CRT") indoctrination and training, which trains children to be racist. These curricula and policies are largely favored by "progressives" on the Left, and they are opposed by Plaintiffs Saline Parents and Davis and other parents and citizens in Saline, Michigan, whose tax dollars are used to fund SAS.

14. Plaintiff Xi Van Fleet is a resident of Loudoun County, Virginia. She had a child that graduated from the Loudoun County Public Schools ("LCPS"). She is a taxpayer, and her taxes support LCPS.

15. Plaintiff Van Fleet endured Mao's Cultural Revolution before immigrating to the United States. Based on her experience, the Attorney General of the United States is using tactics similar to ones she saw Communist China use to stop parents from speaking out.

16. When she was in China, Plaintiff Van Fleet spent her entire school years in the Chinese Cultural Revolution, so she is very familiar with the communist tactics used to divide people, to cancel the Chinese traditional culture, and to destroy its heritage. Based on her observations, all of this is happening here in the United States, and the Attorney General is providing the enforcement mechanism to stifle opposition to it.

17. Plaintiff Van Fleet is an outspoken, public critic of LCPS and its promotion of the CRT ideology. She has been called a racist for her opposition to this ideology, and now she is being labeled a domestic terrorist for her opposition.

18. Plaintiff Joseph Carey Mobley is an African-American, a veteran, a parent of school-age children, and a resident of Loudoun County, Virginia. He is a taxpayer, and his taxes support LCPS.

19. Plaintiff Mobley is an outspoken, public critic of LCPS and its promotion of the CRT ideology and its adoption of the transgender policy. Plaintiff Mobley opposes all forms of racism, including the racism promoted by the CRT ideology, and he opposes the transgender policy as it is divisive, false, harmful, and immoral.

20. Plaintiff Michael Rivera is a parent of school-age children who attend LCPS. He is a resident of Loudoun County, Virginia, and a taxpayer. Plaintiff Rivera's taxes support LCPS.

21. Plaintiff Rivera is an outspoken, public critic of LCPS and its promotion of the CRT ideology and its adoption of the transgender policy. Plaintiff Rivera opposes all forms of racism, including the racism promoted by the CRT ideology, and he opposes the transgender policy as it is divisive, false, harmful, and immoral.

22. Plaintiff Shawntel Cooper is an African-American, and a parent of school-age children in LCPS. More specifically, Plaintiff Cooper has two children. She pulled her youngest

child out of LCPS in 2021 due to LCPS's unsafe policies as set forth in this Complaint. Her older child (who is 17 years old) remains in LCPS. Plaintiff Cooper is a resident of Loudoun County, Virginia, and a taxpayer. Her taxes support LCPS.

23. Plaintiff Cooper is an outspoken, public critic of LCPS and its promotion of the CRT ideology and its adoption of the transgender policy. Plaintiff Cooper opposes all forms of racism, including the racism promoted by the CRT ideology, and she opposes the transgender policy as it is divisive, false, harmful, and immoral.

24. A true and correct video of Plaintiff Cooper passionately addressing the LCPS school board in opposition to its adoption of the racist CRT ideology can be found here: https://www.youtube.com/watch?v=kf_rc_YKJP0.

25. Defendant Merrick Garland is the Attorney General of the United States ("Attorney General"). In his official capacity as Attorney General, Defendant Garland is the chief law enforcement officer of the United States, and he has the authority and power to dedicate federal law enforcement resources, including those of the Federal Bureau of Investigation ("FBI"), to enforce the policies and practices of the Attorney General and the Department of Justice, including the AG Policy challenged here.

FACTUAL ALLEGATIONS

26. America's public schools are failing because "progressive" school officials are more concerned with promoting a particular agenda than properly educating the children under their charge.

27. Many parents and legal guardians do not have the capacity or resources to educate their children at home or at a private school and are thus compelled to send their children to public school.

28. Plaintiffs believe, and it is the law in many states, including Michigan and Virginia, as well as a fundamental right under the United States Constitution, that it is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. As parents and concerned citizens, Plaintiffs have a right to publicly object to the divisive, false, harmful, and immoral curricula and policies being advanced by SAS and LCPS. This right to publicly criticize SAS and LCPS includes the right to do so vociferously and even stridently.

29. Progressives, such as the Attorney General, do not believe that it is a parent's right to determine and direct the care, teaching, and education of his or her children. The Democratic Party candidate for the Governor of Virginia, Terry McAuliffe, who adheres to the "progressive" ideology shared by the Attorney General, stated publicly during a recent gubernatorial debate that which "progressives" privately believe: "[They] don't think parents should be telling schools what they should teach."

30. Parents and private citizens who fund our public schools through their hard-earned tax dollars, including Plaintiffs, are rightly outraged by the notion that parents must surrender their children, under compulsion of law, to school officials who are bent on indoctrinating these young students with false, divisive, harmful, immoral, and racist dogma and ideology.

31. America's public schools, including SAS and LCPS, are funded by tax dollars from those who live in their respective school districts, including Plaintiffs.

32. Just because parents and legal guardians are forced to send their children to public school, this does not mean that they surrender their rights as parents to direct the education of their children, particularly as it relates to religious, moral, and political issues.

33. Unfortunately, many public schools, including those in SAS and in LCPS, have come under the influence and power of “progressives” who are using these publicly-funded schools to promote the divisive, false, harmful, immoral, and racist agenda of the “progressive” Left. Rather than focusing on core subjects such as reading, writing, arithmetic, and science, these schools are using their power of compulsion to indoctrinate children with a divisive, false, harmful, immoral, and racist agenda.

34. SAS has hired a “cultural responsive consultant” and is promoting what it calls Culturally Responsive Instruction (“CRI”).

35. SAS permits the display of a Black Lives Matter (“BLM”) flag in its school. BLM is a racist and Marxist organization. Saline Parents have publicly objected to the display of this flag in SAS, but the flag remains.

36. Some schools refer to the K-12 CRT program as Diversity, Equity, and Inclusivity (“DEI”), arguing that CRT is a university-level program and thus different from CRI or DEI or some other “equity” or “diversity” curricula or training.

37. In the name of “dismantling systemic racism,” LCPS has implemented explicit racial distinctions between its students. The official LCPS Action Plan to Combat Systemic Racism creates a new position of Student Equity Ambassador (“SEA”), which is limited to certain students on account of their race, and discriminates against students on the basis of their viewpoint. LCPS has also implemented a viewpoint discriminatory “bias reporting system” that chills students’ speech on matters of important public concern.

38. SAS’s and LCPS’s policies and curricula promote the false and divisive narrative of the “progressive” Left that America, its institutions, its culture, its traditions, and its language

are all based on systemic racism. As a result, these policies and curricula teach students to view America as systemically racist.

39. Due to the highly politicized, public, and controversial nature of CRT, many public schools, including SAS and LCPS, have sought to disguise the CRT agenda they are promoting by claiming that it is CRI, DEI, or some other term designed to distance the program from CRT. In terms of their objectives and effects, CRT, CRI, and DEI, as well as similar “equity” and “diversity” programs, are indistinguishable. They all reject Martin Luther King’s admonition to judge a person by the content of their character and not by the color of their skin—an admonition that Plaintiffs support. The effect of these programs (CRT, CRI, DEI, and others) is the promotion of racism in the public schools. These programs teach students to become racists.


40. SAS and LCPS are also promoting transgender policies, which advance the false assertion that gender is a fluid concept and not determined biologically at birth. This assertion is contrary to science (biology), and it is contrary to God’s creation as expressly set forth in Genesis, where God made man and woman, and it was “good.”

41. SAS is promoting a sex education program that is immoral and pornographic.

42. SAS’s sex education program uses graphic “stick figure porn” to teach young students, including seventh grade students, about sex. It teaches these young students about different kinds of sexual positions and acts. And it teaches these young students how to masturbate and clean up after sex. A sample of the “stick figure” pornography and other graphic and objectionable images/lessons of this program appear below:

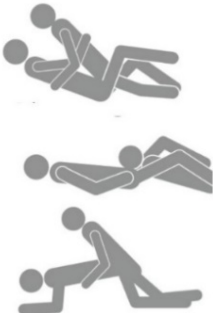
How do we define sex?

- Body parts that help make us male or female
- Oral, anal, or vaginal contact between two people



What is sexual intercourse?

- Vaginal (penis into vagina)
- Oral (mouth on penis or mouth on vagina)
- Anal (penis into anus)



How do you manage an ejaculation?



43. Parents and concerned citizens, including Plaintiffs, rightfully object to the implementation of such divisive, false, harmful, immoral, and racist policies and programs in their public schools. And these parents and citizens, including Plaintiffs, rightfully express their outrage and objections to these programs during school board meetings—meetings which are open to the public and open for public comment—and in other public forums. Indeed, school board meetings are public forums where speech touching upon matters of public concern is fully protected by the First Amendment.

44. Contrary to the Attorney General’s false assertion, there is no widespread criminality at school board meetings where parents and concerned citizens have expressed their opposition and outrage to the “progressive” agenda being forced upon their children in the public schools. There is no widespread threat of criminal violence at these meetings. Instead, these

meetings involve private citizens expressing their opposition to harmful policies being considered by government officials. These meetings involve private citizens petitioning their government officials for a redress of grievances, as is their right to do under the First Amendment. Yet, the Attorney General considers these private citizens engaging in constitutionally protected activity to be domestic terrorists. Accordingly, the Attorney General labels these private citizens, which includes Plaintiffs, as domestic terrorists.

45. In furtherance of his policy to silence opposition to the “progressive” agenda at school board meetings across the country, the Attorney General announced a policy on or about October 4, 2021, that was intentionally designed (its intended purpose and effect) to chill parents and other private citizens, including Plaintiffs, from publicly expressing their opposition to the “progressive” agenda being implemented by government officials in the public schools and thereby silence such expression.

46. In his October 4, 2021, “Memorandum For” Director, Federal Bureau of Investigation; Director, Executive Office for U.S. Attorneys; Assistant Attorney General, Criminal Division; and United States Attorneys (all responsible for investigating and prosecuting criminal activity), the Attorney General falsely states that “there has been a disturbing spike in harassment, intimidation and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation’s public schools.” In his memorandum, the Attorney General gives a meaningless nod to the Constitution, stating, “While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views.” Yet, the AG Policy is, in fact, a heavy-handed, direct threat by a powerful government agency designed and intended “to intimidate individuals based on their views.”

47. The AG Policy states that the Department of Justice “is committed to using its authority and resources to discourage these threats . . . and other forms of intimidation and harassment.” The AG Policy creates a “snitch line,” by “open[ing] dedicated lines of communication for threat reporting, assessment, and response.” In short, the AG Policy is a direct threat and warning to parents and private citizens across the United States, including Plaintiffs, that the Department of Justice and its FBI will be investigating you and monitoring what you say at these school board meetings so be careful about what you say and how you say it, thereby chilling such expression.

48. The October 4, 2021, memorandum is a one-page screed that rubber-stamps the claims of “progressive,” left-wing activists. It fails to address the Department of Justice’s lack of jurisdiction to intrude on interactions between parents and local school boards in the absence of any federal crime, and it fails to account for the fact that the First Amendment protects political dissent—even dissent that rises to the level of intimidation or harassment.

49. The government is without authority to criminalize First Amendment activity that might cause another to feel “harassed” or “intimidated” (even if that is what the speaker intended by his or her First Amendment activity) absent a showing that the speech activity itself falls within one of the very narrow, recognized exceptions, such as making a “true threat” or engaging in “fighting words” or “incitement.” Thus, private speech is afforded great protection. The Supreme Court has long recognized that even policies aimed at proper governmental concerns can restrict unduly the exercise of rights protected by the First Amendment. First Amendment freedoms, such as those possessed by the objecting parents and private citizens, including Plaintiffs, are protected not only against heavy-handed frontal attack, but also from being stifled by more subtle government interference. Accordingly, government action, such as the AG Policy, which may

have the *effect* of curtailing the freedom of speech is subject to the closest scrutiny under the U.S. Constitution.

50. Members of the school board for SAS have publicly complained that parents who object to SAS policies are “attacking the board” by calling into question the board’s integrity and morals.

51. Recently, upset parents admonished LCPS at a public meeting for covering up the rape of a ninth-grade female student by a trans student wearing a skirt in the girl’s bathroom. This followed an explosive media report which made public the fact that the girl was raped by a male trans student that identifies as female. LCPS covered up this sexual assault because it undermined its transgender policy as this assault is direct evidence supporting the concerns of parents who opposed this harmful and immoral policy.

52. The father of the female student who was raped was arrested for confronting the LCPS superintendent at a school board meeting held on about June 22, 2021, where CRT and the transgender policy, which grants bathroom “rights” allowing biological males to use female bathrooms, were on the agenda.

53. The father of the assault victim alleges that the LCPS superintendent covered up the rape and was told to keep quiet if he wanted justice for his daughter.

54. The National School Boards Association (“NSBA”), on which the Attorney General relied in issuing the AG Policy, considers the actions of this concerned father, and the actions of other concerned and outraged parents who express their opposition to the “progressive” curricula and policies at school board meetings, to be acts of domestic terrorism. Thus, the concerned (and rightfully angry) father of a girl raped by a trans student in a girl’s bathroom in a

public school confronting the superintendent of the school about this crime is a domestic terrorist according to the NSBA and the Attorney General.

55. The Attorney General and the AG Policy have now given the government's imprimatur to and endorsement of the "domestic terrorists" designation and label for concerned parents and private citizens, including Plaintiffs, who publicly express their opposition and outrage to "progressive" school board curricula and policies being imposed upon their children by government officials in our nation's public schools.

56. Because of the AG Policy, public school boards and school officials know that they can now chill and indeed silence the speech of the opposition by claiming that it is "harassing" or "intimidating," or "threatening." In this respect, the AG Policy empowers a "heckler's veto" on the speech of parents and concerned private citizens, including Plaintiffs, with which government officials disagree.

57. In his memorandum, the Attorney General expressly mentions the FBI as a further tool of intimidation. Conducting investigations and surveillance, which is what the FBI does, on private citizens because of their dissident political views is prohibited by our Constitution. The Supreme Court has repeatedly acknowledged the constitutional infirmities associated with government surveillance and investigations that threaten to dampen the exercise of First Amendment rights. Investigation is a part of lawmaking and the First and Fifth Amendments stand as barriers to state intrusion of privacy. Accordingly, we deal here with the authority of the federal government to investigate people, their ideas, and their activities based on their political and religious views. When the government, state or federal, is prohibited from dealing with a subject, it has no constitutional privilege to investigate it. Thus, the Supreme Court has long recognized

the dangers inherent in investigative activity that threatens to dampen the exercise of First Amendment rights, such as the AG Policy.

58. And while the Attorney General has directed his law enforcement authority and resources to target private citizens speaking out at school board meetings, he has completely ignored a real, existential, and national criminal threat because the perpetrators of this *criminal* activity share the Attorney General's political views. We all witnessed through media reporting and perhaps firsthand the widespread criminality, indeed domestic terrorism, engaged in by Antifa and BLM protestors across the country. We have all witnessed the criminal rioting, looting, destruction of private property, attacks on law enforcement, and other crimes committed during these protests. Yet, the Attorney General remains mute on this national crime problem because these protestors are promoting the "progressive" agenda of the Left—an agenda adhered to by the Attorney General.

59. The Attorney General has no jurisdiction to interfere with local school board matters, as he is doing here. There is no general federal police power. In comparison, members of Antifa travel interstate to engage in their violence and domestic terrorism. Members of Antifa have used instruments that travel in interstate commerce to riot and loot and to destroy businesses that operate in interstate commerce. Yet, the Attorney General has done nothing to stop this national problem. Indeed, the Attorney General has not issued a "memorandum for" in the case of Antifa violence or in the case of BLM violence because these organizations promote a political viewpoint with which the Attorney General agrees.

60. Many parents and private citizens who share Plaintiffs' views consider the AG Policy "shocking." They are frightened and intimidated by the actions of the Attorney General. They believe that they are living in a time when they cannot speak up for their children and stand

up for what is right, moral, and just in America. The AG Policy is having its intended effect: it is chilling the speech of private citizens, including Plaintiffs, in violation of the First and Fifth Amendments to the U.S. Constitution.

61. The Attorney General has a family financial conflict of interest as he directs the FBI to investigate parents and other private citizens who are protesting against the use of public schools to indoctrinate children in CRT and other “progressive” Left dogma. The conflict stems from the fact that the Attorney General’s son-in-law, Alexander “Xan” Tanner, the co-founder and president of Panorama Education, has a lucrative business promoting some of the objectional indoctrination materials—materials purchased by public school districts throughout the country. It is reported that “Panorama pushes race-focused surveys and conducts trainings on systemic oppression, white supremacy, unconscious bias, and intersectionality — all under the rubric of ‘Social-Emotional Learning [(SEL)].’” Some of the relevant indoctrination materials include “SEL as Social Justice — Dismantling White Supremacism Within Systems and Self.”

62. Parents and private citizens, including Plaintiffs, should not have to choose between defending their children by publicly opposing the implementation of the “progressive” agenda in their public schools or being subjected to government investigation, surveillance, or punishment.

63. The AG Policy has caused, and will continue to cause, irreparable harm to Plaintiffs and scores of other law-abiding citizens who want to speak up in defense of their children and against the divisive, harmful, immoral, destructive, and racist agenda of the “progressive” Left.

FIRST CLAIM FOR RELIEF

(Free Speech and Expressive Association – First Amendment)

64. Plaintiffs hereby incorporate by reference all stated paragraphs set forth herein.

65. The AG Policy is a content- and viewpoint-based restriction on speech in violation of the First Amendment.

66. The AG Policy is government-sanctioned discrimination and censorship of free speech in violation of the First Amendment.

67. The AG Policy confers broad powers of censorship, in the form of a “heckler’s veto,” upon local school boards and school officials as well as government agents and officials who can censor, chill, or otherwise restrict constitutionally protected speech and engage in discriminatory practices with impunity by virtue of this power conferred by the federal government through the AG Policy, all in violation of the First Amendment.

68. The AG Policy permits local school boards and school officials as well as government agents and officials to censor, chill, and otherwise restrict Plaintiffs’ speech based on the content and viewpoint expressed by Plaintiffs’ message in violation of the First Amendment.

69. The freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of freedom of speech. Indeed, implicit in the right to engage in activities protected by the First Amendment is a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends free from government intrusions or burdens, such as those caused by the AG Policy. Accordingly, the AG Policy violates the right to expressive association protected by the First Amendment.

70. As set forth in this Complaint, the AG Policy deprives Plaintiffs of their fundamental right of expressive association in violation of the First and Fifth Amendments.

71. The AG Policy has caused, and will continue to cause, Plaintiffs to suffer undue hardship and irreparable injury.

72. As a direct and proximate result of the AG Policy, Plaintiffs have suffered irreparable harm, including the loss of their rights to free speech and expressive association, entitling them to declaratory and injunctive relief.

73. Plaintiffs lack an adequate or available administrative remedy.

74. Plaintiffs have no adequate remedy at law to correct the continuing deprivation of their legal rights.

SECOND CLAIM FOR RELIEF

(Equal Protection — Fifth Amendment)

75. Plaintiffs hereby incorporate by reference all stated paragraphs set forth herein.

76. By targeting peaceful, private citizens, including Plaintiffs, because they object to the “progressive” agenda, policies, and actions of local school boards and school officials while turning a blind eye to the violence perpetrated by Antifa and BLM protestors because they promote the “progressive” agenda, Defendant has deprived Plaintiffs of the equal protection of the law guaranteed under the Fifth Amendment to the United States Constitution.

77. The Supreme Court’s approach to Fifth Amendment equal protection claims has always been precisely the same as to equal protection claims under the Fourteenth Amendment. Consequently, case law interpreting the Equal Protection Clause of the Fourteenth Amendment is applicable when reviewing an equal protection claim arising under the Fifth Amendment’s Due Process Clause, as in this case.

78. The AG Policy is targeting Plaintiffs and other similarly situated parents and private citizens for adverse treatment because of their viewpoint on political and social issues that are in the public interest while granting Antifa and BLM protestors favorable treatment because of their

viewpoint on political and social issues, all in violation of the equal protection guarantee of the Fifth Amendment.

79. By suppressing and burdening Plaintiffs' access to public forums to engage in their speech activities based on the content and viewpoint of their speech, which the Attorney General disfavors, the Attorney General and the AG Policy deprive Plaintiffs of the equal protection of the law in violation of the Fifth Amendment.

80. Defendant's discriminatory treatment of Plaintiffs in violation of the equal protection guarantee of the Fifth Amendment has caused and will continue to cause Plaintiffs to suffer undue hardship and irreparable injury.

THIRD CLAIM FOR RELIEF

(Parental Rights – Fifth Amendment)

81. Plaintiffs hereby incorporate by reference all stated paragraphs set forth herein.

82. The AG Policy unreasonably interferes with the liberty of parents and guardians, including certain Plaintiffs whose children attend SAS or LCPS, as set forth in this Complaint, to direct the upbringing and education of their children under their control in violation of the Fifth Amendment.

83. Defendant's violation of Plaintiffs' parental rights protected by the Fifth Amendment has caused and will continue to cause Plaintiff to suffer undue hardship and irreparable injury.

PRAYER FOR RELIEF

Wherefore, Plaintiffs pray for judgment as follows:

A. That this Court declare that the AG Policy as set forth in this Complaint violates the First Amendment to the United States Constitution;

B. That this Court declare that the AG Policy as set forth in this Complaint violates the Fifth Amendment to the United States Constitution;

C. That this Court preliminarily and permanently enjoin the AG Policy and efforts to enforce it as set forth in this Complaint;

D. That this Court award Plaintiffs their reasonable costs, including attorneys' fees, pursuant to 28 U.S.C. § 2412, 5 U.S.C. § 504, and the general legal and equitable powers of this Court;

E. That this Court grant such other and further relief as it deems equitable and just under the circumstances.

Respectfully submitted,

AMERICAN FREEDOM LAW CENTER

/s/ Robert J. Muise

Robert J. Muise, Esq. (D.C. Court Bar No. MI 0052)

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/s/ David Yerushalmi

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(646) 262-0500

Counsel for Plaintiffs

From: Seidman, Ricki (OASG)
Subject: RE: ToC for Q & A
To: Gupta, Vanita (OASG)
Cc: Colangelo, Matthew (OASG); Goodlander, Margaret V. (OAG)
Sent: October 18, 2021 12:19 PM (UTC-04:00)

Here's the current list. (b) (5) is a good add. Let me know if you have others.

Thanks!

(b) (5)

2. School Boards Memo/Threats to Educators

(b) (5)

From: Gupta, Vanita (OASG) (b) (6)
Sent: Monday, October 18, 2021 11:35 AM
To: Seidman, Ricki (OASG) (b) (6)
Cc: Colangelo, Matthew (OASG) (b) (6); Goodlander, Margaret V. (OAG)
(b) (6)
Subject: RE: ToC for Q & A

This likely falls into the hot topic bucket but we are sending over some Q&A on (b) (5)

From: Seidman, Ricki (OASG) (b) (6)
Sent: Monday, October 18, 2021 11:16 AM
To: Gupta, Vanita (OASG) (b) (6)
Cc: Colangelo, Matthew (OASG) (b) (6); Goodlander, Margaret V. (OAG)
(b) (6)
Subject: ToC for Q & A

This doe NOT include the “Hot Topics” section. Will send that separately.

There are additional Q & A that we held back from the book because we believe these is no chance they will be asked. If you see things that you believe he will be asked that are not included here, please let me know.

Thanks!

From: Greenfeld, Helaine A. (OLA)
Subject: RE: Likely Questions ToC
To: Seidman, Ricki (OASG)
Cc: Goodlander, Margaret V. (OAG)
Sent: October 13, 2021 9:02 AM (UTC-04:00)
Attached: UPDATED Likely Questions TOC hg.docx

I added (b) (5) and deleted (b) (5) on second thought.

From: Seidman, Ricki (OASG) (b) (6)
Sent: Wednesday, October 13, 2021 6:00 AM
To: Greenfeld, Helaine A. (OLA) (b) (6)
Cc: Goodlander, Margaret V. (OAG) (b) (6)
Subject: Likely Questions ToC

Helaine,

I used your list(s) and culled the bigger list of questions with Maggie down to those likely to be asked (attached). You should take a look and see if you think anything is missing or if anything else can be cut. The entire document is now 230 pages and it would be great if we could get it down to between 150-175.

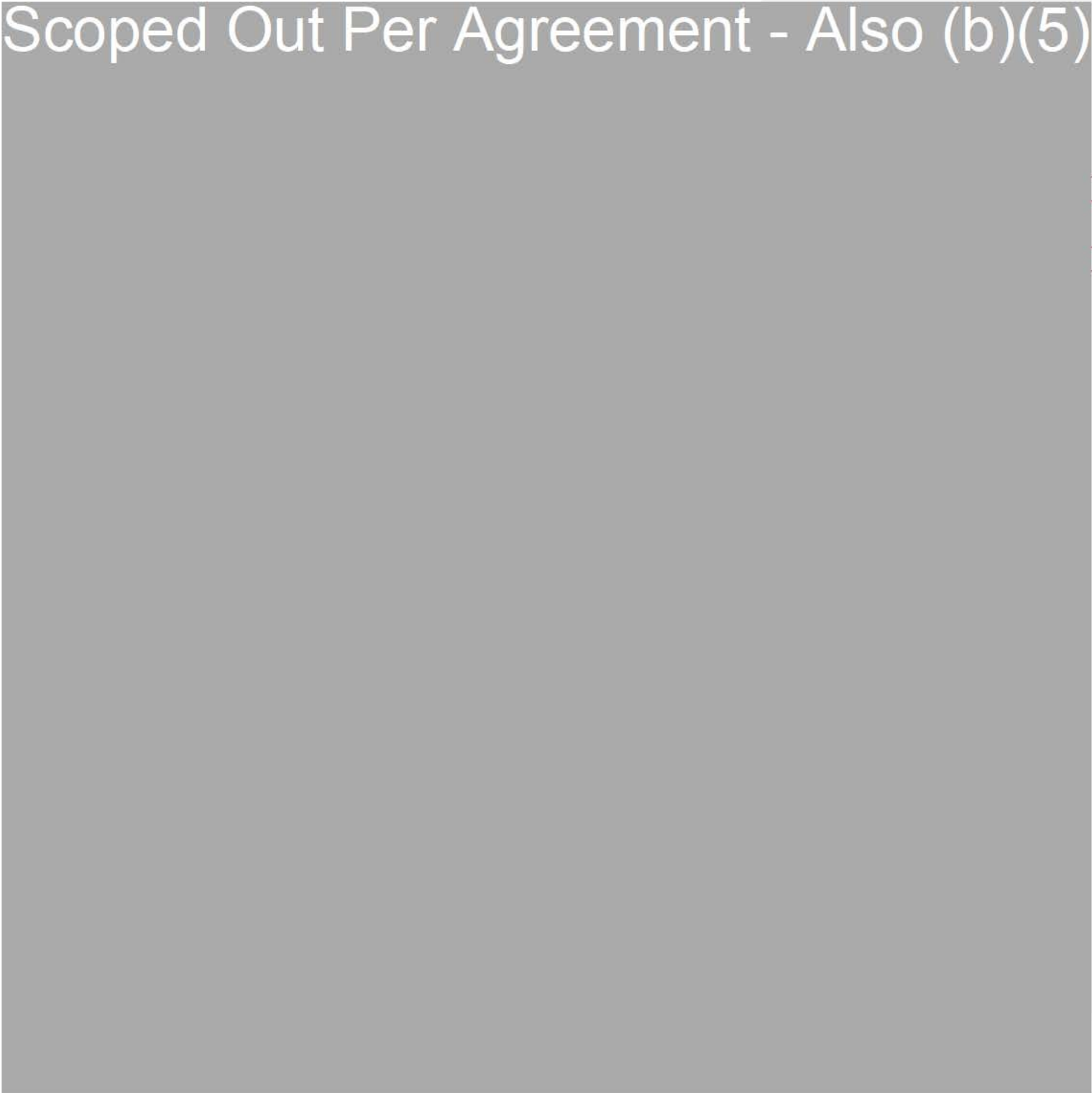
This list DOES NOT include additional topics suggested by the letters – I will leave to you both to decide which deserve to have questions added.

(b) (6) so will leave to you and Maggie to make any adjustments. I left out Qs that are Senate only. We can add them after the HJC hearing.

Ricki Seidman
Deputy Associate Attorney General
U.S. Department of Justice
(b) (6)
She/her

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Scoped Out Per Agreement - Also (b)(5)



Scoped Out Per Agreement - Also (b)(5)



6. CIVIL RIGHTS AND CIVIL LIBERTIES

Scoped Out Per Agreement - Also (b)(5)



Scoped Out Per Agreement - Also (b)(5)



School Boards Memo

1 | Scoped Out Per Agreement - Also (b)(5)



From: Mitchell, Kendall M. (PAO)
Subject: CRT Press Clips
To: Bradford, Aryele (PAO); Friel, Gregory B (CRT); Moossy, Robert (CRT); Calderon, Tovah R (CRT); Simons, Shaheena (CRT); Yi, Daniel (CRT); Karlan, Pamela (CRT); Clarke, Kristen (CRT); Herring, Oneshia (CRT); Robins, Jennifer (CRT); Howe, Suey (CRT); Cochran, Shaylyn (CRT); Felte, James (CRT); Ruisanchez, Alberto (CRT); Rosenbaum, Steven (CRT); Foran, Sheila (CRT); Pellegrino, Whitney (CRT); Stoneman, Christine (CRT); Herren, Chris (CRT); Chandler, Thomas (CRT); Woodard, Karen (CRT); Majeed, Sameena (CRT); Bond, Rebecca (CRT); Roberts, Alivia P. (PAO); Wertz, Jeremy (CRT); Smith, Johnathan (CRT); Coley, Anthony D. (PAO); Lopez, Louis (CRT)
Sent: October 8, 2021 5:59 PM (UTC-04:00)
Attached: 10.8 CRT Clips.pdf

Hi all,

Please see attached for today's CRT clips. Have a great weekend!

Thanks,
Kendall

Kendall Mitchell
Press Assistant // Office of Public Affairs
U.S. Department of Justice

c: (b) (6)
e: (b) (6)

October 7, 2021 – CRT Press Clips

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CRIMINAL

Associated Press: [Feds won't seek charges against cop in Jacob Blake shooting](#)
 By Staff

Reprint: [Bloomberg](#), [PBS NewsHour](#), [The Atlanta Journal-Constitution](#), [The Guardian](#), [Fox 11 News \(Wisconsin\)](#), [CBS- 4 \(Minnesota\)](#), [Pix 11 \(New York\)](#)

MADISON, Wis. (AP) — Federal prosecutors announced Friday that they won't file charges against a white police officer who shot Jacob Blake in Wisconsin last year.

Officer Rusten Sheskey shot Blake, who is Black, during a domestic disturbance in Kenosha in August 2020. The shooting left Blake paralyzed from the waist down and [sparked several nights of protests](#). An Illinois man [shot three people](#), killing two of them, during one of the demonstrations.

State prosecutors decided not to file charges against Sheskey earlier this year after video showed that Blake had been armed with a knife. He was wanted on a felony warrant.

The U.S. Department of Justice launched its own investigation days after the shooting. The agency announced Friday that a team of prosecutors from its Civil Rights Division and the U.S. attorney's office in Milwaukee reviewed police reports, witness statements, dispatch logs and videos of the incident, and determined there wasn't enough evidence to prove Sheskey used excessive force or violated Blake's federal rights.

"Accordingly, the review of this incident has been closed without a federal prosecution," the Justice Department said in a news release.

The Blake family's attorney, Ben Crump, didn't immediately reply to a message seeking comment. Blake's uncle Justin Blake, who has been acting as the family's spokesman, also didn't immediately respond to a message.

The Justice Department's findings mirror Kenosha County District Attorney Michael Graveley's [determination in January](#) that Sheskey could successfully argue that he fired in self-defense.

Investigators found that Blake had fought with three officers for several minutes before he was shot, at one point shrugging off a shock from a stun gun, and was trying to get into an SUV when Sheskey tried to stop him by pulling on his shirt. Graveley said video shows Blake turning toward Sheskey with a knife and made a motion toward the officer with the knife.

Associated Press: [Justice Department says no federal civil rights charges will be brought against Wisconsin officer who shot Jacob Blake](#)
 By Staff

Reprint: [ABC News](#)

MADISON, Wis. (AP) — Justice Department says no federal civil rights charges will be brought against Wisconsin officer who shot Jacob Blake.

Reuters: [U.S. decides not to pursue charges against police officer over Jacob Blake shooting](#)
By Staff

Reprint: [U.S. News](#)

Oct 8 (Reuters) - The U.S. Justice Department said on Friday it will not pursue federal criminal civil rights charges against a Kenosha, Wisconsin, police officer for his involvement in the August 2020 shooting of Jacob Blake, a Black man who was shot by police several times in the back.

Blake was left paralyzed from the waist down. The incident sparked days of deadly protests against police brutality and racism in his hometown and across the country.

Fox News: [Justice Department won't pursue charges against Wisconsin officer who shot Jacob Blake](#)
By Louis Casiano

The Justice Department will not pursue federal civil rights violations charges against the Wisconsin police officer who shot Jacob Blake last summer, which culminated in days of violent protests where two people were killed.

Kenosha police officer Rusten Sheskey shot Blake on Aug. 23, 2020 during a domestic response call. The shooting left Blake paralyzed amid a summer of massive demonstrations nationwide about police tactics and racial injustice.

ABC News: [Officer who shot Jacob Blake won't face civil rights charges, DOJ says](#)
By Meredith Deliso

Civil rights charges will not be pursued against the Wisconsin police officer who shot Jacob Blake last year, partially paralyzing him, the Department of Justice announced Friday.

Kenosha Police Officer Rusten Sheskey, who is white, [fired seven times](#) at Blake, who is Black, on Aug. 23, 2020, after responding to a report of a domestic dispute, authorities said.

Following an investigation, federal prosecutors said the evidence obtained was insufficient to prove Sheskey "willfully used excessive force," the DOJ said in a statement.

Investigators reviewed police reports, law enforcement accounts, witness statements, witness affidavits, photographs, videos and more of the incident, which was captured on a witness' cellphone and sparked days of large-scale protests in Kenosha.

"After a careful and thorough review, a team of experienced federal prosecutors determined that insufficient evidence exists to prove beyond a reasonable doubt that the KPD officer willfully violated the federal criminal civil rights statutes," the DOJ said.

The DOJ said it has informed representatives of Blake's family about its decision.

The shooting occurred as officers were attempting to detain Blake, who had a warrant out for his arrest. After Blake walked to the front of his vehicle toward the driver's side door, Sheskey fired his gun seven times toward his back.

Blake was struck by six of the bullets and is now paralyzed from the waist down.

An unfolded knife was found on the driver's side floorboard of Blake's vehicle, authorities said.

Kenosha County District Attorney Mike Graveley also [declined to file any charges](#) against Sheskey related to the incident last year, saying at the time the officer was justified in his use of force and was acting in self-defense because Blake was armed with a knife.

Sheskey [was not disciplined](#) for his use of force by the Kenosha Police Department either, which said he was acting "within policy."

NBC News: [Officer who shot Jacob Blake won't face federal civil rights charges](#)
By [Alicia Victoria Lozano](#)

The Kenosha police officer who shot Jacob Blake last year in Wisconsin will not face federal civil rights charges, prosecutors announced Friday.

Officer Rusten Sheskey, who is white, shot Blake during a domestic disturbance in Kenosha in August 2020. The shooting left Blake, who is Black, paralyzed from the waist down and sparked several nights of protests.

"After a careful and thorough review, a team of experienced federal prosecutors determined that insufficient evidence exists to prove beyond a reasonable doubt that the officer willfully violated the federal criminal civil rights statutes," the U.S. Department of Justice said in a statement. "Accordingly, the review of this incident has been closed without a federal prosecution."

State prosecutors decided not to file charges against Sheskey in January after video showed that Blake had been armed with a knife. He was wanted on a felony warrant.

Sheskey returned to work in March following administrative leave but did not face discipline, according to the police department. He was "found to have been acting within policy and will not be subjected to discipline," according to a statement from Kenosha Police Chief Daniel Miskinis.

The Justice Department's findings mirror Kenosha County District Attorney Michael Graveley's [determination in January](#) that Sheskey could successfully argue that he fired in self-defense.

Investigators found that Blake had fought with three officers for several minutes before he was shot, at one point shrugging off a shock from a stun gun, and was trying to get into an SUV when Sheskey tried to stop him by pulling on his shirt. Graveley said video shows Blake turning toward Sheskey with a knife and made a motion toward the officer with the knife.

An Illinois man who [shot three people](#) during a demonstration in Kenosha last year, killing two of them, is scheduled to go on trial Nov. 1 on several charges, including homicide and attempted homicide. Attorneys for the man, Kyle Rittenhouse, say he fired in self-defense.

Axios: [DOJ won't charge Kenosha officer who shot Jacob Blake seven times](#)

By Shawna Chen

The Justice Department [announced Friday](#) it will not pursue criminal civil rights charges against the Kenosha police officer who shot Jacob Blake seven times in the back as he entered a vehicle.

Why it matters: The shooting led to days of mass protests that [ended in violence and death](#) after an armed group faced off against demonstrators.

Rusten Sheskey, the white officer who shot Blake, [returned to duty earlier this year](#).

Blake was [paralyzed as a result](#). His children had been in the back of the vehicle when he was shot.

What they're saying: The DOJ said it was unable to determine that Sheskey "willfully used excessive force."

"Under the applicable federal criminal civil rights laws, prosecutors must establish, beyond a reasonable doubt, that an officer 'willfully' deprived an individual of a constitutional right, meaning that the officer acted with the deliberate and specific intent to do something the law forbids," DOJ said in a release.

"After a careful and thorough review, a team of experienced federal prosecutors determined that insufficient evidence exists to prove beyond a reasonable doubt that the KPD officer willfully violated the federal criminal civil rights statutes."

Worth noting: Kenosha police [did not start wearing body cameras until this September](#).

The big picture: Blake sued Sheskey after the Kenosha County district attorney [declined to bring criminal charges](#), accusing him of [excessive deadly force](#) and violating Blake's constitutional rights.

The Independent: [Justice Department will not file civil rights charges against officer who shot Jacob Blake](#)

By Alex Woodward

The US Department of Justice has closed its review of the police shooting of Jacob Blake and will not file federal civil rights charges against the Kenosha Police Department officer who fired seven shots into his back in August 2020.

Justice Department officials made the decision "because the evidence obtained is insufficient to prove that the [Kenosha] officer willfully used excessive force" against Mr Blake, according to an announcement from the agency on 8 October.

"After a careful and thorough review, a team of experienced federal prosecutors determined that insufficient evidence exists to prove beyond a reasonable doubt that the ... officer willfully violated the federal criminal civil rights statutes," the agency announced.

The shooting of Mr Blake, who is Black, ignited racial justice uprisings in Kenosha following a summer of international protests against police violence in the wake of the murder of George Floyd.

Earlier this year, law enforcement officials in Kenosha announced that the white officer who shot Mr Blake seven times, Rusten Sheskey, would not be charged with a crime.

The shooting – in front of Mr Blake’s three children outside his car – was captured in video that was widely shared across social media. Officials later said they were responding to a domestic complaint to make an arrest. The shooting left him paralysed from the waist down.

Kyle Rittenhouse, then 17 years old, fatally shot two people and shot another person on 25 August while carrying an AR-15-style rifle during unrest in Kenosha as protests continued against police violence. The teenager was charged with homicide, attempted homicide and being a minor in possession of a firearm. A trial is set to begin on 1 November.

Milwaukee Journal Sentinel: [U.S. Department of Justice won't charge Kenosha police officer in shooting of Jacob Blake](#)

By Bruce Vielmetti

The Kenosha police officer who shot Jacob Blake, already cleared of any state criminal offense, will not face any federal criminal civil rights violations either, the U.S. Department of Justice announced Friday.

In a statement, DOJ said its review concluded there was insufficient evidence that Officer Rusten Sheskey "willfully used excessive force"

Sheskey fired seven rounds at Blake's back on Aug. 23, 2020, as Blake entered his SUV to leave the scene of a domestic dispute with his girlfriend. The shooting, recorded by a neighbor, left Blake paralyzed and set off days of protests and fatal violence in Kenosha.

"Under the applicable federal criminal civil rights laws, prosecutors must establish, beyond a reasonable doubt, that an officer 'willfully' deprived an individual of a constitutional right, meaning that the officer acted with the deliberate and specific intent to do something the law forbids," the DOJ release states.

"This is the highest standard of intent imposed by the law. Neither accident, mistake, fear, negligence, nor bad judgment is sufficient to establish a willful federal criminal civil rights violation."

An investigation by the state Department of Justice found Blake, 30, was armed with a knife in the moments that led up to the shooting. Graveley said he could not disprove Sheskey's claim that he feared for his life when he fired seven shots at Blake.

Blake sued Sheskey in federal court in March. The suit claims Sheskey's use of deadly force was excessive, violated Blake's rights under the Fourth Amendment's protections against unreasonable seizure, and was done with "malice, willfulness, and reckless indifference" to Blake's rights.

Sheskey did not face any internal discipline for the shooting, and returned to full duty in April.

Wisconsin Public Radio: [No federal civil rights charges against officer who shot Jacob Blake in Kenosha, Justice Department says](#)

By Madeline Fox

The U.S. Department of Justice said it will not file federal civil rights charges against Rusten Shesky, the Kenosha Police officer who shot Jacob Blake in August 2020.

Blake was shot seven times in the back while walking away from an officer and toward a parked vehicle where two of his children were sitting. The shooting left him paralyzed.

State prosecutors decided not to file charges against Sheskey in January after video showed Blake was armed with a knife. The U.S. Department of Justice announced Friday that it won't pursue charges against Sheskey either, saying there's not enough evidence to prove Shesky used excessive force.

The shooting, which followed months of protests against police brutality around the country following the murder of George Floyd by Minneapolis police, kicked off more than a week of protests in Kenosha.

At one protest, Kyle Rittenhouse, of Illinois, allegedly killed two men and injured a third. He's currently awaiting trial.

TMZ: [JACOB Blake...Cop Who Shot Him ...Won't Be Charged By Feds Either](#)
By Staff

The Kenosha PD officer who shot **Jacob Blake** in the back seven times -- and who's avoided state prosecution -- will also not face federal charges.

The U.S. Justice Department said Friday it will not pursue federal criminal charges against **Rusten Sheskey**. The feds say "the evidence obtained is insufficient to prove that the KPD officer willfully used excessive force."

Remember, Blake was unarmed, back in August 2020, when **Sheskey opened fire** at point-blank range. Video of the shooting sparked racial justice protests across the country, and led to the **Kyle Rittenhouse shooting**.

According to the feds ... a team of experienced federal prosecutors from the Civil Rights Division and the U.S. Attorney's Office reviewed the evidence to determine whether the police officer violated any federal laws.

The feds added that "a detailed and lengthy analysis of numerous materials, including police reports, law enforcement accounts, witness statements, affidavits of witnesses, dispatch logs, physical evidence reports, photographs and videos of some portions of the incident."

In essence ... prosecutors say they couldn't establish beyond a reasonable doubt that the officer "willfully" deprived Jacob of his constitutional rights. The feds say "neither accident, mistake, fear, negligence, nor bad judgment is sufficient to establish a willful federal criminal civil rights violation."

As we reported ... Kenosha County District Attorney **Michael D. Graveley** also announced back in January that Sheskey would **not be charged** for the shooting. Graveley said Sheskey acted in self-defense, and it was necessary for the officer to use lethal force to stop Jacob from potentially harming him or others.

The shooting left Jacob **paralyzed**. The Justice Dept. says it's already informed his family about the decision not to charge Sheskey.

SPECIAL LITIGATION

WFSA-12 News (Montgomery, AL): [Justice Department lawsuit against Ala. state prison system moving forward](#)

By WBRC Staff

MONTGOMERY, Ala. (WBRC) - Despite the [newly passed prison construction bills](#), the Justice Department's lawsuit against the state's prison system is moving forward.

Attorneys were in court today to discuss scheduling and how to exchange what's expected to volumes of evidence in this case.

Last year, the Department of Justice (DOJ) sued the state's corrections system, alleging the Alabama Department of Corrections is violating prisoners' eighth amendment rights.

DOJ is expected to file an amended complaint by mid-November. It will go into greater detail about the alleged civil rights violations. The litigation could result in the federal government taking over the state's prison system.

WDET-FM 101.9 (Detroit): [ACLU of Michigan Calls on Department of Justice to Investigate the Taylor Police Department](#)

By Dorothy Hernandez , Russ McNamara

The American Civil Liberties Union of Michigan has [filed a complaint](#) demanding the U.S. Department of Justice to investigate 20 instances of cruelty, brutality and racist practices within Taylor Police Department.

In a news conference Thursday, the ACLU detailed over a dozen instances of excessive force.

ACLU of Michigan staff attorney Mark Fancher says most of the incidents were caught on camera.

"We have observed these officers administer beatings destroy property and use disfavored if not illegal methods such as chokeholds and tasers to force compliance," says Fancher.

The civil rights group isn't "after blood," according to Fancher. "We're after a police department that's responsible and which treats the residents of the community and visitors to that community in a manner that respects their civil and human rights."

In August, [Wayne County prosecutors charged Taylor police officer Tyler Peake](#) with assault and misconduct in office after [attacking a man who had his hands up during a traffic stop](#).

Fancher says one of the problems is that the city's police department doesn't match the community, which is 16% Black, [according to the U.S. Census](#). "It speaks volumes that in the entire history of the Taylor Police Department, they didn't hire their first black officer until 2012," says Fancher.

The Taylor Police Department allegedly blackmails victims of police brutality by offering to drop any charges if the victims agree to not file civil rights lawsuits, he says.

In another instance, Dale Bryant, who is disabled and got a German Shepherd puppy as a service dog, called the Taylor Police Department for help last year when the dog, King, got its leg caught in a cage. Bryant says an officer freed the pup but didn't give the dog back.

The police kept King, charged Bryant with animal cruelty and then fined him over \$2,000, the price of the dog's time in an animal shelter.

Bryant just wants police to treat people with respect.

"They need to deal with people like human beings instead of just somebody they automatically assumed as committing a crime," Bryant says.

It's unclear whether the DOJ will investigate.

There was no immediate response to a request for comment from Taylor, which has a population of 63,000.

Council member Butch Ramik, a retired Taylor police officer, says he has raised his own concerns about excessive force.

"Anybody has a right to come in and investigate something. If things aren't getting fixed, then somebody has to do it," [Ramik told The Detroit News](#).

That's not the only scandal roiling the Downriver community. Taylor Mayor Rick Sollars is [accused by federal prosecutors of accepting bribes and other misconduct](#).

NorthJersey.com: [Feds interview residents, staff at two NJ veterans homes where 194 died from COVID-19](#)

By Lindy Washburn and Scott Fallon

Federal investigators descended on two state-run veterans homes this week as part of the U.S. government's investigation into deficiencies in care at the nursing homes that had one of the highest COVID death tolls in the nation, a New Jersey official confirmed late Thursday.

Sources at both homes say investigators from the U.S. Department of Justice interviewed residents and staff at the beginning of the week at the Menlo Park veterans home and Wednesday and Thursday at its sister facility in Paramus.

Leland Moore, a spokesman for the Attorney General's office, confirmed Thursday night that the federal team was on-site at both homes.

"The DOJ visited the Menlo Park and Paramus veterans homes in the past week," Moore wrote in an email. "This visit is part of the normal course of events given their inquiry, and we are doing everything we can to ensure they have the information they need."

The Justice Department [announced the investigation in October 2020](#) in a letter sent to Gov. Phil Murphy by then-U.S. Attorney Craig Carpenito in New Jersey and Eric Dreiband, an assistant attorney general in Washington, D.C.

"Our review of publicly available information gives us cause for concern that the quality of medical care at these nursing homes has been deficient," the two wrote.

Investigators "will look at whether there are systemic violations of the Constitution or federal law at these two long-term care facilities," a statement from the Justice Department said in March. "Our focus will be on the adequacy of medical care for residents generally, and during the coronavirus pandemic in particular."

Specifically, the department is trying to determine whether there were violations of the Civil Rights of Institutionalized Persons Act, which protects residents of nursing homes and other state-run institutions from "egregious or flagrant conditions" that cause harm.

Months of coverage by The Record and NorthJersey.com showed how mismanagement, lax infection control and an anti-mask policy may have led the two nursing homes to record some of the highest COVID-related death tolls of any long-term care facilities nationwide. Menlo Park had 103 resident deaths while Paramus had 89. A nurse's aide also died at each facility from the virus.

Last October, a spokesman for Murphy called the investigation by the administration of then President Donald Trump, who was seeking reelection, politically motivated.

But a year later, the investigation is continuing with Trump gone and a change in administration to President Joe Biden, a Murphy ally. It is also continuing even though the two officials who launched it no longer work for the Justice Department. Carpenito, a Trump appointee, stepped down in early January prior to Biden's inauguration. So did Dreiband, who is now in private practice.

Similar investigations announced at the same time -- in New York, Pennsylvania and Michigan -- have been dropped, according to a July 23 letter from the Justice Department.

Seven to nine investigators arrived at the Menlo Park facility on Monday and were on-site through early Wednesday, a source said. Investigators then arrived at the Paramus home on Wednesday afternoon. They showed up at 6 a.m. Thursday and were expected to be there through Friday, another source said.

One staff member said they wanted to share their concerns, but "we are intimidated, we don't know what they are looking for, and we don't want to make any mistakes." Another said they hoped to meet with the investigators secretly, because "there are eyes everywhere."

Also present at the Paramus facility was a lawyer for the Department of Military and Veterans Affairs who serves as custodian of records for the department, and an associate from Lowenstein Sandler, a large, New Jersey-based law firm that has been retained by DMAVA for the justice-department investigation.

On Thursday, outside the Paramus home, those two attorneys directed a reporter from NorthJersey.com to contact a spokesman for the state Attorney General's office, after the home's CEO, Timothy Doyle, declined comment.

COVID spread rapidly through the two homes at the beginning of the pandemic in March 2020.

An inspection by federal Medicare officials, first reported by NorthJersey.com, found the homes were slow to close common areas. They allowed infected or symptomatic residents to mingle

with those who were not ill or who were awaiting test results more than a month into the pandemic. Staff had inadequate personal protective gear and went in and out of rooms among patients who were sick with COVID and those who were asymptomatic or uninfected.

Staff were told at the outset of the pandemic not to wear protective masks because it would scare residents. With the help of Murphy's office, managers even devised a series of penalties for nurses who used the homes' supply of masks. Subsequent emails requested by NorthJersey.com over the mask policy were almost completely redacted.

Some victims' family members were interviewed by deputy U.S. Attorneys over the summer, sources said. Dozens of families and staffers are suing the state over the deaths and illness.

Even though an arm of the Attorney General's Office is handling the defense of the Justice Department's probe, another has also been investigating the high death toll as part of a larger probe into New Jersey nursing home deaths during the pandemic.

A state grand jury has been impaneled, according to a subpoena obtained by NorthJersey.com. Several family members have already been interviewed by Bergen County and Middlesex County investigators working on behalf of the Attorney General.

DISABILITY RIGHTS

Kaiser Health News: [NY Reaches Agreement With DOJ Over Vaccine Access for Blind People](#)
By Lauren Weber and Hannah Recht

Five New York state and local government agencies agreed to fix covid-19 vaccine websites to make them accessible for blind users following a Department of Justice [investigation](#) spurred by a [KHN story](#).

New York State's Department of Health, the City of New York's Department of Health, New York City Health and Hospitals Corp., Nassau County and Suffolk County entered into written agreements with the U.S. Attorney's Office for the Eastern District of New York, saying they have corrected issues that prevent blind or visually impaired users from accessing forms or navigating vaccine websites. In the agreements announced Tuesday, they pledged to maintain accessibility on those sites.

KHN's February investigation detailed how covid vaccination registration and information websites at the federal, state and local levels violated disability rights laws and hindered the ability of blind people to sign up for the potentially lifesaving vaccines.

The investigation was cited [in a March letter](#) sent to the Departments of Justice and Health and Human Services from several senators, including Sen. Maggie Hassan (D-N.H.), who also asked HHS and Centers for Disease Control and Prevention leadership about the issue in a [congressional hearing](#). The Department of Justice [issued a memo](#) the next month highlighting that "civil rights protections and responsibilities still apply" for those with vision disabilities, and [HHS did](#) as well.

In response to the KHN investigation, the Department of Justice reached out to WebAIM, according to the group's associate director, Jared Smith. WebAIM, a nonprofit web accessibility organization, ran an analysis at KHN's request that found accessibility issues on nearly all 50

states' vaccine websites, which provide general vaccine information, lists of vaccine providers and registration forms. WebAIM then helped the U.S. attorney's office in its investigation, Smith said.

Clark Rachfal, director of advocacy for the American Council of the Blind, said the public agreements are vital as they put "other jurisdictions on notice that this is a violation of the civil rights of people with disabilities."

[Sachin Dev Pavithran](#), executive director of the U.S. Access Board, an independent agency of the federal government that works to increase accessibility, said he knew the department had investigations in progress in other states.

Inaccessibility for government websites is unlawful under the Rehabilitation Act of 1973 and the 1990 Americans with Disabilities Act, said [Albert Elia](#), a blind attorney who works with the San Francisco-based TRE Legal Practice on accessibility cases.

He hopes the pandemic has shown just how vital online accessibility can be as so many people shifted to ordering their groceries, clothes and even medicine online.

"The notion that it's fine if online things are inaccessible — I hope we're beyond that now," he said. "I hope the general public realizes that to cut people out of online access is effectively cutting them out of life."

The National Federation of the Blind [settled](#) this summer with Curative, a startup that has administered covid vaccines and tests in cities across the country. Curative admitted no wrongdoing but agreed to make its website accessible within 30 days and pay NFB's attorney fees, plus donate \$2,500.

One blind California resident, Byran Bashin, who was unable to use Curative to register for his vaccine appointment online, was featured in the KHN investigation. "We hear a lot of lip service about inclusion and respect for diversity," he said Thursday. "Respect for our diversity begins with intelligently designing these processes."

Andy Imparato, a member of the White House's COVID-19 Health Equity Task Force and executive director of Disability Rights California, said he expects a report on inequities from the task force to be given to President Joe Biden within the month. He said the report will likely call for an outside evaluation of access issues in the covid response, including website accessibility.

"The story that published had an impact across the country," Imparato said. "It was very specific, it was very detailed, and it was hard to ignore. I think it was incredibly helpful."

The National Federation of the Blind is pushing for a [legislative fix](#) to codify online accessibility rights, but Rachfal said a fix can be done without Congress.

"What's needed is some leadership from the administration and the Department of Justice to promulgate regulations that they already have the authority to do," Rachfal said.

TRENDING

Mediate News: [Cruz Grills Assistant AG Kristen Clarke Over FBI Investigation Into Critical Race Theory Critics](#)

By Rudy Takala

Sen. Ted Cruz (R-TX) sparred with Assistant Attorney General Kristen Clarke in a heated exchange during a Senate committee hearing over the Justice Department’s investigation into parental critics of critical race theory.

The exchange took place during a session of the Senate Judiciary Committee where Clarke, the head of the Justice Department’s Civil Rights Division, appeared to testify. In his opening statement, Cruz addressed Attorney General **Merrick Garland’s** Monday memorandum directing the FBI to investigate to investigate alleged “harassment, intimidation, and threats of violence against school administrations, board members, teachers, and staff,” a response to widespread parental protests against critical race theory.

After a brief exchange in which Clarke refused to say whether she participated in drafting the memo, Cruz pointedly asked, “Do you believe parents objecting to critical race theory have civil rights in the democratic process?”

Clarke replied that she didn’t “follow the question,” inspiring a follow-up from Cruz.

“You don’t understand the question, whether parents objecting to critical race theory have civil rights?” Cruz said.

“The First Amendment is a core value in our core democracy,” Clarke replied, leading Cruz to interject, saying, “I didn’t say free speech. I said civil rights. School board meetings are democratic — they are petitioning your local government. Do they have civil rights that the [Justice Department] gives a damn about?”

“Yes, they have the right to express their view, to challenge the school boards,” Clarke said, before Cruz interrupted once more to ask, “Is it beneficial for the attorney general to label them as domestic terrorists and direct the FBI to target them?”

Clarke said the memo dealt “with threats against public servants.” Pressed by Cruz to say whether parents who protested critical race theory qualified as “domestic terrorists,” Clarke confessed that they did not — though she refused to offer an assessment of left-leaning groups that had engaged in violence the department declined to investigate.

“Do you believe Antifa are domestic terrorists?” Cruz queried.

“I don’t have a view,” Clarke replied,

“Do you believe the Black Lives Matters protesters who burned shops, who firebombed shops, who murdered police officers, do you believe they’re domestic terrorists?” Cruz inquired.

“Senator, I believe we live in a society where people espouse different views,” Clarke said, provoking Cruz to say it was “amazing” that she wasn’t willing to condemn “people who were murdering police officers and firebombing cities,” but that she was “comfortable calling a mom at a PTA meeting a domestic terrorist.”

Watch above via the Senate Judiciary Committee.

The Daily Signal: [What This Justice Department Official Said About Treating Parents as ‘Domestic Terrorists’](#)

By Fred Lucas

Two Senate Republicans tangled Wednesday with one of Attorney General Merrick Garland's key deputies over her boss' proposal to use [federal anti-terrorism laws against parents](#) who speak out against critical race theory, mask mandates, or other contested issues in their public school systems.

Sen. Marsha Blackburn, R-Tenn., asked Kristen Clarke, assistant attorney general for civil rights, about Garland's order that the Justice Department and FBI use laws such as the Patriot Act—a post-9/11 law aimed at stopping terrorists—to counter “criminal conduct” by parents toward local or state education officials.

The order has [drawn fire](#), especially from [conservatives](#), as an attempt to intimidate or silence parents who express their views to local school boards.

Clarke said her division at the Justice Department, the Civil Rights Division, doesn't deal with the issue, but that she is aware of Garland's order.

“I'm aware of the memorandum from the attorney general, which speaks to threats and intimidation that some school officials have experienced in our country. That's not activity protected by the First Amendment,” Clarke said.

Blackburn followed by asking: “So you are saying that a parent going to a school board and expressing their dismay with CRT [critical race theory] or with a mask mandate is not protected speech?”

Clarke: “I believe the attorney general's memorandum deals with threats and intimidation and harassment.”

Blackburn: “Did DOJ issue the directive to the FBI to target parents in direct response to this letter from the teachers union? Yes or no?”

Blackburn apparently was referring to a [Sept. 29 letter](#) to President Joe Biden from the National School Boards Association urging him to use federal laws to combat terrorism as tools against outspoken parents at school board meetings.

“Again, this is not a matter that the division handled,” Clarke replied, referring to the Civil Rights Division she heads. “But, what I can tell you is that the attorney general said threats against public servants are not only illegal, they run counter to our nation's core values.”

Blackburn then asked: “Do you believe it's appropriate to treat parents as domestic terrorists for daring to ask elected school board members questions about what is being taught to their children?”

Clarke responded: “While this is not a matter that the Civil Rights Division would handle, I know the department is committed to ensuring robust civil discourse.”

Sen. Ted Cruz, R-Texas, later asked Clarke whether she participated in drafting Garland's memo.

The assistant attorney general responded that she cannot talk about Justice Department deliberations.

“Do you believe parents’ objectives at school boards are domestic terrorists?” Cruz later asked.

Clarke replied, “I don’t, Senator.”

Cruz: “Do you believe [Antifa](#) are domestic terrorists?”

Clarke: “I don’t have a view about Antifa.”

Cruz: “Do you believe the Black Lives Matter protesters who [burned shops, who firebombed police cars, who murdered police officers](#), do you think they are domestic terrorists?”

Clarke: “Senator, I believe we live in a society where people espouse different views.”

Cruz looked astounded.

“It’s amazing. You are not going to condemn people who are murdering police officers and firebombing police cities, because your politics align with them,” Cruz said.

“But at the same time, when it comes to parents at school boards, you are perfectly comfortable with calling a mom at a PTA meeting a domestic terrorist.”

Fox News: [McConnell slams Garland for school board memo, says parent protests are 'democracy, not intimidation'](#)

By Tyler Olson

FIRST ON FOX: Senate Minority Leader [Mitch McConnell](#) on Friday sent a letter to Attorney General Merrick Garland asking him to clarify what his recent memo on "harassment" and "intimidation" of school officials by parents means, including whether recall election efforts amount to intimidation that should be investigated by the police.

The letter follows days of outrage over the attorney general's memo, which came shortly after a letter from the National School Boards Association (NSBA) to President Biden that said some rhetorical clashes between school boards and parents may amount to "domestic terrorism."

Garland's memo told the FBI to take the lead on a task force to address threats against school officials, including creating a centralized way to report such threats.

"[Y]ou directed federal law enforcement to partner with state and local governments to address ‘threats of violence, and other forms of intimidation and harassment’ of ‘school administrators, board members, teachers and staff’ in public schools," McConnell, R-Ky., wrote of Garland's memo. "The memorandum purports to respond to a ‘disturbing spike’ in threats and harassment against these officials – although it's silent as to the supposed perpetrators or any actual predicates for this action."

McConnell added: "Your memorandum's ominous rhetoric doesn't reflect the reality of what we have seen at schoolboards across the country in recent months."

The minority leader is far from the first Republican elected official to attack Garland over the timing and tone of his letter. Sen. Josh Hawley, R-Mo., said earlier this week that it appeared Garland's memo was simply an effort to go after opponents of critical race theory. Rep. Ken Buck, R-Colo., meanwhile called Garland's memo "politically motivated abuse of power."

But that the top Republican in the U.S. Senate is weighing in as well indicates that the GOP is not going to let this issue fade into the background and that Justice Department officials appearing before Congress can likely expect to face tough questions on critical race theory and this memo for quite some time.

McConnell continues in the letter to condemn "violence, threats of violence and other criminal behavior" as "always wrong" – including the few times this year police have needed to get involved to restrain unruly parents at school board meetings. But, McConnell said, the widespread outrage against critical race theory is not something law enforcement should be involved in monitoring.

"Parents absolutely should be telling their local schools what to teach. This is the very basis of representative government," McConnell said. "They do this both in elections and – as protected by the First Amendment of the Constitution – while petitioning their government for redress of grievance. Telling elected officials they're wrong is democracy, not intimidation."

McConnell further raised concerns about the work of critical race theory backers to go after the very parents Republicans believe Garland's memo targets. He specifically noted that one Loudon County, Virginia, official was a member of a Facebook group that discussed hacking the websites of parents, while another was "a member of a group seeking to 'doxx' concerned parents."

McConnell also asks whether Garland's office consulted with anyone from the NSBA, the group whose letter to Biden is widely believed to have been the impetus for Garland's memo.

DOJ officials have defended Garland's memo in multiple Senate hearings this week. Deputy Attorney General Lisa Monaco, under questioning from Hawley, said the memo is only about violence and threats of violence, and it's the role of the FBI address those threats.

Assistant Attorney General Kristen Clarke said in a separate hearing that the Justice Department does not see parents as a threat and that the attorney general's memo is only focused on threats and intimidation.

"The First Amendment is a core value of our democracy," Clarke said. "The Attorney general's memo deals with threats against public servants and says that threats against public servants are not only illegal, they run counter to our nation's core values."

She further clarified that she does not believe parents objecting in school board meetings are domestic terrorists.

Clarksville Online: [Marsha Blackburn, Judiciary Republicans Push Back On Justice Department Crackdown On Free Speech Of Parents Protesting School Boards](#)

By Staff

Washington, D.C. – U.S. Senators Marsha Blackburn (R-Tenn.) and Chuck Grassley (R-Iowa), along with all Republican members of the Senate Judiciary Committee, today [excoriated](#) the Department of Justice (DOJ) for threatening the use of federal law enforcement to deter parents' free speech.

This comes after DOJ issued a memorandum suggesting the FBI may need to assist with policing local school board meetings.

“We are concerned about the appearance of the Department of Justice policing the speech of citizens and concerned parents. We urge you to make very clear to the American public that the Department of Justice will not interfere with the rights of parents to come before school boards and speak with educators about their concerns, whether regarding coronavirus-related measures, the teaching of critical race theory in schools, sexually explicit books in schools, or any other topic,” the senators wrote.

“To be clear, violence and true threats of violence are not protected speech and have no place in the public discourse of a democracy... However, the FBI should not be involved in quashing and criminalizing discourse that is well beneath violent acts... It is not appropriate to use the awesome powers of the federal government – including the PATRIOT Act, a statute designed to thwart international terrorism – to quash those who question local school boards,” the senators continued.

Last month, the National School Boards Association (NSBA) sent a letter to President Joe Biden asking for help from federal law enforcement, referencing the PATRIOT Act, a statute that helps the federal government fight international terrorism. NSBA highlighted situations involving parents frustrated by COVID-19 mask mandates for children and Critical Race Theory in the classroom — and equated those parents to domestic terrorists. Concerned parents are not domestic terrorists, and the reported heated exchanges at school board meetings are clearly protected under the First Amendment.

In addition to Blackburn and Grassley, the letter is signed by Senators Lindsey Graham (R-S.C.), John Cornyn (R-Texas), Mike Lee (R-Utah), Ted Cruz (R-Texas), Ben Sasse (R-Neb.), Josh Hawley (R-Mo.), Tom Cotton (R-Ark.), John Kennedy (R-La.), and Thom Tillis (R-N.C.).

Full text of the letter can be found [here](#).

From: Pietranton, Kelsey (PAO)
Subject: Reaching out from DOJ
To: (b)(6) Jessica Chasmar (Fox News)
Cc: Gibson, Jake
Sent: October 5, 2021 6:48 PM (UTC-04:00)

Good evening Jessica,

Shooting you a quick note this evening regarding this story: [Blackburn confronts Deputy AG Monaco about crackdown on alleged harassment of school officials](#). Flagging that in regards to the use of “confront,” that the Deputy Attorney General was actually the one to go over to Senator Blackburn and initiate the conversation. She can be seen doing so at 1:45:05 in the full C-SPAN link: [Deputy AG Testifies on Violence Against Women Act | C-SPAN.org](#). I was there for this conversation and can assure you it was not a confrontation.

Do you think you’d be able to update the headline accordingly?

I am cc’ing Jake Gibson, our FOX News producer here at DOJ, whom I called after I saw this story. He suggested I reach out directly.

Thanks very much,

Kelsey Pietranton
Office of Public Affairs
Department of Justice
(o) (b) (6)
(m) (b) (6)

From: Hornbuckle, Wyn (PAO)
Subject: RE: Media Inquiry from Kim Anderson - Fox News
To: Coley, Anthony D. (PAO)
Sent: October 8, 2021 12:56 PM (UTC-04:00)
Attached: Draft TPs to USAs (10.6.21) FINAL.docx

Welcome your thoughts. Here are the TPs ODAG approved attached. I think we could say: (b) (5)

Then maybe from the talking points:

- (b) (5)

Or (b) (5)

From: Gibson, Jake (b) (6)
Sent: Friday, October 8, 2021 12:32 PM
To: Anderson, Kimberly (b) (6); Hornbuckle, Wyn (PAO) (b) (6)
Cc: Coley, Anthony D. (PAO) (b) (6)
Subject: [EXTERNAL] RE: Media Inquiry from Kim Anderson - Fox News

Thanks Wyn-

What we really want to know is what the DOJ thinks, or what the DOJ's position is re: the NSBA letter equating some parents' actions to "domestic terrorism?" Does the DOJ agree with, or reject that label? And if the DOJ rejects that label we'd like a statement reflecting that position as it relates to the NSBA letter and the national public dialog.

From the NSBA letter:

"As these acts of malice, violence, and threats against public school officials have increased, the classification of these heinous actions could be the equivalent to a form of domestic terrorism and hate crimes."

Thanks very much,

Jake Gibson
Department of Justice and Federal Law Enforcement Producer
Fox News Washington
(b) (6)

=====

There are claims/concerns from parents that the Justice Department considers intimidating parents at school board meetings to be domestic terrorists. This is in reference to the NSBA letter sent to the department and the memo by Attorney General Garland that followed. Does the Department agree with the NSBA's characterization in this regard? Does the Justice Department label or consider "intimidating" parents at school board meetings to be domestic terrorists? Do you have a response to those parents who feel they are being labeled as such?

>

From: Anderson, Kimberly
Sent: Friday, October 8, 2021 11:56 AM
To: Gibson, Jake (b) (6)
Subject: Fw: [EXTERNAL] Media Inquiry from Kim Anderson - Fox News

From: Hornbuckle, Wyn (PAO) (b) (6)
Sent: Friday, October 8, 2021 11:25 AM
To: Anderson, Kimberly (b) (6)
Subject: RE: [EXTERNAL] Media Inquiry from Kim Anderson - Fox News

Hi Kim,

Statement attributable to a DOJ spokesman:

There has been misinformation circulated that the Attorney General's directive is an effort to silence those with particular views about COVID-related policies, school curricula, or other topics of public discussion. This is simply not true. As stated clearly in the Attorney General's guidance to the FBI and United States Attorney's Offices, the Department's efforts are about rooting out criminal threats of violence, not about any particular ideology.

>
> -----Original Message-----
> From: no-reply@usdoj.gov <no-reply@usdoj.gov>
> Sent: Friday, October 8, 2021 9:35 AM
> To: Press <Press@jmd.usdoj.gov>
> Subject: [EXTERNAL] Media Inquiry from Kim Anderson - Fox News
>
> Date Friday, October 8, 2021 - 9:35am EDT
>
> Name: Kim Anderson
>
> Email Address: (b) (6)
>
> Topic: Other (please specify at the top of your message)
>
> Media Outlet: Fox News
>
> Deadline: 12p ET
>
> Inquiry:
> Hi,
>
> There are claims/concerns from parents that the Justice Department considers intimidating parents at school board meetings to be domestic terrorists. This is in reference to the NSBA letter sent to the department and the memo by Attorney General Garland that followed. Does the Department agree with the NSBA's characterization in this regard? Does the Justice Department label or consider "intimidating" parents at school board meetings to be domestic terrorists? Do you have a response to those parents who feel they are being labeled as such?
>
> Also, in reference to the memo, do you have a definition for "intimidation"?
> What actions are considered intimidating?
>

> Thanks in advance for your response.

>

> Kim

>

>

This message and its attachments may contain legally privileged or confidential information. It is intended solely for the named addressee(s). If you are not an addressee indicated in this message (or responsible for delivery of the message to an addressee), you may not copy or deliver this message or its attachments to anyone. Rather, you should permanently delete this message and its attachments and kindly notify the sender by reply e-mail. Any content of this message and its attachments that does not relate to the official business of Fox Corporation, or its subsidiaries must be taken not to have been sent or endorsed by any of them. No representation is made that this email or its attachments are without defect.

From: Hornbuckle, Wyn (PAO)
Subject: RE: [EXTERNAL] Media Inquiry from Kim Anderson - Fox News
To: Pietranton, Kelsey (PAO)
Sent: October 8, 2021 12:16 PM (UTC-04:00)
Attached: Draft TPs to USAs (10.6.21) FINAL.docx
Here's the talking points I did for USAOs. ODAG cleared:

-----Original Message-----

From: Pietranton, Kelsey (PAO) (b) (6)
Sent: Friday, October 8, 2021 11:21 AM
To: Hornbuckle, Wyn (PAO) (b) (6)
Subject: RE: [EXTERNAL] Media Inquiry from Kim Anderson - Fox News

Can I know what it is? Just out of my curiosity!

-----Original Message-----

From: Hornbuckle, Wyn (PAO) (b) (6)
Sent: Friday, October 8, 2021 11:21 AM
To: Coley, Anthony D. (PAO) (b) (6); Pietranton, Kelsey (PAO) (b) (6)
Cc: Press <Press@jmd.usdoj.gov>; Shevlin, Shannon (PAO) (b) (6)
Subject: RE: [EXTERNAL] Media Inquiry from Kim Anderson - Fox News

Yep I'll take it

-----Original Message-----

From: Coley, Anthony D. (PAO) (b) (6)
Sent: Friday, October 8, 2021 11:20 AM
To: Pietranton, Kelsey (PAO) (b) (6)
Cc: Press <Press@jmd.usdoj.gov>; Hornbuckle, Wyn (PAO) (b) (6); Shevlin, Shannon (PAO) (b) (6)
Subject: Re: [EXTERNAL] Media Inquiry from Kim Anderson - Fox News

Wyn has a two sentence statement we can send

> On Oct 8, 2021, at 11:15 AM, Pietranton, Kelsey (PAO) (b) (6) wrote:

>
> + AC. Anthony, any preference on how to respond here?

>
> -----Original Message-----

> From: Press <Press@jmd.usdoj.gov>
> Sent: Friday, October 8, 2021 9:39 AM
> To: Pietranton, Kelsey (PAO) (b) (6); Hornbuckle, Wyn (PAO) (b) (6)
> Cc: Shevlin, Shannon (PAO) (b) (6); Press <Press@jmd.usdoj.gov>
> Subject: FW: [EXTERNAL] Media Inquiry from Kim Anderson - Fox News

>
>
>
> --
> Catherine Morris
> Speechwriting/Media Affairs Intern
> Office of Public Affairs | U.S. Department of Justice

> Mobile: (b) (6)
> (b) (6)
>
>
> -----Original Message-----
> From: no-reply@usdoj.gov <no-reply@usdoj.gov>
> Sent: Friday, October 8, 2021 9:35 AM
> To: Press <Press@jmd.usdoj.gov>
> Subject: [EXTERNAL] Media Inquiry from Kim Anderson - Fox News

Duplicative Material, Document ID: 0.7.1451.17352

From: Hornbuckle, Wyn (PAO)
Subject: RE: [EXTERNAL] Media Inquiry from Kim Anderson - Fox News
To: Pietranton, Kelsey (PAO)
Sent: October 8, 2021 12:16 PM (UTC-04:00)

Yes, it's:

There has been misinformation circulated that the Attorney General's directive is an effort to silence those with particular views about COVID-related policies, school curricula, or other topics of public discussion. This is simply not true. As stated clearly in the Attorney General's guidance to the FBI and United States Attorney's Offices, the Department's efforts are about rooting out criminal threats of violence, not about any particular ideology.

-----Original Message-----

From: Pietranton, Kelsey (PAO) (b) (6)
Sent: Friday, October 8, 2021 11:21 AM
To: Hornbuckle, Wyn (PAO) (b) (6)
Subject: RE: [EXTERNAL] Media Inquiry from Kim Anderson - Fox News

Duplicative Material, Document ID: 0.7.1451.17291

From: Hornbuckle, Wyn (PAO)
Subject: Threats to School Officials Points for USAOs
To: USAEO-PublicAffairsOfficers
Sent: October 7, 2021 12:05 PM (UTC-04:00)
Attached: School Threats for USAs (10.7.pdf)

Dear Colleagues:

As you are aware, on Monday, October 4, Attorney General Merrick Garland issued a memorandum to the FBI Director, the Acting Assistant Attorney General of the Criminal Division and all US Attorneys to address threats against school administrators, board members, teachers and staff. The memo directed the FBI and U.S. Attorneys' Offices to meet in the next 30 days with federal, state, Tribal, territorial and local law enforcement leaders to discuss strategies for addressing this disturbing trend. (b) (5)

Here is the link to the PR: <https://www.justice.gov/opa/pr/justice-department-addresses-violent-threats-against-school-officials-and-teachers>

AG memo: <https://www.justice.gov/ag/page/file/1438986/download>

(b) (5)

Attached is a set of facts/talking points for use by

USAOs in (b) (5)

In addition, here are some pertinent parts of the memo you should be aware of.

As the Attorney General's memo says:

"In recent months, there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools. **While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views.** Threats against public servants are not only illegal, they run counter to our nation's core values." (emphasis added for clarity)

To address these threats the memo said:

"in the coming days, the Department will announce a series of **measures designed to address the rise in criminal conduct** directed toward school personnel." (emphasis added for clarity)

- Those efforts are expected to include the creation of a task force, consisting of representatives from the department's Criminal Division, National Security Division, Civil Rights Division, the Executive Office for U.S. Attorneys, the FBI, the Community Relations Service and the Office of Justice Programs, to determine how federal enforcement tools can be used to prosecute these crimes, and ways to assist state, Tribal, territorial and local law enforcement where threats of violence may not constitute federal crimes.

The Attorney General memo also directed:

"the Federal Bureau of Investigation, working with each United States Attorney, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days of the issuance of this memorandum. These meetings will facilitate the **discussion of strategies for addressing threats against school administrators, board members, teachers, and staff, and will open dedicated lines of communication for threat reporting, assessment, and response.**" (emphasis added for clarity)

In addition to the memo, the department also announced that it will create specialized training and guidance for local school boards and school administrators. This training will help school board members

and other potential victims understand:

- the type of behavior that constitutes threats,
- how to report threatening conduct to the appropriate law enforcement agencies, and
- how to capture and preserve evidence of threatening conduct to aid in the investigation and prosecution of these crimes.

Let us know if you have any questions,

Wyn Hornbuckle

Deputy Director, Office of Public Affairs

U.S. Department of Justice

O: (b) (6)

M: (b) (6)

From: Hornbuckle, Wyn (PAO)
Subject: RE: Threats to School Officials Talking Points for USAOs
To: Coley, Anthony D. (PAO)
Cc: Iverson, Dena (PAO)
Sent: October 7, 2021 11:59 AM (UTC-04:00)

Will do, and yes, ODAG cleared the TPs yesterday

From: Coley, Anthony D. (PAO) (b) (6)
Sent: Thursday, October 7, 2021 11:14 AM
To: Hornbuckle, Wyn (PAO) (b) (6)
Cc: Iverson, Dena (PAO) (b) (6)
Subject: Re: Threats to School Officials Talking Points for USAOs

Will you strike the words (b) (5) in the one-pager and PDF the doc when it goes?

In the email, pls also tweak (b) (5)

(b) (5)

Finally, has ODAG cleared?

On Oct 7, 2021, at 11:01 AM, Hornbuckle, Wyn (PAO) (b) (6) wrote:

Draft Email for USAOs. Look OK?

(b) (5)

(b) (5)

Wyn Hornbuckle
Deputy Director, Office of Public Affairs
U.S. Department of Justice

O: (b) (6)
M: (b) (6)

<Draft TPs to USAs (10.6.21) FINAL.docx>

From: Blevins, Danielle (PAO)
Subject: Re: [EXTERNAL] Media Inquiry from Fred Lucas Lucas - The Daily Signal
To: Navas, Nicole (PAO)
Sent: October 12, 2021 8:29 AM (UTC-04:00)

Thank you!

All the best,

Danielle

Sent from mobile device.
Please forgive brevity and any typos.

On Oct 8, 2021, at 5:17 PM, Navas, Nicole (PAO) (b) (6) wrote:

+Wyn, who is handling

Nicole Navas Oxman
Senior Communications Advisor for International Law Enforcement/Spokesperson
U.S. Department of Justice
(b) (6)
(b) (6)
@USDOJ_Intl

On Oct 8, 2021, at 11:03 AM, Blevins, Danielle (PAO) (b) (6) wrote:

Hi there,

This letter mentions civil rights division. Is this CRT? I don't think it's CIV.

All the best,

Danielle

-----Original Message-----

From: Press <Press@jmd.usdoj.gov>
Sent: Friday, October 8, 2021 10:57 AM
To: Blevins, Danielle (PAO) (b) (6)
Cc: Gelber, Sophie (PAO) (b) (6); Press <Press@jmd.usdoj.gov>
Subject: FW: [EXTERNAL] Media Inquiry from Fred Lucas Lucas - The Daily Signal

--

Catherine Morris
Speechwriting/Media Affairs Intern
Office of Public Affairs | U.S. Department of Justice
Mobile: (b) (6)

(b) (6)

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>

Sent: Friday, October 8, 2021 10:56 AM

To: Press <Press@jmd.usdoj.gov>

Subject: [EXTERNAL] Media Inquiry from Fred Lucas Lucas - The Daily Signal

Date Friday, October 8, 2021 - 10:55am EDT

Name: Fred Lucas Lucas

Email Address: (b) (6)

Topic: Office of Public Affairs Administrative Matters

Media Outlet: The Daily Signal

Deadline: 4 p.m. Friday, October 8, 2021

Inquiry:

Hello. I wanted to get a response from the DOJ regarding this complaint filed last yesterday with the Inspector General's office requesting an investigation. Linked here: <https://protect2.fireeye.com/v1/url?k=11b9a2c2-4e229a32-11be8627-ac1f6b0176b0-db9bf86040abdc64&q=1&e=f5d52e5b-843b-4639-a0ee-aade9acd1e70&u=https%3A%2F%2Fwordpress.aflegal.org%2Fwp-content%2Fuploads%2F2021%2F10%2FGarland-Memo-DOJ-IG-Request.pdf>

The complaint asserts that the White House, in coordination with outside political interests, pushed the Justice Department policy--through Attorney General Garland's memorandum--to look at the conduct of parents toward education officials.

I would appreciate any response, either a phone interview or a written reply.

Thank you.

From: Hornbuckle, Wyn (PAO)
Subject: RE: [EXTERNAL] Media Inquiry from Derek Draplin - The Center Square
To: Iverson, Dena (PAO)
Sent: October 7, 2021 10:59 AM (UTC-04:00)
Got it

-----Original Message-----

From: Iverson, Dena (PAO) (b) (6)
Sent: Thursday, October 7, 2021 10:47 AM
To: Hornbuckle, Wyn (PAO) (b) (6)
Subject: RE: [EXTERNAL] Media Inquiry from Derek Draplin - The Center Square

Yep, I think that's right.

Dena Iverson
Principal Deputy Director, Office of Public Affairs U.S. Department of Justice
(b) (6) - Office
(b) (6) - Cell
(b) (6)

-----Original Message-----

From: Hornbuckle, Wyn (PAO) (b) (6)
Sent: Thursday, October 7, 2021 10:08 AM
To: Iverson, Dena (PAO) (b) (6)
Subject: FW: [EXTERNAL] Media Inquiry from Derek Draplin - The Center Square

Hey there, where did we land on these, should I say (b) (5) _____?
_____?

-----Original Message-----

From: Press <Press@jmd.usdoj.gov>
Sent: Thursday, October 7, 2021 10:06 AM
To: Hornbuckle, Wyn (PAO) (b) (6)
Cc: Press <Press@jmd.usdoj.gov>
Subject: FW: [EXTERNAL] Media Inquiry from Derek Draplin - The Center Square

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Wednesday, October 6, 2021 2:47 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Derek Draplin - The Center Square

Date Wednesday, October 6, 2021 - 2:47pm EDT

Name: Derek Draplin

Email Address: (b) (6)

Topic: Federal Bureau of Investigation (FBI)

Media Outlet: The Center Square

Deadline: 4 p.m. EST

Inquiry:

Does Attorney General Merrick Garland and the DOJ have a response to Rep. Ken Buck's letter about the AG's October 4 memo to FBI on threats against local school officials?

From: Hornbuckle, Wyn (PAO)
Subject: RE: [EXTERNAL] Media Inquiry from Zachary Stieber - The Epoch Times
To: Coley, Anthony D. (PAO)
Sent: October 7, 2021 10:34 AM (UTC-04:00)

This seems like trash, but just flagging

-----Original Message-----

From: Press <Press@jmd.usdoj.gov>
Sent: Thursday, October 7, 2021 10:09 AM
To: Hornbuckle, Wyn (PAO) (b) (6)
Cc: Press <Press@jmd.usdoj.gov>
Subject: FW: [EXTERNAL] Media Inquiry from Zachary Stieber - The Epoch Times

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Thursday, October 7, 2021 10:08 AM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Zachary Stieber - The Epoch Times

Date Thursday, October 7, 2021 - 10:08am EDT

Name: Zachary Stieber

Email Address: (b) (6)

Topic: Other (please specify at the top of your message)

Media Outlet: The Epoch Times

Deadline: 12:30 p.m. Eastern, Oct. 7

Inquiry:
ATTORNEY GENERAL

Hi there,

Good morning, hope you're doing well.

Activists and members of Congress are calling for a probe into Attorney General Merrick Garland over an alleged conflict of interest.

Garland's daughter is married to a man whose company, Panorama Education, sells products to school districts promoting ideas similar to those found in critical race theory. The attorney general's recent memorandum directs federal law enforcement to act against parents accused of harassing school board members and others involved in education. Many of the protests at school board meetings in recent weeks have involved pushback to CRT ideas and teachings.

"AG Garland's son-in-law is co-founder of a company that sells critical race theory materials to schools (purchased by local school boards). If this is true, Congress needs to hold oversight hearings NOW," Rep. Ken Buck wrote on Twitter.

Does the DOJ have a response?

Thanks,
Zack Stieber
The Epoch Times

(b) (6)

(b) (6)

From: Hornbuckle, Wyn (PAO)
Subject: RE: [EXTERNAL] Media Inquiry from Nazli Togrul - Reuters
To: (b) (6)
Sent: October 7, 2021 10:32 AM (UTC-04:00)
Statement attributable to Wyn Hornbuckle, DOJ spokesman

"There has been misinformation circulated that the Attorney General's directive is an effort to silence those with particular views about COVID-related policies, school curricula, or other topics of public discussion. This is simply not true. As stated clearly in the Attorney General's guidance to the FBI and United States Attorney's Offices, the Department's efforts are about rooting out criminal threats of violence, not about any particular ideology."

Here is the link to the PR:

<https://www.justice.gov/opa/pr/justice-department-addresses-violent-threats-against-school-officials-and-teachers>

AG memo: <https://www.justice.gov/ag/page/file/1438986/download>

Background:

On Monday, October 4, Attorney General Merrick Garland issued a memorandum to the FBI Director, the Acting Assistant Attorney General of the Criminal Division and all US Attorneys to address threats against school administrators, board members, teachers and staff.

As the Attorney General's memo says:

"In recent months, there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools. While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views. Threats against public servants are not only illegal, they run counter to our nation's core values." (emphasis added for clarity)

To address these threats the memo said:

"in the coming days, the Department will announce a series of measures designed to address the rise in criminal conduct directed toward school personnel." (emphasis added for clarity)

- Those efforts are expected to include the creation of a task force, consisting of representatives from the department's Criminal Division, National Security Division, Civil Rights Division, the Executive Office for U.S. Attorneys, the FBI, the Community Relations Service and the Office of Justice Programs, to determine how federal enforcement tools can be used to prosecute these crimes, and ways to assist state, Tribal, territorial and local law enforcement where threats of violence may not constitute federal crimes.

The Attorney General memo also directed:

"the Federal Bureau of Investigation, working with each United States Attorney, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days of the issuance of this memorandum. These meetings will facilitate the discussion of strategies for addressing threats against school administrators, board members, teachers, and staff, and will open dedicated lines of communication for threat reporting, assessment, and response." (emphasis added for clarity)

In addition to the memo, the department also announced yesterday afternoon that it will create specialized training and guidance for local school boards and school administrators. This training will help school board members and other potential victims understand:

- the type of behavior that constitutes threats,
- how to report threatening conduct to the appropriate law enforcement agencies, and
- how to capture and preserve evidence of threatening conduct to aid in the investigation and prosecution of these crimes.

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Wednesday, October 6, 2021 1:52 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Nazli Togrul - Reuters

Date Wednesday, October 6, 2021 - 1:51pm EDT

Name: Nazli Togrul

Email Address: (b) (6)

Topic: Other (please specify at the top of your message)

Media Outlet: Reuters

Deadline: 10/06/2021

Inquiry:
URGENT MEDIA INQUIRY

Hello,

I'm writing from Reuters Fact Check, where we work to debunk misleading and false information circulating online. We came across posts that claim the Attorney General instructed the FBI to mobilize against parents opposing critical race theory.

Here is an example:

<https://protect2.fireeye.com/v1/url?k=b857d4a7-e7ccec6b-b850f042-0cc47adca7dc-b7bb8752506debef&q=1&e=533e313a-8e4e-40a5-a1e1-864e22d4b1f8&u=https%3A%2F%2Ftwitter.com%2Frealchrisrufo%2Fstatus%2F1445167453105897475>

Could you please advise on the authenticity of this claim? What are some of the measures?

Many thanks,

Nazli Togrul
Social Media Producer

Read more about our fact checking work here: www.reuters.com/fact-check/

Thomson Reuters
the answer company

Mobile: (b) (6)

(b) (6)
thomsonreuters.com

From: Bradford, Aryele (PAO)
Subject: FW: [EXTERNAL] Media Inquiry from Sam Dorman - Fox News
To: Hornbuckle, Wyn (PAO)
Sent: October 7, 2021 10:13 AM (UTC-04:00)

-----Original Message-----

From: Press <Press@jmd.usdoj.gov>
Sent: Thursday, October 7, 2021 10:05 AM
To: Bradford, Aryele (PAO) (b) (6); Mitchell, Kendall M. (PAO)
(b) (6)
Cc: Press <Press@jmd.usdoj.gov>
Subject: FW: [EXTERNAL] Media Inquiry from Sam Dorman - Fox News

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Wednesday, October 6, 2021 3:29 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Sam Dorman - Fox News

Date Wednesday, October 6, 2021 - 3:28pm EDT

Name: Sam Dorman

Email Address: (b) (6)

Topic: Civil Rights

Media Outlet: Fox News

Deadline: ASAP

Inquiry:

Hi Just wanted to follow up on my previous inquiry from yesterday. I'm writing another story with more parent criticisms of DOJ/NSBA.. They're mostly claiming that DOJ is chilling free speech with its recent memo. Would DOJ like to comment on this?

From: Press
Subject: FW: [EXTERNAL] Media Inquiry from Mike Pool - Spectrum News 1 Texas
To: Hornbuckle, Wyn (PAO)
Cc: Press
Sent: October 7, 2021 10:05 AM (UTC-04:00)

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Wednesday, October 6, 2021 3:25 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Mike Pool - Spectrum News 1 Texas

Date Wednesday, October 6, 2021 - 3:24pm EDT

Name: Mike Pool

Email Address: (b) (6)

Topic: Other (please specify at the top of your message)

Media Outlet: Spectrum News 1 Texas

Deadline: Friday, Oct. 8, 2021 1pm Est.

Inquiry:

I am following up on Monday's release regarding Violent Threats Against School Officials and Teachers

How many threats are being investigated in Texas? Which school districts?

Thank you,

Mike Pool
Spectrum News 1 Texas

(b) (6)

FOR IMMEDIATE RELEASE

Monday, October 4, 2021

Justice Department Addresses Violent Threats Against School Officials and Teachers Citing an increase in harassment, intimidation and threats of violence against school board members, teachers and workers in our nation's public schools, today Attorney General Merrick B. Garland directed the FBI and U.S. Attorneys' Offices to meet in the next 30 days with federal, state, Tribal, territorial and local law enforcement leaders to discuss strategies for addressing this disturbing trend. These sessions will open dedicated lines of communication for threat reporting, assessment and response by law enforcement.

"Threats against public servants are not only illegal, they run counter to our nation's core values," wrote Attorney General Garland. "Those who dedicate their time and energy to ensuring that our children receive a proper education in a safe environment deserve to be able to do their work without fear for their safety."

According to the Attorney General's memorandum, the Justice Department will launch a series of additional efforts in the coming days designed to address the rise in criminal conduct directed toward school personnel. Those efforts are expected to include the creation of a task force, consisting of

representatives from the department's Criminal Division, National Security Division, Civil Rights Division, the Executive Office for U.S. Attorneys, the FBI, the Community Relations Service and the Office of Justice Programs, to determine how federal enforcement tools can be used to prosecute these crimes, and ways to assist state, Tribal, territorial and local law enforcement where threats of violence may not constitute federal crimes.

The Justice Department will also create specialized training and guidance for local school boards and school administrators. This training will help school board members and other potential victims understand the type of behavior that constitutes threats, how to report threatening conduct to the appropriate law enforcement agencies, and how to capture and preserve evidence of threatening conduct to aid in the investigation and prosecution of these crimes.

Threats of violence against school board members, officials, and workers in our nation's public schools can be reported by the public to the FBI's National Threat Operations Center (NTOC) via its national tip line

(1-800-CALL-FBI) and online through the FBI website (<http://fbi.gov/tips>). To ensure that threats are communicated to the appropriate authorities, NTOC will direct credible threats to FBI field offices, for coordination with the U.S. Attorney's Office and law enforcement partners as appropriate.

Reporting threats of violence through NTOC will help the federal government identify increased threats in specific jurisdictions as well as coordinated widespread efforts to intimidate educators and education workers.

Component(s):
Office of the Attorney General
Press Release Number:
21-960

From: Press
Subject: FW: [EXTERNAL] Media Inquiry from Houston Keene - Fox News
To: Hornbuckle, Wyn (PAO)
Cc: Press
Sent: October 7, 2021 9:59 AM (UTC-04:00)

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Wednesday, October 6, 2021 1:48 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Houston Keene - Fox News

Date Wednesday, October 6, 2021 - 1:48pm EDT

Name: Houston Keene

Email Address: (b) (6)

Topic: Office of Public Affairs Administrative Matters

Media Outlet: Fox News

Deadline: 2:45 PM EST

Inquiry:
Good afternoon,

I'm writing a piece on Sen. Tom Cotton's letter to AG Garland asking questions regarding the attorney general's FBI memo.

Does AG Garland or the DOJ have any comment on or response to Sen. Cotton's letter?

From: Press
Subject: FW: [EXTERNAL] Media Inquiry from Madelyn Beck - Mountain West News Bureau (NPR stations in the region)
To: Hornbuckle, Wyn (PAO)
Cc: Press
Sent: October 7, 2021 9:57 AM (UTC-04:00)

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Wednesday, October 6, 2021 12:49 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Madelyn Beck - Mountain West News Bureau (NPR stations in the region)

Date Wednesday, October 6, 2021 - 12:49pm EDT

Name: Madelyn Beck

Email Address: (b) (6)

Topic: Other (please specify at the top of your message)

Media Outlet: Mountain West News Bureau (NPR stations in the region)

Deadline: Oct 6, 3 p.m. Mountain Time, 5 p.m. Eastern

Inquiry:

I'd like to talk with someone at the Justice Department about violent threats to educators and school board members, and the training that the department will offer.

From: Mitchell, Kendall M. (PAO)
Subject: CRT Press Clips
To: Bradford, Aryele (PAO); Friel, Gregory B (CRT); Moossy, Robert (CRT); Calderon, Tovah R (CRT); Simons, Shaheena (CRT); Yi, Daniel (CRT); Karlan, Pamela (CRT); Pagnucco, Carrie (CRT); Clarke, Kristen (CRT); Valderrama, Hillary (CRT); Herring, Oneshia (CRT); Robins, Jennifer (CRT); Ahmad, Aziz (CRT); Howe, Suey (CRT); Cochran, Shaylyn (CRT); Felte, James (CRT); Ruisanchez, Alberto (CRT); Rosenbaum, Steven (CRT); Foran, Sheila (CRT); Pellegrino, Whitney (CRT); Stoneman, Christine (CRT); Herren, Chris (CRT); Chandler, Thomas (CRT); Woodard, Karen (CRT); Majeed, Sameena (CRT); Bond, Rebecca (CRT); Roberts, Alivia P. (PAO); Wertz, Jeremy (CRT); Smith, Johnathan (CRT); Coley, Anthony D. (PAO); Lopez, Louis (CRT)
Sent: October 6, 2021 8:22 PM (UTC-04:00)
Attached: 10.6 CRT Clips.pdf

Hi all,

Please see attached for today's CRT clips.

Thanks,
Kendall

Kendall Mitchell
Press Assistant // Office of Public Affairs
U.S. Department of Justice

c: (b) (6) [REDACTED]
e: (b) (6) [REDACTED]

October 6, 2021 – CRT Press Clips

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SPECIAL LITIGATION

Alabama Political Reporter: [Opinion | Prison issue tackled; new prisons on the way](#)

By Steve Flowers

The problem of overcrowded prisons is a dilemma that has been facing Alabama for close to a decade. It was not something that Kay Ivey created. She simply inherited the situation and the chickens have some home to roost during her tenure. To her credit, she did not hide from the issue. She has tackled it head on and with gusto and resolve. She and the legislature were and are under the gun because the U.S. Justice Department is breathing down their necks to resolve the inequities and unconstitutional conditions in our prisons.

When you get into a scenario where the Justice Department adamantly demands some concrete resolutions, you have to act. Otherwise, they will take over the state's prison system, mandate the resolutions, and hand you the bill. Just ask California. The Justice Department is not only building new prisons at the Golden State's expense, but also releasing a good many of their prisoners. The bottom line is if the Justice Department will mandate and take over the California Prison System, you can bet your bottom dollar that they will do the same to Alabama.

We have been down this path before. Years ago, in the 1960s during all the segregation and civil rights wars raging in the Heart of Dixie the federal courts took over Alabama's prison system. Governor George Wallace and Justice Frank Johnson were law school classmates and friends. Johnson was married to his lovely wife, Ruth Jenkins while in law school. Ruth was an excellent cook, and they would have George over for dinner. Their friendship ended when they clashed over civil rights and integration. Johnson handed down most of the rulings that integrated schools and other institutions throughout the state, while Wallace lambasted Johnson daily as a scalawaging, carpet bagging, integrating liberal.

Wallace won the demagogic battle and rode it to being governor for eternity. However, Johnson and the federal courts won the war. Judge Johnson took over the state prisons and the bill was so costly that it took the State of Alabama 25 years to dig out of the financial hole.

Kay Ivey is old enough to remember this disastrous solution for Alabama. That is probably why she took the bull by the horns and declared boldly in her State of the State address over two years ago that this is an Alabama problem and we need to find an Alabama solution.

Governor Kay Ivey and probably more importantly the state legislature has worked to resolve this imminent and pressing problem. This current Special Session called by Governor Ivey to address the need for new prisons will more than likely resolve the issue for at least the next 25 to 30 years.

The legislative leadership and governor have worked prudently and harmoniously to implement a solution to this prison overcrowding issue. This joint success follows months of negotiations between Ivey and legislative leaders in determining the scope and scale of the project. The two General Fund Budget Chairmen, Representative Steve Clouse and Senator Greg Albritton, deserve a lot of credit and accolades for orchestrating the pieces of the puzzle. Ivey and legislators knew that the gravity of the situation required the governor calling a Special Session.

The solution will be to build two new men's prisons with at least 4,000 beds, one in Elmore County and one in Escambia County, in addition to a new 1,000 bed women's correctional facility in Elmore County. The new Elmore men's facility will provide enhanced medical and mental health, substance abuse and educational programming as suggested by the Justice Department.

The two new men's prisons will cost an estimated \$1.2 billion and the women's prison and renovations of existing prisons will cost between \$600 to \$700 million. The prisons will be paid for by a \$785 million bond issue. The salvation for the plan was the state receiving \$400 million from the federal American Recovery Plan ACT ("ARPA"), which was like manna from heaven.

The heroes for their area and constituents were Senator Greg Albritton of Escambia and Senator Clyde Chambliss of Elmore, who won the new prisons for their people. These prisons are an economic bonanza for Elmore and Escambia. Chambliss got two.

Hopefully, this will resolve this issue for at least a few decades. We will see.

See you next week.

EDUCATIONAL OPPORTUNITIES

JD Supra: [DOJ Title IX Investigation Leads to \\$1.6M Agreement with San Jose State University](#)
By Staff

The Department of Justice’s Civil Rights Division, the U.S. Attorney’s Office for the Northern District of California, and San Jose State University (SJSU) [settled](#) the government’s Title IX investigation into a decade’s worth of sexual harassment allegations. The June 2020 allegations of “employee-on-student sexual harassment” and retaliation within the University’s athletics department prompted the government’s investigation. In September 2021, the government announced its [findings against](#) the University under Title IX, and its implementing regulations, that SJSU failed to respond to sexual assault allegations even though the SJSU had actual notice of these allegations. Chief among the University’s investigatory failures was its incomplete interview of affected complainants. Additionally, the school retaliated against two employees, one employee for urging the school to address the sexual harassment, including sexual assault, and the other employee for expressing opposition to retaliation against the reporting employee.

Title IX regulates large, public universities like SJSU, and applies to any school that receives federal financial assistance. Title IX and its regulations require schools to maintain sex discrimination-free environments for students and employees alike. In June 2020, the government issued a Request for Information to SJSU as a part of its Title IX compliance review into the University. The government probed years’ worth of sexual harassment and retaliation within the school’s athletic department. After an extensive investigation that included 35 witness interviews and a review of thousands of pages of University documents, the government found that the University had repeatedly violated Title IX. The government began its investigation with allegations made against an athletic trainer in 2009. Several student athletes alleged this trainer sexually harassed student athletes during treatment. SJSU concluded after its five-month investigation that the athletic trainer had not violated any University policy, but the University instructed the athletic trainer to avoid treating female student athletes.

The government’s investigation further revealed that after over ten years, the University had taken “no effective measures to limit the Athletic Trainer’s access to student-athletes” since 2009, further compounding its Title IX mistakes. The government’s investigation uncovered at least five documented instances of the University’s awareness that the athletic trainer continued to treat female student-athletes, despite the University’s contrary instruction.

As if a decade’s worth of Title IX violations were not enough, the University took adverse actions against two employees for highlighting the University’s deficiencies. In 2018 and 2019, an employee (Employee A) brought the athletic trainer’s continued treatment of female athletes to the University’s attention, and the school failed to address Employee A’s concern. So, Employee A complained to the NCAA. After Employee A reported the University’s inaction to the NCAA, Employee A received low performance evaluation ratings. Unsurprisingly, the government found that Employee A had engaged in protected activity and that the University’s adverse action stemmed from Employee A’s NCAA complaint. This, too, ran afoul of Title IX.

The University fired another employee (Employee B) for failing to meet with Employee A because Employee B did not wish to retaliate against Employee A for reporting sexual harassment, including sexual assault. The government found that the University failed to justify Employee B's termination. In many respects, SJSU's actions taken against Employees A and B are quintessential cases of retaliations, which Title IX plainly forbids.

Besides the University paying \$1.6M to individuals sexually harassed by the athletic trainer, the parties agreed to several remedial items to address the University's systemic Title IX deficiencies. The agreement requires the University to improve its process for responding to sexual harassment complaints and bolster its Title IX Office by revising the office structure and providing adequate authority, independence, and resources to its coordinator. The University must also provide information on the Title IX process, deliver access to training for athletic staff on informed consent and sexual harassment, and conduct training on retaliation under Title IX.

SJSU's shortcomings in responding to sexual assault allegations highlight the Title IX legal minefield and underscores the need for clear policies and procedures that address the expectations of and requirements for compliance with Title IX and its regulations. Schools should actively audit their Title IX Offices to ensure that the Title IX Coordinator, Deputy Coordinators, decision-makers, and investigators are following best practices to adequately address sexual harassment and sexual assault as a form of sex discrimination. So, too, should employers avoid knee-jerk employment decisions that may prompt a retaliation claim. A careful and fulsome review by counsel specializing in Title IX and employment law reduces the risk of running afoul of Title IX and its implementing regulations.

DISABILITY RIGHTS

Kansas City Star: [What is the Americans with Disabilities Act? How does it affect life in Kansas City?](#)

By Hannah Wise

A generation of disabled Americans have grown up with civil rights protections under the Americans with Disabilities Act. Here's what you need to know about the law, how it benefits individuals and what it means for Kansas City. What is the Americans with Disabilities Act? TOP VIDEOS WATCH MORE × Real life Rosies see B-25 bomber they built during World War II The Americans with Disabilities Act is a landmark piece of civil rights legislation that prohibits discrimination against and people with disabilities and guarantees that disabled people have the same opportunities for employment, purchase goods and services, and participate in government programs and services. Modeled after the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, the ADA serves as an "equal opportunity" law for people with disabilities. Kansas Senator Bob Dole, who suffered lasting injuries during combat in Italy in World War II, championed the ADA in Congress and called its passage one of the most rewarding days of his life.

Who is covered under the ADA? The law protects the civil rights of wide swaths of Americans: people who are born with a disability, experience temporary disability like a broken leg, those experiencing pregnancy, and Americans who are recovering from alcohol abuse or illness are all covered by the ADA. The ADA does not specifically name all of the disabilities that are covered by the law, but rather broadly defines disability as a physical or mental impairment that substantially limits one or more major life activities. How does it benefit me? The law ushered in

a new era in design that focused not only on improving accessibility for people with disability, but improving mobility and comfort for all people in the community. The accommodations secured by the ADA benefit all people in the U.S., not just those with disabilities.

If you've pushed a stroller or pulled a suitcase up a ramp, you've benefited from an accommodation required by the ADA for wheelchair users. Read the captions on an airplane safety video or LED signs on the Kansas City streetcar or bus? You've benefited from the ADA too. Ever wonder why some Kansas City crosswalks make a machine gun sound and announce which side can cross the street? It is an ADA accommodation for the Blind. ADA standards for accessible design apply to places of public accommodation, commercial facilities and state and local government facilities (generally religious entities are exempt). How do I request an accommodation? Employers must provide "reasonable accommodations" to qualified job applicants or employees. A reasonable accommodation is any modification to a job or the work environment that will allow the person to participate in the application process or perform the essential job functions. However, it is up to the disabled person to request workplace accommodations. In terms of physical infrastructure, the ADA sets minimum accessibility standards for newly constructed public accommodations and commercial facilities such as hotels, restaurants, stores, doctor's offices, golf courses, private schools, sports stadiums and daycares. The law also requires the owners of existing public accommodations to remove barriers where it is easy to do so and without much difficulty or expense. Businesses are directed to make modifications to their usual way of doing business to better serve people with disabilities, including taking steps necessary to effectively communicate with customers who have vision, hearing and speech disabilities. How is the ADA enforced? There is no federal office like the Drug Enforcement Administration or Immigration and Customs Enforcement that monitors and enforces the ADA. The law works on an "after-the-facts" system that puts the onus on disabled people to file complaints through the Department of Justice or pursue legal action. The ADA was written in a way that limits plaintiffs' ability to collect monetary damages, which means a successful lawsuit results in the court forcing the violation to be fixed and the plaintiff's legal fees being paid by the defendant.

VOTING

The Hill: [Senate Judiciary squares off over John Lewis voting rights bill](#)

By Marty Johnson

The Senate Judiciary Committee on Wednesday held a hearing on the John R. Lewis Voting Rights Advancement Act, which was introduced to the upper chamber on Tuesday by Sen. [Patrick Leahy](#) (D-Vt.).

It's the fourth hearing that the Senate has had over voting rights this session of Congress, though, as of late, the Democratic priority has been overshadowed by the party's struggle to pass other key legislation, including raising the country's debt ceiling, the bipartisan infrastructure deal and [President Biden's](#) \$3.5 trillion budget resolution.

Headlining the hearing was Assistant Attorney General for Civil Rights [Kristen Clarke](#), who has voiced strong support for the legislation aimed at strengthening the Voting Rights Act (VRA).

"I am here today to sound an alarm," Clarke told the Senate panel. "For the Justice Department, restoring and strengthening the Voting Rights Act as a matter of great urgency."

During the hearing, Clarke was grilled by Republican committee members on the bill and a variety of other Justice Department matters.

Iowa Sen. Chuck Grassley, the committee's top Republican, called the bill named after late Georgia Rep. John Lewis (D), a voting rights champion, a "disaster" that would federalize state elections.

GOP support for the legislation is scarce; it passed through the House in August along party lines.

Senate Minority Leader Mitch McConnell (R-Ky.) has previously called the bill "unnecessary."

The legislation revises the formula for the VRA's preclearance measure, described by Clarke as the Justice Department's "single most powerful and effective tool for protecting the right to vote."

Under the preclearance, states and jurisdictions with histories of racial discrimination — largely the Jim Crow South — were required to gain Justice Department approval before implementing any change to their voting procedures.

"In over 60 percent of blocked voting changes, there was evidence of intentional discrimination," Clarke noted. "We also know that the preclearance requirement deterred many jurisdictions from adopting discriminatory changes in the first place."

However, the Supreme Court ruled in 2013 that the preclearance formula was outdated and therefore unconstitutional, rendering the protection moot.

At the time, Chief Justice John Roberts said that Congress had the power to update the formula so that it would accurately reflect the status of voting rights in the country. The new formula takes into account the voting rights records of states and localities from the past 25 years.

Also addressed in the legislation is Section 2 of the VRA, following a separate Supreme Court decision from July that upheld a pair of Arizona voting restrictions.

Section 2 outlaws states and other jurisdictions from implementing voting procedures that discriminate against Americans on the basis of race, color or membership in a language minority group, though advocates and Democrats have argued that the court's ruling weakened the oversight power of the provision.

While voting rights were once a bipartisan issue, they recently became a fierce partisan battle line.

Following thoroughly debunked claims from former President Trump that last year's presidential election was stolen from him through voter fraud — an exceedingly rare occurrence in American politics — GOP-controlled state legislatures have introduced hundreds of bills that tighten access to the ballot box.

According to the Brennan Center for Justice, 33 of the bills have become law across 19 states.

Conservatives have defended the legislation, arguing that greater election security and integrity are needed.

The John Lewis bill joins the Freedom to Vote Act — a pared-down version of the For the People Act — as Democrats’ current strategy to combat the wave of state-level voting restrictions.

That said, both pieces of legislation have dubious odds of getting the 60 Senate votes needed to overcome a filibuster, as Republicans are firmly against both bills.

Congressional gridlock on voting rights and other Democratic priorities has prompted a growing number of advocates and lawmakers to call for some level of filibuster reform, but moderate Democrats Sens. [Joe Manchin](#) (W.Va.) and [Kyrsten Sinema](#) (Ariz.) have balked at supporting that strategy.

Both bills have the support of the White House, though Biden has also stopped short of endorsing the nixing of the filibuster.

Leahy, the main sponsor of the bill in the Senate, signaled that this version of the bill had some differences from its House counterpart but didn’t elaborate on exact discrepancies.

Washington Times: [Top Justice official: Voter discrimination ‘alive and well,’ urges restoration of Voting Rights Act](#)

By Emily Zantow

A top [Justice Department](#) official on Wednesday told Congress that voting discrimination is “alive and well” while calling for a revitalization of the Voting Rights Act of 1965, the civil rights era law that helped secure voting rights for millions facing discriminatory obstacles.

[Kristen Clarke](#), assistant attorney general for the Civil Rights Division, told a Senate Judiciary Committee hearing that voting discrimination based on race is happening throughout the nation.

“While there has been progress, we know that voting discrimination remains alive and well,” [she](#) said. “What the [Justice Department](#) has observed is that voting discrimination is widespread, it is a current-day problem across our country in Texas and in many other parts of the country.”

Ms. [Clarke](#) said the [Justice Department](#)’s years long battle against the Texas voter-ID law demonstrates the need to restore the department’s “pre-clearance” authority to review proposed voting changes in certain states with a history of racial discrimination before they become law.

The Texas law requires voters to show a photo ID, such as a driver’s license or gun permit, before casting a ballot — which proponents say is necessary to deter voter fraud.

The [Justice Department](#), however, has argued the law’s real purpose was to discourage minority voters, specifically Hispanics, because they are less likely to have the necessary ID.

Ms. [Clarke](#) said the proposed John R. Lewis Voting Right Advancement Act would restore the department’s pre-clearance ability, which “blocks these discriminatory laws from ever taking root in our electoral process.”

“The [Justice Department](#) is here to make the case for restoring the pre-clearance provision so that we can ensure that elections are free, open and fair across our country,” [she](#) said.

Sen. Mike Lee, Utah Republican, asked during the hearing “what, exactly, is racist” about requiring a photo identification “when participating in the precious sacred constitutionally protected process of voting?”

The assistant attorney general said “we won’t know that until we actually look at the facts, we look at the particular law at issue, and we look at where is it being applied and are there racial disparities in terms of who has access to example to the limited forms of ID that might be called for by a law.”

Mr. Lee pointed to the Supreme Court’s 2013 decision in *Shelby County v. Holder*, which found part of the 1965 law was outdated and no longer relevant, including a section governing which states were discriminating against voters and the pre-clearance formula for deciding if voting law changes in those states must be subject to federal review. The high court, he said, specifically wrote that “the federal government does not have a general right to review and veto state enactments, before they go into effect.”

“We’ve got to be very careful that we don’t neglect this principle of federalism in our lawmaking processes and we can’t do this here — we can’t sacrifice this principle,” Mr. Lee said.

Sen. Chris Coons, Delaware Democrat, asked about “safeguards” in the proposed voting rights reform bill for states “to assert their rights and defend their procedures.”

“It contains a bailout provision that would allow jurisdictions with a clean bill of health a way to exempt themselves from the pre-clearance obligation [and] judicial review is available to jurisdictions that want to bypass the [Justice Department](#) and instead proceed to court,” Ms. [Clarke](#) said.

Dallas Morning News: [John Lewis Voting Rights Act introduced in U.S. Senate, faces strong Republican opposition](#)

By Emily Caldwell

WASHINGTON — Senate Democrats put a spotlight on Texas election restrictions on Wednesday as they moved ahead with a bill that would restore federal scrutiny under the landmark 1965 Voting Rights Act.

But the John Lewis Voting Rights Advancement Act faces fierce Republican resistance and is unlikely to make it through the Senate unless Democrats manage to scrap the filibuster.

The Supreme Court neutered the 1965 law in 2013, ending the need for states with a history of discrimination to seek Justice Department approval before changing any election rules.

“The legislation... is the culmination of many months of negotiation both here in the Senate and the House, and consultation with the Department of Justice,” Sen. Patrick Leahy, D-Vt., said at the hearing. “We did our part by introducing a Senate version that stayed true to the goals of the House-passed legislation. ... This shouldn’t be a partisan issue.”

But few Republicans support the bill, and at least 10 would be needed to overcome a filibuster.

Sen. Ted Cruz attacked the bill as a “power grab: it’s cynical, and it’s wrong.”

“Democrats have one priority, and that is power,” the Texas Republican said Wednesday. “There are a lot of terrible provisions in the bill, but let me just cover two briefly: Department of Justice

preclearance for everyone Democrats don't like, and Department of Justice preclearance for everything Democrats don't like."

President Joe Biden has resisted pleas from voting rights advocates to throw his weight behind efforts to change the Senate's filibuster rules to make it easier to enact voting rights legislation.

White House press secretary Jen Psaki reiterated Wednesday that voting rights "is top of his agenda" but sidestepped demands for the president to insert himself in the filibuster fight.

"The president is also frustrated that Republicans are so afraid of making reforms that would make it easier for people to vote that they have blocked this effort," she said. "He wants to sign this into law."

The 2013 Supreme Court decision *Shelby County vs. Holder* scrapped the formula used to determine which states must obtain preclearance from the Justice Department before they change elections laws or redraw election districts. Without that formula, the enforcement provisions in the 1965 Voting Rights Act cannot be implemented.

Among other objectives, the John Lewis Act seeks to restore that preclearance and clarify which states and areas are subject to it.

"Recently, there's been a resurgence in attacks on voting rights, including ... racially gerrymandered redistricting plans, polling sites eliminated or consolidated in communities of color ... and more," Kristen Clarke, assistant attorney general, testified at Wednesday's hearing. "These new laws can be challenged only through long, protracted, resource-intensive case-by-case litigation, which we have pursued in states like Texas and North Carolina."

Judiciary Committee chairman Sen. Dick Durbin, D-Ill., took aim at Texas' Senate Bill 1, the elections overhaul that Gov. Greg Abbott signed into law in the name of election security on Aug. 31.

"The Texas attorney general spent 22,000 hours looking for evidence of fraud. You'd think they really would've made their case. What they found to try to justify SB 1 was the following: only 16 potential cases of fraud out of 17 million registered voters," Durbin said. "This notion of voter fraud is a ruse, as far as I'm concerned."

The John Lewis Act was one of the two main bills Democrats in the Texas House pushed Congress to pass when they broke quorum in the Texas Legislature and flew to Washington this summer.

Blue Ridge Public Radio: [The top DOJ civil rights official urged senators to restore the Voting Rights Act](#)

By Juana Summers

A top Justice Department official described voting discrimination as "a current-day problem" and urged Congress to move quickly to strengthen a landmark civil rights-era voting law.

"I am here today to sound an alarm. For the Justice Department, restoring and strengthening the Voting Rights Act is a matter of great urgency," Kristen Clarke, the head of the Justice Department's civil rights division, told members of the Senate Judiciary Committee on Wednesday.

Clarke's testimony comes one day after Senate Democrats introduced legislation aimed at restoring voting protections that were [lost in two Supreme Court decisions](#) over the course of the last decade, *Shelby County v. Holder* and *Brnovich v. Democratic National Committee*.

Democrats have been pushing for federal legislation to protect voting rights, fighting against a slew of voting restrictions enacted in Republican-led states.

A version of the legislation, named for the late congressman and civil rights icon John Lewis of Georgia, passed in the House earlier this year.

The sponsor of the Senate bill, Vermont Sen. Patrick Leahy, said he was alarmed at the "toxic and partisan rhetoric around restoring the Voting Rights Act" this year, noting that bipartisan majorities in Congress have reauthorized the Voting Rights Act in the past

But Democratic efforts to pass any federal voting rights legislation, including this bill, have been rejected by Republicans this year who have dismissed it as unnecessary and a Democratic "power grab," as Texas Sen. Ted Cruz did on Wednesday.

"This bill is an assault on democracy," Cruz said, describing the effort as "cynical" and "wrong."

This effort is separate from a pared-down voting rights and elections bill introduced last month. That legislation, [the Freedom to Vote Act](#), was the product of negotiations among a group of Senate Democratic lawmakers including Majority Leader Chuck Schumer and West Virginia Sen. Joe Manchin. The act would establish some federal guidelines on ballot access, in response to voting restrictions enacted by Republican-led state legislatures around the country.

Manchin had been the lone Democratic holdout in supporting the For the People Act, a more sweeping piece of legislation, and has been in conversation with Republicans, hoping to win over some support for the scaled-back bill. So far, Manchin has found no takers among the 50 members of the Republican caucus.

Senate Minority Leader Mitch McConnell has said it would receive no Republican support, criticizing the legislation as a federal takeover of state election administration.

Schumer on Tuesday called the John Lewis Voting Rights Advancement Act an "important complement" to the Freedom to Vote Act, and he's promised to hold a vote on the Freedom to Vote Act as soon as this week.

Other Democratic lawmakers who spoke on the Senate floor Tuesday, including Georgia Sen. Raphael Warnock, said it was essential to pass both pieces of legislation.

"The John Lewis Voting Rights Advancement Act builds for us a fire station to protect against future fires," he said. "The house of democracy is already on fire, so we need the John Lewis Voting Rights Advancement Act, but we also need the Freedom to Vote Act. We've got to put out the fire, we've got to build a fire station for future fires."

Warnock, who counted the late Congressman Lewis as one of his parishioners at Ebenezer Baptist Church in Atlanta, said that he believed as Lewis did, that voting is "a sacred undertaking."

"Voting rights are preservative of all other rights. Voting rights are about the foundation of our democracy," he said. "I believe that if the world's greatest deliberative body can't find a way forward to get this done, history will judge us harshly — and rightly so."

TRENDING

Fox News: [GOP senators grill assistant AG Kristen Clarke over DOJ school board memo](#)

By Jon Brown

Sens. Marsha Blackburn, R-Tenn., and Ted Cruz, R-Texas, grilled Assistant Attorney General Kristen Clarke on Wednesday about the controversial [Department of Justice](#) memorandum [mobilizing the FBI](#) to address alleged threats against school board members nationwide.

Clarke, who was appearing before the Senate Judiciary Committee to discuss voting rights, was first asked by Blackburn to affirm the DOJ's commitment to the First Amendment.

"Does it raise civil rights concerns when the government attempts to intimidate citizens who are exercising their First Amendment freedom of speech?" Blackburn asked in an apparent reference to the DOJ memo, which Attorney General Merrick Garland penned after the National School Boards Association (NSBA) sent a letter to President Biden.

The [letter](#) requested help for alleged death threats to school boards over COVID-19 policies and critical race theory (CRT).

Critics have claimed the memo will effectively weaponize the FBI to investigate parents who object to the curriculum and policies of their local public schools.

"The First Amendment is important, and we also do not want a society with intimidation," Clarke told Blackburn.

When Blackburn further questioned Clarke regarding the memo, Clarke said, "This is not a matter that the civil rights division handled. I am aware of the memorandum issued by the attorney general, which speaks to threats and intimidation that some school officials have experienced in our country. And that's not activity protected by the First Amendment."

"And so you're saying a parent going to a school board and expressing their dismay with CRT or with the mask mandate is not protected speech?" asked Blackburn. "Is that what you're saying?"

Blackburn also asked if Clarke believes it is appropriate to treat parents as domestic terrorists for asking elected school board members questions about what is being taught to their children.

"While this is not an issue that the civil rights division handled, this is a memorandum issued by the attorney general, I know that the Department is committed to ensuring robust civil discourse," said Clarke.

The senator later brought up the recent [report](#) about scrutiny Garland is facing over ties to a company that promotes the type of content parents are opposing in their ongoing battle with [local school boards](#).

When Clarke again claimed that the issue was also not within her purview, Blackburn replied: "So you all work in stovepipes is what you're telling me, and that you have no knowledge or information about what is being done to parents and how they are being labeled, and this directive for the FBI to go and investigate parents who are standing up for what their children are being subjected to in some public school systems."

Cruz pressed Clarke with a similar line of questioning, alleging that neither she nor Garland have managed to uphold their promise to maintain an apolitical DOJ.

Echoing Blackburn, Cruz pressed Clarke to clarify if the DOJ believes parents questioning their school boards have civil rights, to which Clarke responded by assuring the senator that she does not view such parents as domestic terrorists.

When Clarke declined to opine regarding whether she views Antifa as domestic terrorists, Cruz said, "Miss Clarke, it is amazing that you're not willing to condemn people who are murdering police officers and firebombing cities because your politics aligns with them but at the same time, when it comes to parents at school boards, you're perfectly comfortable with calling a mom at a PTA meeting a domestic terrorist."

The Hill: [Body cam footage shows Minneapolis police celebrating hitting protesters with rubber bullets](#)

By Natalie Prieb

New body camera footage shows Minneapolis police appearing to celebrate what one officer called the "hunting" of racial justice protestors with rubber bullets just days after George Floyd's murder.

A protestor is heard yelling in one video, "We're unarmed! This is America. We can say what we want," [ABC News reported](#). An officer then appears to shoot the protestor with rubber bullets.

In another clip, an officer is heard saying "gotcha!" and laughing after shooting a protestor with a rubber bullet.

The footage was released Tuesday by a Minneapolis court as part of a criminal case against Jaleel Stallings, who was accused of trying to kill police officers, [according to KSTP](#). Stallings was acquitted of the charges earlier this summer.

The body camera video captures officers trying to enforce an 8 p.m. curfew, which was put in place in response to the protests following Floyd's death under the knee of Minneapolis police officer Derek Chauvin.

Police officers are seen shooting rubber bullets at a number of protestors in an attempt to clear the area.

At one point, an officer says, "You guys are out hunting people now. It's just a nice change of tempo." Another officer is heard saying, "F--- these people."

A spokesman for the Minneapolis Police Department told KSTP that they are unable to comment on the footage due to an ongoing internal investigation.

Floyd's murder sparked mass protests across the country calling for racial justice and police reform. In Minneapolis, it sparked a fierce and ongoing debate over whether to replace the city's police department altogether.

Other police departments in cities that experienced major protests last summer have received criticism for the way their officers handled the demonstrations.

A report in March found that the Los Angeles Police Department did not adequately plan for or respond to the protests, and a watchdog in July found that the Chicago Police Department was also significantly "unprepared" to respond to the demonstrations.

Raw Story: [WATCH: Ted Cruz berates DOJ official because Black Lives Matter is not labeled a terrorist organization](#)

By David Edwards

Sen. Ted Cruz (R-TX) used a hearing about voting rights on Wednesday to excoriate Assistant Attorney General Kristen Clarke because Black Lives Matter is not considered a domestic terrorist organization.

"Do you believe the Black Lives Matter protesters who burned shops, who firebombed police cars, who murdered police officers, do you believe they're domestic terrorists?" Cruz asked.

"Senator, I believe we live in a society where people espouse different views," Clarke replied. "But what we don't want are threats or violence."

Cruz interrupted before the DOJ official could finish her answer.

"Ms. Clarke, it is amazing that you are not willing to condemn people who are murdering police officers and firebombing cities because your politics aligns with them," Cruz said, "but at the same time when it comes to parents at school boards, you're perfectly comfortable with calling a parent at a PTA meeting a domestic terrorist."

Kansas City Star: [Jay-Z's Team Roc urges DOJ to investigate alleged misconduct within KCKPD](#)

By Robert A. Cronkleton

Team Roc, the social justice division of JAY-Z's Roc Nation, on Tuesday called upon the Department of Justice to investigate alleged misconduct by the Kansas City, Kansas, police department. "We are writing this letter to urge your U.S. Attorney's office into action but make no mistake: this is more than just a cry for help from the middle of America," Team Roc wrote in an open letter that ran on its website and as a full-page advertisement in The Washington Post. The Kansas City, Kansas, Police Department was not able to immediately comment on the ad, but hoped to have a response later in the day, a police spokeswoman said on Tuesday. The letter comes after Team Roc recently filed a legal action in Wyandotte County District Court seeking the release of investigative files, personnel records and officer misconduct allegations. Team Roc contends that police officers have abused their authority, fabricated witness

statements, planted evidence, concealed officer misconduct and solicited sexual favors from victims and witnesses.

The letter was addressed to United States Associate Attorney General Vanita Gupta, who is the third-ranking official at the Department of Justice and supervises multiple litigating divisions including the Civil Rights Division as well as the Office on Violence Against Women and the Office of Community Oriented Policing Services. “The police and eyewitness reports of criminal behavior perpetrated by members of the Kansas City, Kansas police department, over the past several decades, are staggering,” the letter said. “They detail graphic accounts of rape, murder, sex trafficking and corruption so rampant and so blatant, it would be shocking if even a single allegation were true.” Team Roc said in its letter that witnesses and evidence available to the FBI from its own multi-year investigation into the department show that many of the allegations are true. Despite that, the Department of Justice “refuses to act,” the letter said. Christina Sarchio, attorney for Team Roc, said that they have been looking at the issues for the last several weeks and as they learned more and gathered more information, they said it became “increasingly troubling.” “The decision was made to see if we could bring more attention more immediately to this issue,” Sarchio said.

In the letter, Team Roc wrote that racism and corruption have led to “one of the worst examples of abuse of power in U.S. history.” “That should come as no surprise to a law enforcement of your stature and experience,” Team Roc said to Gupta. “You better than most understand the ‘blue wall of silence’ will prevent cops from turning on other cops. And asking a state to investigate itself is the quickest way to not discover the truth.” Team ROC pleaded in the letter for the Justice Department to allow the U.S. Attorney’s Office to investigate. The organization’s legal filing last month referenced reporting done by The Star’s Melinda Henneberger in which a 45-year-old Natasha Hodge accused now-former KCKPD officer William Saunders of raping her in 1996. A KCKPD spokeswoman told The Star the rape was investigated in 1996, however, no charges were brought. Included in other examples of officer misconduct was former detective Roger Golubski, who has been accused of rape and was involved in a wrongful conviction that sent Lamonte McIntyre to prison for more than two decades. Team Roc’s case against KCKPD is still proceeding and it was Sarchio’s understanding that the police department needed additional time to respond to the request for documents. “Since we have gotten involved in this case, there’s been just a lot of outreach from the community and we learned things frankly that haven’t been very well kept secrets,” she said, including situations previously reported by The Star and other media outlets. “We just wanted to bring more attention,” she said. “There’s good momentum right now and we wanted to seize that opportunity and really bring a national focus to this local problem.”

From: Jerry Dunleavy
Subject: [EXTERNAL] Panorama and Attorney General Merrick Garland
To: Iverson, Dena (PAO); Iverson, Dena (PAO)
Sent: October 6, 2021 4:28 PM (UTC-04:00)

Dear Dena,

Does Attorney General Merrick Garland believe that there is a conflict of interest or the appearance of a conflict of interest related to his recent DOJ memo on school districts protests (and alleged threats and alleged violence) on the one hand and his son-in-law's co-founding of Panorama and the company's involvement in pushing "social-emotional learning" and its emphasis on pushing ideas related to systemic & structural racism, implicit bias, antiracism, white supremacy, racial justice, equity, social justice, and other concepts on the other?

Does Attorney General Garland believe there is a conflict of interest related to his son-in-law's company making large sums of money and being present in thousands of school districts on one hand and DOJ's memo related to local school district protests (and alleged threats and alleged violence) which are often aimed at the sorts of ideas pushed by Panorama on the other?

Has Attorney General Garland discussed Panorama or any of the above concepts (systemic racism, antiracism, white supremacy, etc.) with his daughter or son-in-law either before becoming attorney general or after?

Many thanks!

JD

--

Jerry Dunleavy
Washington Examiner

(b) (6)
(b) (6)

From: Ramamurti, Arjun R. (OAG)
Subject: RE: Statutes
To: Klapper, Matthew B. (OAG); Matthews-Johnson, Tamarra D. (OAG)
Cc: Heinzelman, Kate (OAG); Reich, Mitchell (OAG)
Sent: October 14, 2021 2:58 PM (UTC-04:00)
Attached: 10.14.21 List Spreadsheet.xlsx

Hi all,

Please see the attached spreadsheet.

Best,
Arjun

From: Klapper, Matthew B. (OAG) (b) (6)
Sent: Tuesday, October 12, 2021 1:25 PM
To: Matthews-Johnson, Tamarra D. (OAG) (b) (6)
Cc: Heinzelman, Kate (OAG) (b) (6); Ramamurti, Arjun R. (OAG) (b) (6); Reich, Mitchell (OAG) (b) (6)
Subject: RE: Statutes

Terrific, thanks. Let me/Kate know timeline for products when you can. Think tomorrow pm is fine, but sooner is better.

From: Matthews-Johnson, Tamarra D. (OAG) (b) (6)
Sent: Tuesday, October 12, 2021 1:00 PM
To: Klapper, Matthew B. (OAG) (b) (6)
Cc: Heinzelman, Kate (OAG) (b) (6); Ramamurti, Arjun R. (OAG) (b) (6); Reich, Mitchell (OAG) (b) (6)
Subject: Re: Statutes

Hi - Mitch, Arjun and I just connected

On Oct 12, 2021, at 11:38 AM, Klapper, Matthew B. (OAG) (b) (6) wrote:

Thanks very much Tamarra. Adding Mitch, too.

From: Matthews-Johnson, Tamarra D. (OAG) (b) (6)
Sent: Tuesday, October 12, 2021 12:35 PM
To: Klapper, Matthew B. (OAG) (b) (6); Heinzelman, Kate (OAG) (b) (6); Ramamurti, Arjun R. (OAG) (b) (6)
Subject: RE: Statutes

Hi – Attached is an updated draft with (b) (5) added and the correct identification of (b) (5)

From: Matthews-Johnson, Tamarra D. (OAG)
Sent: Tuesday, October 12, 2021 8:21 AM
To: Klapper, Matthew B. (OAG) (b) (6); Heinzelman, Kate (OAG) (b) (6); Ramamurti, Arjun R. (OAG) (b) (6)
Subject: Re: Statutes

Hi -

And here's the working list compiled by the task force, which appears to be the same list as below without (b) (5) [redacted]. They are meeting Wednesday so there may be more statutes coming out of that meeting.

On Oct 10, 2021, at 5:54 PM, Matthews-Johnson, Tamarra D. (OAG) (b) (6) [redacted] wrote:

Hi all-

I wanted to pass along these statutes.

(b) (5) [redacted]

[redacted]

[redacted]

[redacted]

Tamarra Matthews Johnson

she/her/hers

Counsel

Office of the Attorney General

U.S. Department of Justice

Mobile: (b) (6) [redacted]

<(b) (5) [redacted].pdf>

<(b) (5) [redacted].pdf>

<(b) (5) [redacted].pdf>

<(b) (5) [redacted].pdf>

<Working list of statutes.docx>

From: Ramamurti, Arjun R. (OAG)
Subject: RE: CTA 1
To: Visser, Tim (OAG)
Sent: October 13, 2021 4:52 PM (UTC-04:00)
Attached: 10.13.21 Memorandum on Statutes_v3.docx

Hi Tim,

Here's where I'm at with the memo – let me know if any edits or suggestions come to mind.

Thanks!
Arjun

From: Visser, Tim (OAG) (b) (6)
Sent: Wednesday, October 13, 2021 2:26 PM
To: Ramamurti, Arjun R. (OAG) (b) (6)
Subject: RE: CTA 1

Of course. I'd love to see your memo when its done as these are coming up more and more in the civil rights context, too.

From: Ramamurti, Arjun R. (OAG) (b) (6)
Sent: Wednesday, October 13, 2021 2:23 PM
To: Visser, Tim (OAG) (b) (6)
Subject: RE: CTA 1

Thanks for these!

From: Visser, Tim (OAG) (b) (6)
Sent: Wednesday, October 13, 2021 2:22 PM
To: Ramamurti, Arjun R. (OAG) (b) (6)
Subject: CTA 1

For example, here is the First Circuit Pattern instruction (as identified in the District of Maine's Jury Instructions book):

(b) (5) [Redacted]

(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5)

[Redacted text block]

(b) (5)

[Redacted text block]

From: Ramamurti, Arjun R. (OAG)
Subject: RE: Quick meeting
To: Reich, Mitchell (OAG)
Cc: Matthews-Johnson, Tamarra D. (OAG)
Sent: October 13, 2021 4:37 PM (UTC-04:00)
Attached: 10.13.21 Memorandum on Statutes_v3.docx

Here's the latest version of the memo. I was having trouble tracking down additional statutes so I haven't included anything about that in this memo. But I'll keep thinking about that.

Thanks,
Arjun

From: Reich, Mitchell (OAG) (b) (6)
Sent: Wednesday, October 13, 2021 3:28 PM
To: Ramamurti, Arjun R. (OAG) (b) (6)
Cc: Matthews-Johnson, Tamarra D. (OAG) (b) (6)
Subject: Re: Quick meeting

Sounds good!

On Oct 13, 2021, at 3:27 PM, Ramamurti, Arjun R. (OAG) (b) (6) wrote:

I'm back to revising this now. I'll make this change and recirculate to you both in the next hour or so. Thank you both for your help!

From: Reich, Mitchell (OAG) (b) (6)
Sent: Wednesday, October 13, 2021 3:26 PM
To: Matthews-Johnson, Tamarra D. (OAG) (b) (6); Ramamurti, Arjun R. (OAG) (b) (6)
Subject: RE: Quick meeting

This edit makes sense to me. Just wanted to make sure I was tracking this—Arjun, are you still revising, or is this good to go from your end?

From: Matthews-Johnson, Tamarra D. (OAG) (b) (6)
Sent: Wednesday, October 13, 2021 1:36 PM
To: Ramamurti, Arjun R. (OAG) (b) (6); Reich, Mitchell (OAG) (b) (6)
Subject: RE: Quick meeting

Hi –

I'd like to flag this statement, because it doesn't comport with my reading of the statutory text:

(b) (5)

(b) (5)

(b) (5)

I suggest an edit along these lines:

(b) (5)

From: Ramamurti, Arjun R. (OAG) (b) (6)
Sent: Wednesday, October 13, 2021 12:01 PM
To: Matthews-Johnson, Tamarra D. (OAG) (b) (6); Reich, Mitchell (OAG) (b) (6)
Subject: RE: Quick meeting

I haven't quite wrapped up Mitch's suggested edits but I need to run upstairs to 7411 for the next ~2 hours and don't want to hold this up. I'm attaching the latest version if anyone wants to take a crack – otherwise, I'll pick up where I left off when I'm done.

From: Matthews-Johnson, Tamarra D. (OAG) (b) (6)
Sent: Wednesday, October 13, 2021 10:49 AM
To: Reich, Mitchell (OAG) (b) (6)
Cc: Ramamurti, Arjun R. (OAG) (b) (6)
Subject: Re: Quick meeting

Will stand by - thanks!

Tamarra Matthews Johnson
she/her/hers
Counsel

Office of the Attorney General
U.S. Department of Justice
Mobile: (b) (6)

On Oct 13, 2021, at 9:32 AM, Reich, Mitchell (OAG) (b) (6) wrote:

Tamarra: Arjun and I chatted. I told him I thought the memo's great and passed along some comments/suggestions. I think he's going to recirculate, so probably best to wait until this comes back around to review.

From: Ramamurti, Arjun R. (OAG) (b) (6)
Sent: Wednesday, October 13, 2021 9:26 AM
To: Matthews-Johnson, Tamarra D. (OAG) (b) (6)
Cc: Reich, Mitchell (OAG) (b) (6)
Subject: RE: Quick meeting

I didn't but I'll add that as well.

From: Matthews-Johnson, Tamarra D. (OAG) (b) (6)
Sent: Wednesday, October 13, 2021 9:21 AM
To: Ramamurti, Arjun R. (OAG) (b) (6)
Cc: Reich, Mitchell (OAG) (b) (6)
Subject: Re: Quick meeting

No worries! I didn't want you to have to pull them again from Heinonline, I find that process rather tedious

One other thing that I haven't checked - did you include (b) (5) ? I think that decision might be worth including.

On Oct 13, 2021, at 8:19 AM, Ramamurti, Arjun R. (OAG) (b) (6) wrote:

Thanks! I'll switch those out. That's a change from when I was clerking. . .

From: Matthews-Johnson, Tamarra D. (OAG) (b) (6)
Sent: Wednesday, October 13, 2021 9:18 AM
To: Ramamurti, Arjun R. (OAG) (b) (6); Reich, Mitchell (OAG) (b) (6)
Subject: RE: Quick meeting

Thanks Arjun!
I have calls throughout the morning, but I will take a look as soon as I catch a breather.

One flag – Brian Fletcher told me the AG does not like the printed format of Westlaw (USCA) for statutes. I think it is because Heinonline and a couple of other services display the statutes exactly as they appear in the code book, pages and all. I sent all of these statutes in the attachments I sent this weekend and yesterday. If you copy those to your own file folder, you can simply

rename them with the file names and tab numbers that match your proposed attachment. I raise this because it has come up before ...

From: Ramamurti, Arjun R. (OAG) (b) (6)
Sent: Wednesday, October 13, 2021 9:13 AM
To: Reich, Mitchell (OAG) (b) (6); Matthews-Johnson, Tamarra D. (OAG) (b) (6)
Subject: RE: Quick meeting

Hi Mitch and Tamarra,

Attached is a rough draft of the memo and some contemplated attachments.

Best,
Arjun

From: Reich, Mitchell (OAG) (b) (6)
Sent: Tuesday, October 12, 2021 11:04 AM
To: Matthews-Johnson, Tamarra D. (OAG) (b) (6);
Ramamurti, Arjun R. (OAG) (b) (6)
Subject: Quick meeting

Tamarra and Arjun—Matt asked me to huddle up with both of you today to discuss a question relating to the AG's hearing prep. It looks like 12:30 may work for all of us. I'm sending a Teams invite to hold the time, but let me know if a different time would work better. Thanks!

Mitch

From: Chambers, Kevin (ODAG)
Subject: Re: Threats Statutes
To: Matthews-Johnson, Tamarra D. (OAG)
Sent: October 12, 2021 8:21 AM (UTC-04:00)

(b) (5). If you're asking, I'll bet I send the wrong section. Thanks for flagging.

Sent from my iPhone

On Oct 12, 2021, at 8:11 AM, Matthews-Johnson, Tamarra D. (OAG) (b) (6) wrote:

Thank you!
One quick question, (b) (5) ?

On Oct 11, 2021, at 11:15 PM, Chambers, Kevin (ODAG) (b) (6) wrote:

Tamarra,

Over the weekend, the designated members of the task force reviewed and proposed a number statutes that they believe are at least in part applicable to threats made against school board members, administrators, teachers, and staff. Part of the work of the task force, which meets for the first time on Wednesday, will be to mine for additional, potentially applicable statutes. Accordingly, this list may grow, though this represents a fairly thorough list based on experience across components with threats.

Kevin
<Working list of statutes.docx>

From: VINOGRAD, SAMANTHA
Subject: [EXTERNAL] RE: Hi
To: Newman, David A. (ODAG)
Cc: Chambers, Kevin (ODAG)
Sent: October 6, 2021 7:20 PM (UTC-04:00)

Hi – did an internal sync with our folks today. Going to tee up some engagement next week. Glad to discuss tomorrow or Friday if helpful.

Sam

From: Newman, David A. (ODAG) (b) (6)
Sent: Tuesday, October 5, 2021 2:34 PM
To: VINOGRAD, SAMANTHA (b) (6)
Cc: Chambers, Kevin (ODAG) (b) (6)
Subject: RE: Hi

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact your component SOC with questions or concerns.

Sam –

Thanks for reaching out, and appreciate the opportunity to coordinate. Adding my colleague Kevin Chambers who is best positioned to discuss for the time being on our end – and would note that we’re actively standing things up here and should have more to share on this front by end of week.

--David

From: VINOGRAD, SAMANTHA (b) (6)
Sent: Tuesday, October 5, 2021 11:09 AM
To: Newman, David A. (ODAG) (b) (6)
Subject: [EXTERNAL] Hi

David – hope all is well. Can you kindly share which office is leading the efforts announced yesterday to address threats against school boards, administrators, teachers, and staff?

Would be great to discuss mutual efforts/ how we can best coordinate.

Sam

From: VINOGRAD, SAMANTHA
Subject: [EXTERNAL] RE: Hi
To: Newman, David A. (ODAG)
Cc: Chambers, Kevin (ODAG)
Sent: October 5, 2021 2:53 PM (UTC-04:00)

Great – would love to set up a call for thurs maybe if that works on your end?

Duplicative Material, Document ID: 0.7.1451.7074

From: Chambers, Kevin (ODAG)
Subject: RE: Hi
To: Newman, David A. (ODAG)
Sent: October 5, 2021 2:31 PM (UTC-04:00)

For right now, me. But we won't have much to share until we launch the TF later this week

From: Newman, David A. (ODAG) (b) (6)

Sent: Tuesday, October 5, 2021 11:11 AM

To: Chambers, Kevin (ODAG) (b) (6)

Subject: FW: Hi

Hi Kevin –

Sam Vinograd is the A/Asst. Secretary for CT – and someone I work with often. Who would be the best person to connect her with on our end?

--David

From: VINOGRAD, SAMANTHA (b) (6)

Sent: Tuesday, October 5, 2021 11:09 AM

To: Newman, David A. (ODAG) (b) (6)

Subject: [EXTERNAL] Hi

Duplicative Material, Document ID: 0.7.1451.7074

From: Klapper, Matthew B. (OAG)
Subject: AG memo guidance to the field
To: Matthews-Johnson, Tamarra D. (OAG)
Cc: Heinzelman, Kate (OAG); Ramamurti, Arjun R. (OAG); Reich, Mitchell (OAG)
Sent: October 19, 2021 1:01 PM (UTC-04:00)
Attached: Draft EOUSA School Threats Guidance Memo 10 19 2021 OAG.docx

Attached is cleared. Would like ODAG and EOUSA (and your) eyes on once more.

From: Chambers, Kevin (ODAG)
Subject: FW: School Threats - Items to cover in Memo to USAOs
To: Carlin, John P. (ODAG)
Sent: October 15, 2021 12:37 PM (UTC-04:00)
Attached: Draft EOUSA School Threats Guidance Memo (SAM BDM ODAG)_FINAL DRAFT.docx

John,

Attached is draft communication by EOUSA to USAOs re guidance for meetings with local law enforcement. Welcome your thoughts. Will want to pass through OAG before it goes out.

Kevin

From: Wong, Norman (USAEO)
Subject: RE: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff
To: Chambers, Kevin (ODAG)
Sent: October 5, 2021 11:32 AM (UTC-04:00)

Thank you Sir,
Norm

From: Chambers, Kevin (ODAG) (b) (6)
Sent: Tuesday, October 5, 2021 11:05 AM
To: Wong, Norman (USAEO) (b)(6), (b)(7)(C) per EOUSA
Cc: Smith, David L. (USAEO) (b) (6); Wilkinson, Monty (USAEO) (b)(6), (b)(7)(C) per EOUSA
Subject: RE: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff

Let me get back to you on a POC, it will likely be someone on the TF, once populated.

In case there is any misunderstanding, the ask is for each district to interact with state/local law enforcement in their district about strategies, but it does not ask the USAOs to interact directly with each school board.

From: Wong, Norman (USAEO) (b)(6), (b)(7)(C) per EOUSA
Sent: Tuesday, October 5, 2021 10:53 AM
To: Chambers, Kevin (ODAG) (b) (6)
Cc: Smith, David L. (USAEO) (b) (6); Wilkinson, Monty (USAEO) (b)(6), (b)(7)(C) per EOUSA
Subject: FW: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff

Hi Kevin,
To whom should we direct questions like this one from WDMO?
Thanks,
Norm

From: Valenti, Jeff (USAMOW) (b) (6)
Sent: Tuesday, October 5, 2021 10:11 AM
To: Smith, David L. (USAEO) (b) (6) >
Subject: FW: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff

David,

Are you aware of a POC for this? I'm interested in discussing the scope of this request. I'm aware that this was released to the media, so we want to be responsive to this request, but are really interested in how broad a brush, as the request could encompass hundreds, perhaps thousands, of school districts.

Thank you,

Jeffrey Valenti
Criminal Chief, WDMO
(b) (6) (Office)
(b) (6) (Mobile)

From: USAEO-OTD (b) (6)

Sent: Monday, October 4, 2021 4:44 PM

Subject: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff

MEMORANDUM - Sent via Electronic Mail

DATE: October 4, 2021

TO: ALL UNITED STATES ATTORNEYS

ALL FIRST ASSISTANT UNITED STATES ATTORNEYS

ALL EXECUTIVE ASSISTANT UNITED STATES ATTORNEYS

ALL CRIMINAL CHIEFS

ALL LAW ENFORCEMENT COORDINATORS

SUBJECT: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff

Please see the attached memorandum from the Attorney General regarding Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff.

cc: All United States Attorneys' Secretaries

From: Lan, Iris (ODAG)
Subject: FW: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff
To: Chambers, Kevin (ODAG); Singh, Anita M. (ODAG)
Cc: Weinsheimer, Bradley (ODAG)
Sent: October 4, 2021 5:47 PM (UTC-04:00)
Attached: Attorney General Memorandum - Partnership Among Federal State Local Tribal and Territorial Law Enforcement to Address Threats Against School Administrators Board Mem.pdf

FYI only that this went out, in case you did not have the info already.

From: USAEO-OTD (b) (6)
Sent: Monday, October 4, 2021 5:44 PM
Subject: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff

MEMORANDUM - Sent via Electronic Mail

DATE: October 4, 2021

TO: ALL UNITED STATES ATTORNEYS
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS
ALL EXECUTIVE ASSISTANT UNITED STATES ATTORNEYS
ALL CRIMINAL CHIEFS
ALL LAW ENFORCEMENT COORDINATORS

SUBJECT: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff

Please see the attached memorandum from the Attorney General regarding Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff.

cc: All United States Attorneys' Secretaries

From: Harwood, Stacy (OAG)
Subject: RE: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators , Board Members, Teachers, and Staff
To: Lofthus, Lee J (JMD)
Cc: Scofield, Megan L. (JMD); Greer, Christopher M (JMD)
Sent: October 4, 2021 4:07 PM (UTC-04:00)
Great - thank you! You are free to send now.

Thank you!

-----Original Message-----

From: Lofthus, Lee J (JMD) (b) (6)
Sent: Monday, October 4, 2021 3:55 PM
To: Harwood, Stacy (OAG) (b) (6)
Cc: Scofield, Megan L. (JMD) (b) (6); Greer, Christopher M (JMD) (b) (6)
Subject: RE: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators , Board Members, Teachers, and Staff

And when I say I'll send from me, I mean my email but as "Attorney General Memorandum" of course....

-----Original Message-----

From: Lofthus, Lee J (JMD)
Sent: Monday, October 4, 2021 3:53 PM
To: Harwood, Stacy (OAG) (b) (6)
Cc: Scofield, Megan L. (JMD) (b) (6); Greer, Christopher M (JMD) (b) (6)
Subject: RE: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators , Board Members, Teachers, and Staff

We'll get it out. It is dated and signed already I see. Tell me the time. Chris and Megan, I'll send from me since the audience is limited. Lee

-----Original Message-----

From: Harwood, Stacy (OAG) (b) (6)
Sent: Monday, October 4, 2021 3:50 PM
To: Lofthus, Lee J (JMD) (b) (6)
Cc: Scofield, Megan L. (JMD) (b) (6); Greer, Christopher M (JMD) (b) (6)
Subject: FW: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators , Board Members, Teachers, and Staff

Hi Lee - I just wanted to get you on the hook to send this out. I don't have a distro time, but I imagine shortly. CCing Megan and Chris for awareness.

Thank you,
Stacy

-----Original Message-----

From: Harwood, Stacy (OAG)
Sent: Monday, October 4, 2021 3:40 PM

To: Davidson, Marcia A. (OAG) (b) (6) >; Klapper, Matthew B. (OAG) (b) (6) >; Heinzelman, Kate (OAG) (b) (6)
Subject: Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators , Board Members, Teachers, and Staff

Good afternoon:

Please see the attached final. I just wanted to confirm that we are good to distribute.

Thank you,
Stacy

Attachment:

Attorney General Memorandum - Partnership Among Federal, State, Local, Tribal and Territorial Law Enforcement to Address Threats Against School Administrators , Board Members, Teachers, and Staff

From: Davidson, Marcia A. (OAG)
Subject: FINAL FINAL
To: Harwood, Stacy (OAG)
Sent: October 4, 2021 2:54 PM (UTC-04:00)
Attached: Final.AG MEMO TO USAOs AND SACs (10.4.21) MBG.docx

Only 2 small edits were made: (b) (5)
[REDACTED]. Ready for final. Thanks./marcia

Marcia A. Davidson
Confidential Assistant
Office of the Attorney General
U.S. Department of Justice
Office: (b) (6)
Cell: (b) (6)

October 4, 2021

MEMORANDUM FOR DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
DIRECTOR, EXECUTIVE OFFICE FOR U.S. ATTORNEYS
ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION
UNITED STATES ATTORNEYS

FROM: THE ATTORNEY GENERAL

SUBJECT: PARTNERSHIP AMONG FEDERAL, STATE, LOCAL, TRIBAL,
AND TERRITORIAL LAW ENFORCEMENT TO ADDRESS
THREATS AGAINST SCHOOL ADMINISTRATORS, BOARD
MEMBERS, TEACHERS, AND STAFF

In recent months, there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools. While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views.

Threats against public servants are not only illegal, they run counter to our nation's core values. Those who dedicate their time and energy to ensuring that our children receive a proper education in a safe environment deserve to be able to do their work without fear for their safety.

The Department takes these incidents seriously and is committed to using its authority and resources to discourage these threats, identify them when they occur, and prosecute them when appropriate. In the coming days, the Department will announce a series of measures designed to address the rise in criminal conduct directed toward school personnel.

Coordination and partnership with local law enforcement is critical to implementing these measures for the benefit of our nation's nearly 14,000 public school districts. To this end, I am directing the Federal Bureau of Investigation, working with each United States Attorney, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days of the issuance of this memorandum. These meetings will facilitate the discussion of strategies for addressing threats against school administrators, board members, teachers, and staff, and will open dedicated lines of communication for threat reporting, assessment, and response.

The Department is steadfast in its commitment to protect all people in the United States from violence, threats of violence, and other forms of intimidation and harassment.

From: Gaeta, Joseph (OLA)
Subject: Jordan letter
To: Goodlander, Margaret V. (OAG)
Cc: Lewis, Megan (ODAG); Calce, Christina M. (OLA)
Sent: November 18, 2021 12:54 PM (UTC-05:00)
Attached: 11.16.21 Jordan Letter.pdf

I know this is a couple of days old, but given the connection of this letter to statements made by the AG at the HJC oversight hearing we wanted to flag as responses to QFRs are being drafted.

Joe Gaeta
Deputy Assistant Attorney General
Office of Legislative Affairs (OLA)
U.S. Department of Justice

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 16, 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:

Last month, during your testimony before the Judiciary Committee, you testified that the Department of Justice and Federal Bureau of Investigation were not using federal counterterrorism tools to target concerned parents at local school board meetings.¹ We are now in receipt of a protected disclosure from a Department whistleblower showing that the FBI's Counterterrorism Division is compiling and categorizing threat assessments related to parents, including a document directing FBI personnel to use a specific "threat tag" to track potential investigations. This new information calls into question the accuracy and completeness of your sworn testimony.

On October 21, 2021, you testified that the Department and its components were not using counterterrorism statutes and resources to target concerned parents at school board meetings.² Specifically, you testified that you could not "imagine any circumstance in which the Patriot Act would be used in the circumstances of parents complaining about their children, nor . . . a circumstance where they would be labeled as domestic terrorists."³ You also testified: "I do not think that parents getting angry at school boards for whatever reason constitute domestic terrorism. It's not even a close question."⁴

Later in the hearing, however, you were questioned about the Department's press release touting the inclusion of the National Security Division—the Departmental component responsible for enforcing federal terrorism laws, including the Patriot Act⁵—in a task force you

¹ *Oversight of the United States Department of Justice: Hearing Before the H. comm. on the Judiciary*, 117th Cong. (2021) (testimony from Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice) [hereinafter "AG Garland testimony"].

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *National Security Division: About the Division*, U.S. Dep't of Justice (last updated Apr. 12, 2019), <https://www.justice.gov/nsd/about-division>.

created to “address the rising criminal conduct directed toward school personnel.”⁶ You appeared surprised to learn about the National Security Division’s involvement in the task force, but you avoided a direct answer to the question and offered no clarification or explanation for the National Security Division’s role in the task force.⁷

We have now received a disclosure from a Department whistleblower calling into question the accuracy and completeness of your testimony. The whistleblower provided an FBI email dated October 20—the day before your testimony—and sent “on behalf of” the FBI’s Assistant Director for the Counterterrorism Division and the Assistant Director for the Criminal Division.⁸ The email, which is enclosed, referenced your October 4 directive to the FBI to address school board threats and notified FBI personnel about a new “threat tag” created by the Counterterrorism and Criminal Divisions.⁹ The email directed FBI personnel to apply this new threat tag to all “investigations and assessments of threats specifically directed against school board administrators, board members, teachers, and staff.”¹⁰ The email articulated the purpose as “scop[ing] this threat on a national level and provid[ing] an opportunity for comprehensive analysis of the threat picture for effective engagement with law enforcement partners at all levels.”¹¹

This disclosure provides specific evidence that federal law enforcement operationalized counterterrorism tools at the behest of a left-wing special interest group against concerned parents. We know from public reporting that the National School Boards Association coordinated with the White House prior to sending a letter dated September 29 to President Biden labeling parents as domestic terrorists and urging the Justice Department to use federal tools—including the Patriot Act—to target parents.¹² Just five days later, on October 4, you issued a memorandum directing the FBI and other Departmental components to address a purported “disturbing spike in harassment, intimidation, and threats of violence” at school board meetings.¹³ As the whistleblower’s disclosure shows, the FBI’s Counterterrorism Division quickly effectuated your directive.¹⁴ The FBI’s actions were an entirely foreseeable—and perhaps intended—result of your October 4 memorandum.

The NSBA Board of Directors later apologized for its letter to President Biden, writing: “On behalf of NSBA, we regret and apologize for the letter.”¹⁵ (emphasis in original). You,

⁶ Press Release, U.S. Dep’t of Justice, Justice Department Addresses Violent Threats Against School Officials and Teachers (Oct. 4, 2021).

⁷ AG Garland testimony, *supra* note 1.

⁸ Email from Carlton Peeples to FBI_SACS (Oct. 20, 2021).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Callie Patteson, *WH ‘actively engaged’ with NSBA before ‘domestic terror’ letter: memo* N.Y. Post, Nov. 11, 2021.

¹³ 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).

¹⁴ Email from Carlton Peeples to FBI_SACS (Oct. 20, 2021).

¹⁵ Memorandum from NSBA Board of Directors, Message to NSBA Members (Oct. 22, 2021).

The Honorable Merrick B. Garland

November 16, 2021

Page 3

however, have stubbornly refused to rescind your directive, even though you testified that the NSBA letter was the basis for your October 4 memorandum.¹⁶ Your directive to the FBI therefore remains in effect.

This whistleblower disclosure calls into question the accuracy and completeness of your testimony before the Committee. At best, if we assume that you were ignorant of the FBI's actions in response to your October 4 memorandum at the time of your testimony, this new evidence suggests that your testimony to the Committee was incomplete and requires additional explanation. If, however, you were aware of the FBI's actions at the time of your testimony, this evidence shows that you willfully misled the Committee about the nature and extent of the Department's use of federal counterterrorism tools to target concerned parents at school board meetings.

To allow us to assess the accuracy and completeness of your sworn testimony, we invite you to amend your testimony as to whether the Department or any of its components has used or is using counterterrorism resources or tools for the purpose of investigating, tracking, or prosecuting threats relating to school board meetings. In addition, to independently verify the truthfulness of your testimony and to investigate this matter further, we reiterate our outstanding document requests to the various Departmental components and ask that you produce this material immediately. Finally, we remind you that whistleblower disclosures to Congress are protected by law and that we will not tolerate any effort to retaliate against whistleblowers for their disclosures.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized with a large, looping "J" and a cursive "Jordan".

Jim Jordan
Ranking Member

cc: The Honorable Jerrold L. Nadler
Chairman

Enclosure

¹⁶ AG Garland testimony, *supra* note 1.

From: Peeples, Carlton L. (INSD) (FBI) <[REDACTED]>
Sent: Wednesday, October 20, 2021 10:02 AM
To: FBI_SACS <[REDACTED]>
Cc: Greenberg, Jay (CID) (FBI) <[REDACTED]>; Shivers, Calvin A. (CID) (FBI) <[REDACTED]>;
Cohen, Brian M. (CID) (FBI) <[REDACTED]>; Langan, Timothy R. Jr. (CTD) (FBI) <[REDACTED]>;
Vorndran, Kevin (CTD) (FBI) <[REDACTED]>
Subject: Guidance: Threat to violence against School Administrators --- UNCLASSIFIED

Classification: UNCLASSIFIED

=====



All,

On October 04, 2021, the Attorney General forwarded a memorandum addressing a spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff. The memorandum directed each United States Attorney, in coordination with the FBI, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days of the issuance of the memorandum.

We share an obligation to ensure all individuals are able to do their jobs without threats of violence or fear for their safety. This can only be accomplished with effective coordination internally between relevant Divisions and through effective coordination and engagement with our law enforcement partners and United States Attorney Offices.

As a result, the Counterterrorism and Criminal Divisions created a threat tag, EDUOFFICIALS, to track instances of related threats. We ask that your offices apply the threat tag to investigations and assessments of threats specifically directed against school board administrators, board members, teachers, and staff. The purpose of the threat tag is to help scope this threat on a national level and provide an opportunity for comprehensive analysis of the threat picture for effective engagement with law enforcement partners at all levels. When evaluating potential threats, we ask that you attempt to identify the following:

- a) Is there a federal nexus?
- b) Are there potential federal violations that can be investigated and charged?
- c) What's the motivation behind the criminal activity?

We appreciate your attention to this matter and welcome any engagement to identify trends, strategies, and best practices to accomplish discouraging, identifying, and prosecuting those who use violence, threats of violence, and other forms of intimidation and harassment pertaining to this threat.

On behalf of,

AD Timothy R. Langan Jr.
Counterterrorism Division

AD Calvin A. Shivers
Criminal Division

Respectfully,
Carlton Peeples
A/Deputy Assistant Director
Criminal Investigative Division
[REDACTED]

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

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Classification: UNCLASSIFIED

From: Schwartz, Leah F. (OLA)
Subject: OLA incoming Congressional correspondence 11/16/2021
To: Hyun, Peter (OASG); Colangelo, Matthew (OASG); Heinzelman, Kate (OAG); Klapper, Matthew B. (OAG); Goodlander, Margaret V. (OAG); Loeb, Emily M. (ODAG); Lewis, Megan (ODAG)
Cc: Gaeta, Joseph (OLA); Woldemariam, Wintta (OLA); Antell, Kira M. (OLA); Calce, Christina M. (OLA)
Sent: November 16, 2021 6:12 PM (UTC-05:00)
Attached: [Scoped Out Per Agreement](#), 11.16.21 Jordan Letter.pdf

Good evening,

Please see below and attached.

Scoped Out Per Agreement

2. Letter from Rep. Jordan to AG – regarding AG’s testimony last month at the HJC Oversight hearing. Inviting AG to amend testimony as to whether the Department or any of its components has used or is using counterterrorism resources or tools for the purpose of investigating, tracking, or prosecuting threats relating to school board meetings.

From: Schwartz, Leah F. (OLA)
Subject: OLA incoming Congressional correspondence 11/17
To: Heinzelman, Kate (OAG); Goodlander, Margaret V. (OAG); Colangelo, Matthew (OASG); Hyun, Peter (OASG); Loeb, Emily M. (ODAG); Lewis, Megan (ODAG); Klapper, Matthew B. (OAG)
Cc: Gaeta, Joseph (OLA); Calce, Christina M. (OLA); Woldemariam, Wintta (OLA); Antell, Kira M. (OLA)
Sent: November 17, 2021 7:39 PM (UTC-05:00)
Attached: [Scoped Out Per Agreement](#), 2021-11-17 Hawley letter.pdf, [Scoped Out Per Agreement](#)

Good evening,

Please see below and attached.

Scoped Out Per Agreement

2. Letter from Sen. Hawley to AG – requesting responses to 7 questions related to the 10/4 School Board memo.

Scoped Out Per Agreement

November 17, 2021

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Garland:

Nearly every week, we discover new information that undermines your assertion that you are not using the FBI to target parents who wish to speak up in response to school boards that are pushing divisive ideologies like critical race theory or other highly controversial measures.

An email leaked days ago is just the latest incident. It reveals that the FBI, in response to your October 4th memo about parents and school boards, created an internal “threat tag” to track parents who speak up at school board meetings. And that email comes on the heels of a revelation, which I explained in my November 1st letter to you, that your head prosecutor in Montana has instructed law enforcement to “contact the FBI” if a parent “violates” a statute that was repealed a decade ago. What possible law-enforcement purpose is there for surveilling parents who engage in conduct that everybody agrees is lawful and then attaching “threat tags” to those parents? I am calling for the Judiciary Committee to expeditiously schedule a hearing so you can answer these questions.

In the meantime, kindly provide responses to the following questions by November 24:

1. Have you reviewed the October 14th memo from the Acting U.S. Attorney in Montana, which you professed not to know about last time you testified?
2. Have you instructed the Acting U.S. Attorney in Montana to withdraw his memo because it asks law enforcement to “contact the FBI” when parents “violate” a statutory provision that does not exist?
3. How many U.S. Attorneys have sent memos similar to the one sent by the Acting U.S. Attorney in Montana?
4. What steps are you taking to ensure that other prosecutors do not target parents for conduct that is indisputably lawful?
5. How many parents have been branded with the new “threat tag” created by the FBI?
6. Why did you not respond to my November 1st request for information about memos that

officials in your office have issued in response to your October 4th memo?

7. Why should the Senate continue to confirm nominees to your department if you are unwilling to respond to legislative oversight?

I await the Department's response.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is written in a cursive style with a large, looping initial "J".

Josh Hawley
United States Senator

From: Schwartz, Leah F. (OLA)
Subject: OLA incoming Congressional correspondence 11/3
To: Goodlander, Margaret V. (OAG); Klapper, Matthew B. (OAG); Loeb, Emily M. (ODAG); Lewis, Megan (ODAG); Heinzelman, Kate (OAG); Colangelo, Matthew (OASG); Hyun, Peter (OASG)
Cc: Gaeta, Joseph (OLA); Greenfeld, Helaine A. (OLA); Woldemariam, Wintta (OLA); Antell, Kira M. (OLA); Calce, Christina M. (OLA)
Sent: November 3, 2021 6:05 PM (UTC-04:00)
Attached: Jordan.incoming.ltr.11.3.2021.pdf, Mace.incoming.ltr.11.3.2021.pdf

Good evening,

Please see below and attached.

1. Letter from Rep. Jordan and HJC Republicans to FBI – continuing to investigate the troubling attempts by the DOJ and the White House to use the heavy hand of federal law enforcement to target concerned parents at local school board meetings and chill their protected First Amendment Activity. Requesting related documents and information.
2. Letter from Rep. Mace and 19 other MOCs to AG – requesting documents and information about 10/4/21 school board memo.

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 3, 2021

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Wray:

We are continuing to investigate the troubling attempts by the Department of Justice and the White House to use the heavy hand of federal law enforcement to target concerned parents at local school board meetings and chill their protected First Amendment activity. The Attorney General directed you and all U.S. Attorneys' Offices to take action to address parents attending school board meetings.¹ This unusual directive is particularly worrisome as it applies to the Federal Bureau of Investigation (FBI) given the FBI's illegal spying on the Trump campaign and its scandalous history of misconduct and politicization.

On September 29, 2021, the National School Boards Association (NSBA) sent a letter to President Joe Biden requesting help from the federal government with concerned parents voicing their opinions at school board meetings.² The NSBA letter stated that "malice, violence, and threats" against school officials "could be the equivalent of a form of domestic terrorism or hate crimes."³ The letter cited a number of interactions at school board meetings, none of which rose to the level of domestic terrorism. In fact, the vast majority of incidents cited by the NSBA did not involve threats or violence.⁴ Most notably, as an example of domestic terrorism, the NSBA cited an incident in which a father angrily confronted members at a school board meeting in Loudoun County, Virginia, about the heinous sexual assault of his daughter.⁵

¹ 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).

² 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).

³ *Id.*

⁴ See Caroline Downey, *Vast majority of incidents cited by school-board group to justify federal intervention didn't involve threats*, NAT'L REV. (Oct. 2, 2021).

⁵ *Id.*; see also Jessica Chasmar, *Loudoun County father arrested at school board events says school tried to cover up daughter's bathroom assault*, FOX NEWS (Oct. 12, 2021).

A mere five days after the NSBA sent its letter to President Biden, on October 4, 2021, Attorney General Merrick Garland issued a shocking memorandum that directed the FBI and U.S. Attorneys' Offices to "convene meetings" in each judicial district "with federal, state, local, Tribal, and territorial leaders" within 30 days.⁶ The Justice Department simultaneously issued a press release indicating that the Attorney General's directive would "open dedicated lines of communication for threat reporting, assessment and response by law enforcement"—in other words, create a snitch line for complaints about concerned parents.⁷ The release also announced that the FBI would be part of a Department-wide task force "to determine how federal enforcement can be used to prosecute these crimes."⁸

During Attorney General Garland's testimony before our Committee on October 21, he appeared to have no idea whether the meetings he ordered were actually taking place. He stated: "I don't know whether [the meetings] are ongoing, but I expect and hope that they are going . . . because I did ask that they take place."⁹ Attorney General Garland testified that he doubted "there have been meetings in every jurisdiction," but reiterated his belief that it is important for federal law enforcement authorities to conduct these meetings in every judicial district.¹⁰ However, Attorney General Garland testified that FBI agents "will not be attending local school board meetings."¹¹ According to the Attorney General's directives, meetings are to be convened in all 94 judicial districts by November 3, 2021, at the latest.

Following the Attorney General's testimony, the NSBA Board of Directors, apparently recognizing the ill-conceived consequences of its letter and the resulting Justice Department action, issued a new memorandum to its members apologizing for the letter, stating: "On behalf of NSBA, we regret and apologize for the letter."¹² (emphasis in original). Although Attorney General Garland testified that the NSBA letter to President Biden was the basis for his October 4 directive to insert federal law enforcement into local school board matters, the Attorney General has yet to rescind his memorandum. His directives to you and all U.S. Attorneys remain in effect.

Concerned parents voicing their strong opposition to controversial curricula at local schools are not domestic terrorists. Parents have an undisputed right to direct the upbringing and education of their children.¹³ When parents, however, cross the line to commit a violent act or issue a criminal threat,¹⁴ state and local authorities are best-equipped to handle these violations of state law. But we must not tolerate the use of the federal law enforcement apparatus to

⁶ 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).

⁷ Press Release, U.S. Dep't of Justice, Justice Department Addresses Violent Threats Against School Officials and Teachers (Oct. 4, 2021).

⁸ *Id.*

⁹ *Oversight of the United States Department of Justice: Hearing Before the H. comm. on the Judiciary*, 117th Cong. at 94 (2021) (testimony from Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice).

¹⁰ *Id.* at 95.

¹¹ *Id.* at 62.

¹² Memorandum from NSBA Board of Directors, Message to NSBA Members (Oct. 22, 2021).

¹³ *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (citing *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923)).

¹⁴ *Merrick Garland's federal offense*, WALL ST. J. (Oct. 6, 2021).

intimidate and silence parents using their Constitutional rights to advocate for their child's future.

To assist our investigation and determine whether these meetings are ongoing, we request that you provide the following documents and information:

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.

Please provide this material as soon as possible but no later than 5:00 p.m. on November 17, 2021.

If you have any questions about this request, please contact Committee staff at (202) 225-6906. Thank you for your attention to this important 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



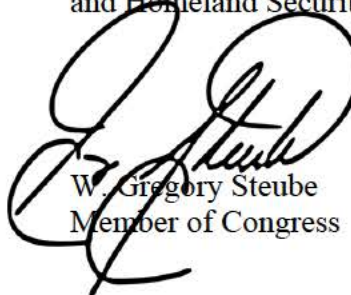
Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties



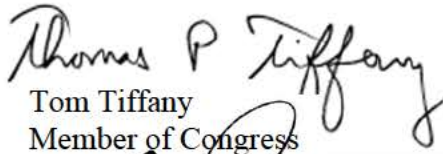
Andy Biggs
Ranking Member
Subcommittee on Crime, Terrorism
and Homeland Security



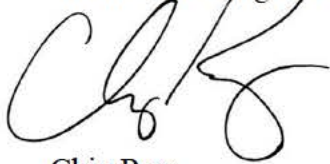
Tom McClintock
Ranking Member
Subcommittee on Immigration
and Citizenship



W. Gregory Steube
Member of Congress



Tom Tiffany
Member of Congress



Chip Roy
Member of Congress



Michelle Fischbach
Member of Congress



Scott Fitzgerald
Member of Congress



Burgess Owens
Member of Congress



Thomas Massie
Member of Congress



Dan Bishop
Member of Congress



Victoria Spartz
Member of Congress



Cliff Bentz
Member of Congress

cc: The Honorable Jerrold L. Nadler
Chairman

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074

<https://oversight.house.gov>

November 3, 2021

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Garland:

We write to request documents and information about your October 4, 2021, memorandum directing law enforcement—including the Federal Bureau of Investigation (FBI)—to work with U.S. Attorneys offices to mitigate threats against “school administrators, board members, teachers, and staff.”¹ Violence against any group must not be tolerated, particularly violence against those who educate our children. Yet, we are concerned that you issued the memorandum as a pretext to silence parents across the country who are exercising their First Amendment rights to vigorously debate policies that directly affect their children.

In the wake of the year-long school closures in many parts of the U.S., parents have grown increasingly frustrated with the quality of their children’s education. Parents across the country are exercising their rights to speak out on a range of issues such as the availability of in-person schooling, whether masks should be required, and what the curriculum should and should not include. Their voices deserve to be heard. School boards are not above reproach as was revealed by hot microphone, closed door Zoom school board meetings during the height of the pandemic.² Moreover, what is more fundamental and constitutionally privileged than a parent speaking on behalf of their children’s education?

Five days before you issued the memorandum, the National School Boards Association (NSBA) sent a letter to President Biden calling on his Administration to involve law enforcement to counter “propaganda purporting the false inclusion of critical race theory within classroom

¹ Memorandum for Director, Federal Bureau of Investigation, et. al. from Merrick B. Garland, Attorney General re *Partnership among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff* (Oct. 4, 2021).

² Fitzsimons, Tim & Nicole Acevedo, *Entire California school board out after disparaging parents on accidental Zoom broadcast*, NBC NEWS (Feb. 19, 2021).

instruction and curricula” and likening parental advocacy to “a form of domestic terrorism.”³ That letter strings together a series of anecdotes—many of which did not involve actual violence or threats of violence—to make the case that threats against school officials are on the rise, and puts the blame squarely on parents and other concerned individuals whose advocacy the letter views as disruptive. Reports have now surfaced that the White House may have been involved in discussions with the NSBA in drafting their letter before it was published.⁴ This is particularly troubling given that NSBA President Viola Garcia was appointed to the National Assessment of Educational Progress Governing Board shortly after sending this letter, raising the possibility of a quid-pro-quo appointment in exchange for sending it.⁵ This board is responsible for developing the assessment of what U.S. students know and can do in various subjects⁶—basically oversight over the country’s school curriculum.

Your memorandum unnervingly echoed the NSBA’s claim that “there has been a disturbing spike in harassment, intimidation, and threats of violence” against school officials. Your memorandum, however, did not include any supporting evidence or examples. You even appeared to be unaware of any evidence of such violence when you testified before the House Judiciary Committee on October 21.⁷ The memorandum was also strangely devoid of any information regarding the relevant statutory framework for prosecution of alleged violence.

Based on the timing and content of your October 4 memorandum, the Biden Administration appears to have reflexively reacted to the NSBA’s accusatory September 29, 2021, letter. Further, the Biden White House may have colluded with the NSBA on its letter with the intent to stifle debate and silence parents. Significantly, the NSBA Board of Directors repudiated that letter, and the NSBA itself issued an apology for it on October 22, 2021.⁸ You have not, however, retracted your October 4 memorandum. You have persisted with your belief that the task forces created by the memorandum are necessary during testimony before the Senate Judiciary Committee on October 27.⁹ And you may even have a conflict of interest. Your son-in-law, Xan Tanner, owns a company, Panorama Education, that provides surveys to school districts that support the introduction of Critical Race Theory in schools, which is one of the issues that parents have raised to their school boards.¹⁰ We hope that your Department will

³ Letter from Viola M. Garcia, President, National School Boards Association to President Joseph R. Biden (Sept. 29, 2021).

⁴ Downey, Caroline, *National School Board Group Communicated with White House while Crafting Letter Likening Parents to Terrorists*, NATIONAL REVIEW (Oct. 21, 2021).

⁵ U.S. Department of Education, Press Release, *Five Board Members Appointed to Board Overseeing the Nation’s Report Card* (Oct. 13, 2021), available at <https://www.ed.gov/news/press-releases/five-board-members-appointed-board-overseeing-nations-report-card>.

⁶ THE NATIONAL ASSESSMENT GOVERNING BOARD, OVERVIEW, <https://www.nagb.gov/governing-board/overview.html>, (last visited Oct. 26, 2021).

⁷ Chamberlain, Samuel, *National School Boards Association disavows letter that led to FBI parent crackdown*, N.Y. POST (Oct. 22, 2021).

⁸ *Id.*

⁹ Downey, Caroline, *Garland Refuses to Dissolve School-Board Task Force Despite National School Board Group Apology*, NATIONAL REVIEW (Oct. 27, 2021).

¹⁰ Andrzejewski, Adam, *Panorama Education, Co-Founded By U.S. AG Merrick Garland’s Son-In-Law, Contracted with 23,000 Public Schools & Raised \$76M From Investors*, FORBES (Oct. 12, 2021).

distinguish such vigorous debate—an entirely lawful and Constitutionally protected activity—from actual threats of violence.

To assist the Republicans on the Committee in understanding why this policy was necessary and how it will be implemented, please provide the following documents and information no later than November 17, 2021:

1. All available Department of Justice data you relied on in making the assertion that “there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff...”;
2. All drafts and prior iterations of the memorandum the Department of Justice finally published;
3. All communications between or among the employees of the Department of Justice and the White House regarding issuance of the memorandum;
4. All Department of Justice prosecution guidelines or policies relevant to whether a parent would be prosecuted for seeking to “intimidate individuals based on their views,” including what statutory violations would be implicated in such a case, and how the Department of Justice distinguishes peaceful advocacy from such unlawful intimidation;
5. All documents and information in connection with any ethics guidance you sought related to issuance of the memorandum; and
6. All Department of Justice guidelines or policies for ensuring that prosecutions are not targeting individuals in retaliation for exercising fundamental rights or civil liberties.

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

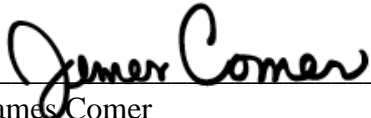
Sincerely,



Nancy Mace
Ranking Member
Subcommittee on Civil Rights
& Civil Liberties



Ralph Norman
Ranking Member
Subcommittee on Environment



James Comer
Ranking Member
Committee on Oversight Reform



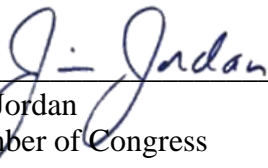
Jody Hice
Ranking Member
Subcommittee on Government
Operations



Glenn S. Grothman
Ranking Member
Subcommittee on National Security



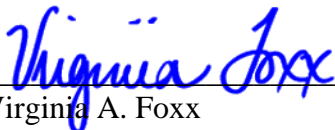
Michael Clourd
Ranking Member
Subcommittee on Economic and
Consumer Policy



Jim Jordan
Member of Congress



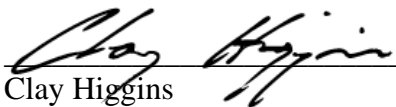
Paul A. Gosar, D.D.S.
Member of Congress



Virginia A. Foxx
Member of Congress



Bob Gibbs
Member of Congress



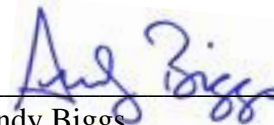
Clay Higgins
Member of Congress



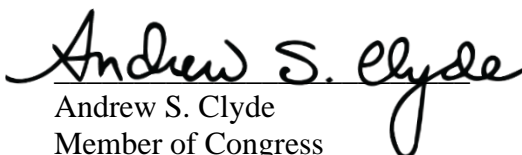
Pete Sessions
Member of Congress



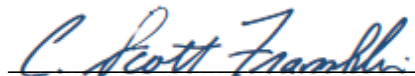
Fred Keller
Member of Congress



Andy Biggs
Member of Congress



Andrew S. Clyde
Member of Congress



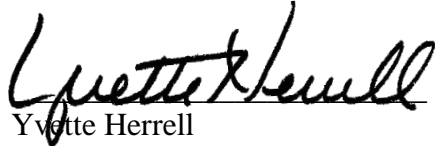
Scott Franklin
Member of Congress



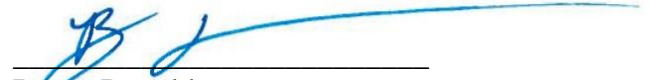
Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Yvette Herrell
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

From: Schwartz, Leah F. (OLA)
Subject: OLA incoming congressional correspondence 10/28/2021
To: Goodlander, Margaret V. (OAG); Colangelo, Matthew (OASG); Hyun, Peter (OASG); Heinzelman, Kate (OAG); Klapper, Matthew B. (OAG); Loeb, Emily M. (ODAG); Lewis, Megan (ODAG)
Cc: Gaeta, Joseph (OLA); Greenfeld, Helaine A. (OLA); Woldemariam, Wintta (OLA); Antell, Kira M. (OLA); Calce, Christina M. (OLA)
Sent: October 28, 2021 6:08 PM (UTC-04:00)
Attached: Scoped Out Per Agreement, Daines.incoming.ltr.10.28.2021.pdf

Good evening,

Please see below and attached.

Scoped Out Per Agreement

3. Letter from Sen. Daines to AG – requesting that the AG withdraw the 10/4 school board memo.

United States Senate

October 28, 2021

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

Dear Attorney General Garland,

I am writing to request that you immediately withdraw your memo dated October 4, 2021, related to parents advocating for their children at school board meetings. While any actual threat of violence is inappropriate, it was unacceptable for the Department of Justice to make a blanket declaration that parents exercising their First Amendment rights and expressing their views at local school board meetings may warrant investigation by federal law enforcement. This scenario has already had a chilling effect on free speech in Montana and eroded confidence in public schools even further.

As you know, in late September the National School Boards Association complained about threats against school board members and demanded that President Biden activate federal law enforcement. Five days later your memo was issued, instructing law enforcement mechanisms within the Department of Justice to “identify and prosecute threats.” NSBA recently issued an apology for likening concerned parents to domestic terrorists, but your office has still taken no visible action in response. In fact, in your testimony in the Senate Judiciary Committee you refused to withdraw the memorandum—maintaining the threat that federal law enforcement could pressure parents into silence.

In Montana, there have been passionate debates over issues families feel strongly about, but these exchanges do not merit calling on the federal government to intervene in local policy disagreements or over education policy disputes. As you are now aware, the Acting U.S. Attorney for Montana issued a memo on October 14, 2021 to County Attorneys, Sheriff’s departments, the State Education Agency, and Montana School Boards Association which detailed the most likely federal charges that could be brought against parents concerned about their children’s education and engaged in the civic process. It practically serves as a parent silencing starter kit and yet another example of extreme overreach by the Department of Justice and an effort to intimidate parents.

We are blessed to live in a country where we are free to express our views, and your actions set a dangerous precedent. I urge you withdraw this excessive and misguided memorandum without further delay. Thank you for your prompt attention to this important matter.

Sincerely,



STEVE DAINES
United States Senator

From: Greenfeld, Helaine A. (OLA)
Subject: FW: new school board letter
To: Klapper, Matthew B. (OAG); Goodlander, Margaret V. (OAG); Heinzelman, Kate (OAG); Seidman, Ricki (OASG); Antell, Kira M. (OLA)
Sent: October 26, 2021 11:35 AM (UTC-04:00)
Attached: Leader McCarthy Letter to AG Garland 10.26.21.pdf

The very latest in letters from the Minority, to give you an idea of what might be asked tomorrow.

From: Gaeta, Joseph (OLA)
Subject: new school board letter
To: Iverson, Dena (PAO); Coley, Anthony D. (PAO); Goodlander, Margaret V. (OAG); Lewis, Megan (ODAG)
Cc: Greenfeld, Helaine A. (OLA)
Sent: October 26, 2021 11:16 AM (UTC-04:00)
Attached: Leader McCarthy Letter to AG Garland 10.26.21.pdf

House Majority letter, Jordan and Foxx. Flagging for awareness.

Joe Gaeta
Deputy Assistant Attorney General
Office of Legislative Affairs (OLA)
U.S. Department of Justice

From: Loeb, Emily M. (ODAG)
Subject: FW: OLA incoming Congressional correspondence 10/25/21
To: Klapper, Matthew B. (OAG)
Sent: October 25, 2021 6:32 PM (UTC-04:00)
Attached: Jordan.incoming.ltr.10.25.2021.pdf

Flagging the Rep. Jordan letter re prep for Wednesday.

From: Schwartz, Leah F. (OLA) (b) (6)
Sent: Monday, October 25, 2021 6:12 PM
To: Klapper, Matthew B. (OAG) (b) (6); Colangelo, Matthew (OASG)
(b) (6); Loeb, Emily M. (ODAG) (b) (6); Lewis, Megan (ODAG)
(b) (6); Heinzelman, Kate (OAG) (b) (6); Goodlander, Margaret V. (OAG)
(b) (6); Hyun, Peter (OASG) (b) (6)
Cc: Gaeta, Joseph (OLA) (b) (6); Greenfeld, Helaine A. (OLA) (b) (6)
Woldemariam, Wintta (OLA) (b) (6); Antell, Kira M. (OLA) (b) (6)
Calce, Christina M. (OLA) (b) (6)
Subject: OLA incoming Congressional correspondence 10/25/21

Good afternoon,

Please see below and attached.

Scoped Out Per Agreement

2. Letter from Rep. Jordan and HJC Republicans to AG – expressing concern over the AG’s testimony last week in the Judiciary Committee regarding the DOJ’s October 4th, 2021 School Board memorandum.

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

October 25, 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:

Your testimony before the Judiciary Committee last week concerning your October 4, 2021, memorandum targeting concerned parents at school board meetings was troubling. You acknowledged that you issued the unusual directive soon after reading about the thinly sourced letter sent by the National School Boards Association (NSBA) to President Biden and not because of any specific request from state or local law enforcement.¹ You appeared to be surprised that the Department's press release publicizing your memorandum noted the involvement of the National Security Division, the Departmental component responsible for prosecuting terrorism cases—despite testifying that concerned parents expressing themselves is protected First Amendment activity.² You admitted to being completely unaware of a widely reported, high-profile case in Loudoun County, Virginia, cited in the NSBA's letter as an example of domestic terrorism, in which a father angrily confronted the local school board about the heinous sexual assault of his daughter.³

During your testimony, you sidestepped the obvious effect of your ill-conceived memorandum and the chilling effect that invoking the full weight of the federal law enforcement apparatus would have on parents' protected First Amendment speech. Parents have an undisputed right to direct the upbringing and education of their children,⁴ especially as school boards attempt to install controversial curricula. Local law enforcement—and not the FBI—are the appropriate authorities to address any local threats or violence.

¹ *Oversight of the United States Department of Justice: Hearing Before the H. comm. on the Judiciary*, 117th Cong. (2021) (testimony from Hon. Merrick Garland, Atty Gen., U.S. Dep't of Justice).

² *Id.*

³ *See Id.*; 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); Jessica Chasmar, *Loudoun County father arrested at school board events says school tried to cover up daughter's bathroom assault*, FOX NEWS (Oct. 12, 2021)

⁴ *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (citing *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923)).

On October 22, 2021, the NSBA expressed regret about and formally apologized for its letter to President Biden.⁵ Because the NSBA letter was the basis for your memorandum and given that your memorandum has been and will continue to be read as threatening parents and chilling their protected First Amendment rights, the only responsible course of action is for you to fully and unequivocally withdraw your memorandum immediately.

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



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



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

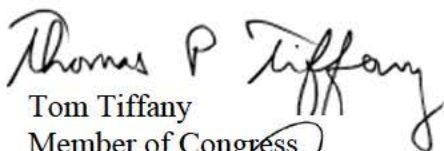
⁵ Memorandum from NSBA Board of Directors, Message to NSBA Members (Oct. 22, 2021).



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



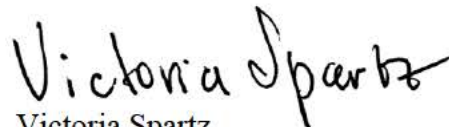
Chip Roy
Member of Congress



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

cc: The Honorable Jerrold L. Nadler
Chairman

LISA C. McCLAIN
10TH DISTRICT, MICHIGAN

COMMITTEE ON ARMED SERVICES
COMMITTEE ON EDUCATION AND LABOR

ASSISTANT WHIP



WASHINGTON OFFICE
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PHONE: (202) 225-2106

DISTRICT OFFICE
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WASHINGTON, MI 48094
PHONE: (586) 697-9300

Congress of the United States
House of Representatives
Washington, DC 20515

October 7, 2021

The Honorable Merrick Garland
United States Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland,

Over the past several months, we have seen increased civic involvement and participation at local government forums, specifically at school board meetings. During the COVID-19 pandemic, parents are taking notice of what and how their children are being taught in the classroom, hot-button social issues being weaved into the curriculum, and what safety protocols their child is supposed to follow while attending school. While some of these meetings may get heated, most of the parents who have been attending these meetings have simply voiced their passions and concerns for their children and their futures.

While we agree with you that any threat of violence against these government officials should be condemned and investigated, no government official has the right to claim that a citizen may not peacefully speak out against government policies. Statements made by officials like former Governor Terry McAuliffe of Virginia, who publicly stated, "I don't think parents should be telling schools what they should teach,"¹ are utterly unacceptable. Government officials need to recognize that in our Constitutional republic, they are elected to represent the public. While they should never be subjected to threats, they are not above criticism or disagreement from the citizens who elected them. If we are to live in a free society, it is your job as Attorney General of the United States to defend the rights of all citizens.

Your October 4, 2021, memorandum to several directors across the Department of Justice informed them of your intention as the Attorney General to promulgate "a series of measures designed to address the rise in criminal conduct directed toward school personnel."² While we applaud your dedication to combatting criminal activity across the United States, we have grave concerns with your announcement. We are requesting answers to the following questions to provide clarity on your Department's intentions. Please respond no later than November 15th, 2021:

¹ Bernstein, Brittany. "McAuliffe Argues Parents Shouldn't Have Control over Public School Curriculum." *National Review*, 29 Sept. 2021, <https://www.nationalreview.com/news/mcauliffe-argues-parents-shouldnt-have-control-over-public-school-curriculum/>.

² Garland, M. U.S. Department of Justice. (2021). *Justice Department Addresses Violent Threats Against School Officials and Teachers*.

1. What specific cases are you referencing in your memorandum that rise to the level of "criminal conduct?"
2. What criteria/behavior is the Department of Justice considering "criminal conduct?"
3. What federal statutes do you plan to cite in your prosecution of these parents?
4. Who will be conducting the investigation into these cases? Please provide details on the roles of the FBI, United States Attorneys, State and local law enforcement, and any other entities that will be involved.
5. Will you be looking into other cases of alleged intimidation of school board members who have attempted to end COVID-era policies?

As the top law enforcement officer in the United States, it is your responsibility to combat criminal behavior as well as defend the Constitutional rights of all Americans. We hope you will take these duties seriously and not stifle free speech while moving forward with your investigations.

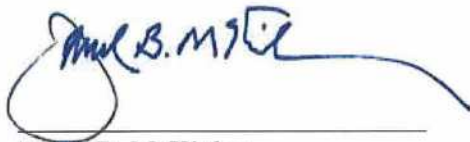
Sincerely,



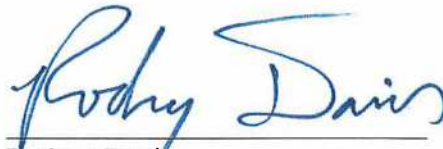
Lisa McClain
Member of Congress



Matthew Rosendale, Jr.
Member of Congress



David B. McKinley
Member of Congress



Rodney Davis
Member of Congress



Daniel Webster
Member of Congress



Veri Buchanan
Member of Congress



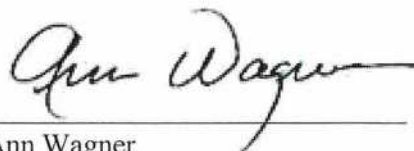
Ken Calvert
Member of Congress



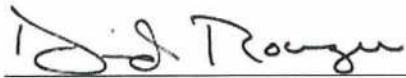
Fred Keller
Member of Congress



W. Gregory Steube
Member of Congress



Ann Wagner
Member of Congress



David Rouzer
Member of Congress



Jeff Duncan
Member of Congress



Tom Emmer
Member of Congress



Bob Gibbs
Member of Congress



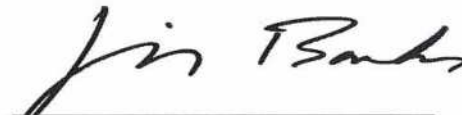
Nicole Malliotakis
Member of Congress



Brian Mast
Member of Congress



Glenn Grothman
Member of Congress



Jim Banks
Member of Congress



Pete Sessions
Member of Congress



Beth Van Duyne
Member of Congress



Andrew R. Garbarino
Member of Congress



Barry Moore
Member of Congress



Mike Bost
Member of Congress



Russ Fulcher
Member of Congress

Earl L. "Buddy" Carter

Earl L. "Buddy" Carter
Member of Congress

Michelle Steel

Michelle Steel
Member of Congress

David G. Valadao

David G. Valadao
Member of Congress

Debbie Lesko

Debbie Lesko
Member of Congress

Madison Cawthorn

Madison Cawthorn
Member of Congress

Ted Budd

Ted Budd
Member of Congress

Burgess Owens

Burgess Owens
Member of Congress

Elise M. Stefanik

Elise Stefanik
Member of Congress

Bill Posey

Bill Posey
Member of Congress

Jake Ellzey

Jake Ellzey
Member of Congress

Van Taylor

Van Taylor
Member of Congress

Tracey Mann

Tracey Mann
Member of Congress

Vicky Hartzler

Vicky Hartzler
Member of Congress

Troy Balderson

Troy Balderson
Member of Congress



Guy Reschenthaler
Member of Congress



Jim Hagedorn
Member of Congress



Ralph Norman
Member of Congress



Mo Brooks
Member of Congress



Kat Cammack
Member of Congress



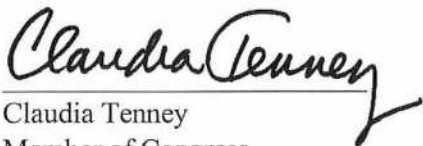
Brad R. Wenstrup D.P.M.
Member of Congress



Doug Lamborn
Member of Congress



Andy Biggs
Member of Congress



Claudia Tenney
Member of Congress



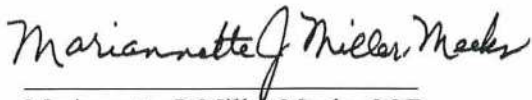
Jack Bergman
Member of Congress



Scott DesJarlais
Member of Congress



Roger Williams
Member of Congress



Mariannette J. Miller-Meeks, M.D.
Member of Congress



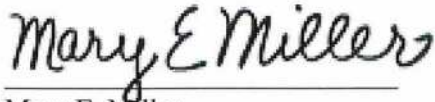
Bill Huizenga
Member of Congress



Ben Cline
Member of Congress



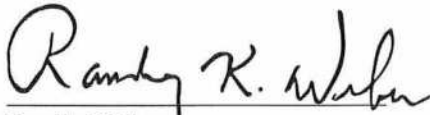
Warren Davidson
Member of Congress



Mary E. Miller
Member of Congress



Chris Stewart
Member of Congress



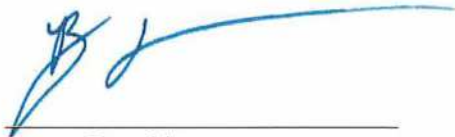
Randy Weber
Member of Congress



Glenn "GT" Thompson
Member of Congress



Michael Waltz
Member of Congress



Byron Donalds
Member of Congress



Pat Fallon
Member of Congress



Carlos A. Gimenez
Member of Congress



Mike Garcia
Member of Congress

From: Greenfeld, Helaine A. (OLA)
Subject: Top Eleven Letters
To: Klapper, Matthew B. (OAG); Goodlander, Margaret V. (OAG); Loeb, Emily M. (ODAG); Seidman, Ricki (OASG)
Sent: October 15, 2021 4:32 PM (UTC-04:00)
Attached: Scoped Out Per Agreement

[REDACTED], 2021.10.05-IN-Buck-AG-School Board Memo INC.pdf, 2021.10.13-IN-Mike Johnson et al-AG-School Board Memo.pdf

Maggie asked me to pull what I thought were the “key” letters. Here is my best estimation. I’ve also uploaded them to the one drive in Background/HJC Correspondence/Top Eleven Letters/Majority and Minority.

Helaine Greenfeld

*Deputy Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice*

(b) (6)

KEN BUCK
4TH DISTRICT OF COLORADO

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5826 19TH STREET, SUITE A
GREELEY, CO 80634
PHONE: (970) 702-2136
FAX: (970) 702-2951



Congress of the United States
House of Representatives
Washington, DC 20515-0605

HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON IMMIGRATION
AND CITIZENSHIP
SUBCOMMITTEE ON ANTITRUST, COMMERCIAL
AND ADMINISTRATIVE LAW - **RANKING MEMBER**

HOUSE FOREIGN AFFAIRS COMMITTEE
SUBCOMMITTEE ON ASIA, THE PACIFIC,
AND NONPROLIFERATION

October 5, 2021

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Attorney General Garland,

I write to express my grave concern regarding your recent decision to mobilize federal law enforcement resources to monitor local school board meetings. More engagement from parents who are concerned about what their children are being taught does not give rise to a federal crime. In fact, there appears to be no federal nexus sufficient to justify the directives outlined in your October 4th memorandum and your decision to direct federal law enforcement resources to confront parents who oppose the views of the Biden Administration and its socialist agenda. Your memorandum is a politically motivated abuse of power and displays a lack of reasoned, sound judgment.

School boards are responsible for the education and wellbeing of the next generation of leaders. Across the country, parents are exercising their First Amendment right to petition their government and voice their frustrations with their local elected leaders. There are innumerable examples from the past 18 months of school board members imposing their personal beliefs at the expense of children and families. For example, school boards have failed to follow the science when it comes to COVID-19, leading to a wide-spread and tragic mental and physical health crisis among our youth. The Centers for Disease Control (CDC) found that, from April to October 2020, hospitals across the U.S. saw a 24% increase in the proportion of mental health emergency visits for children ages 5 to 11, and a 31% increase for children ages 12 to 17.¹ The University of California, Irvine found that the proportion of suspected child abuse cases that needed medical intervention rose from 10% to 17% during the pandemic.² And the CDC found a 3% increase in child obesity between August 2020 and August 2021, with the rate of obesity increasing most dramatically in kids ages 6 to 11.³

Additionally, many school board members have shown that they believe they are unaccountable to the electorate regarding their curriculum choices. Parents have a constitutionally protected right to assemble and to petition their government. That includes local school boards. There has been furious debate surrounding critical race theory and other highly controversial curriculum choices by these boards. Parents deserve a say when it comes to the education of their children yet school boards around the country have been ignoring their input, leading to increased anger and frustration.

¹ <https://www.npr.org/sections/health-shots/2021/01/18/953581851/ive-tried-everything-pandemic-has-cut-options-for-kids-with-mental-illness>

² <https://www.edweek.org/leadership/child-abuse-cases-got-more-severe-during-covid-19-could-teachers-have-prevented-it/2021/06>

³ <https://apnews.com/article/coronavirus-pandemic-childhood-obesity-ef3d426b5580b72f76eb1207be1af24b>

In their letter to President Biden dated September 29, the National School Board Association (NSBA) characterized this anger as “equivalent to a form of domestic terrorism and hate crimes,” and requested assistance from the FBI National Security Branch and Counterterrorism Division.⁴ To compare frustrated parents to domestic terrorists or perpetrators of hate crimes is beyond absurd and should be dismissed by any rational adult. The NSBA was also unable to mention any specific credible threat or example that would support its outlandish statement. The isolated incidents of violence were handled by local authorities without the need of federal intervention. If the Federal Bureau of Investigation doesn’t have more pressing concerns than local debates over vaccine mandates and school curriculum, Congress should scrutinize its budget for waste.

You are the Nation’s top law enforcement office. Instead of using the incredible resources at your disposal to take on the violent crime surge that is plaguing our cities or to go after the drug cartels pushing poison into every community across our country, you are choosing to spend the law enforcement resources Congress has given you to go after parents who are nonviolently exercising their Constitutional rights. By drawing a moral equivalence between concerned parents and domestic terrorists, whose ranks include Timothy McVeigh and Ted Kaczynski, you are making a mockery of the Department of Justice and the FBI.

Therefore, I respectfully urge you to reverse course and allow state and local law enforcement to do their job. Using federal law enforcement resources to silence debate and intimidate parents who simply want the best for their children is unjust and an abuse of the powers you have been entrusted with.

Sincerely,

A handwritten signature in black ink that reads "Ken Buck". The signature is written in a cursive, slightly slanted style.

Ken Buck
Member of Congress

⁴ <https://nsba.org/-/media/NSBA/File/nsba-letter-to-president-biden-concerning-threats-to-public-schools-and-school-board-members-92921.pdf>

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

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.¹ 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.² 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.³ The NSBA urged

¹ 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).

² 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).

³ *Id.*

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

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.⁵ The company’s surveys reportedly include intrusive questions such as whether a student feels “gender fluid.”⁶ To avoid student privacy laws and collect student data without parental consent, Panorama Education staff members are classified as “school officials.”⁷ The company has reportedly surveyed more than 13 million students in 21,000 schools in all 50 states to date⁸ and has received funding from liberal activists such as Mark Zuckerberg.⁹

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.”¹⁰ A covered relationship includes “a relative with whom the employee has a close personal relationship.”¹¹ 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.¹²

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.

⁴ *Id.*

⁵ 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/>.

⁶ 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>.

⁷ 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).

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

⁹ 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).

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

¹¹ *Id.*

¹² 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



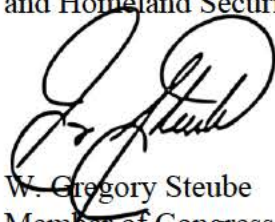
Ken Buck
Ranking Member
Subcommittee on Antitrust,
Commercial and Administrative Law



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



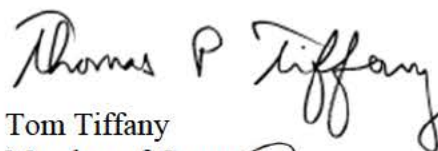
Scott Fitzgerald
Member of Congress




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

From: Kassabian, Tamara (OLA)
Subject: RE: Congressional on School Board Threats Initiative - Dan Bishop
To: Wong, Norman (USAEO)
Cc: Wilkinson, Monty (USAEO); (b)(6), (b)(7)(C) per EOUSA; (b)(6), (b)(7)(C) per EOUSA; Chambers, Kevin (ODAG); Gaeta, Joseph (OLA)
Sent: October 14, 2021 5:50 PM (UTC-04:00)

Norm,

Could you call me at your convenience tomorrow or Monday to discuss? Thanks,

Tamara H. Kassabian
Counsel
Office of Legislative Affairs
U.S. Department of Justice
(b) (6) – office
(b) (6) – mobile

From: Chambers, Kevin (ODAG) (b) (6)
Sent: Thursday, October 14, 2021 12:35 PM
To: Kassabian, Tamara (OLA) (b) (6)
Cc: Wilkinson, Monty (USAEO) (b)(6), (b)(7)(C) per EOUSA; (b)(6), (b)(7)(C) per EOUSA; (b)(6), (b)(7)(C) per EOUSA; Wong, Norman (USAEO) (b)(6), (b)(7)(C) per EOUSA
Subject: RE: Congressional on School Board Threats Initiative - Dan Bishop

That sounds and I am sure you guys have it covered.

From: Kassabian, Tamara (OLA) (b) (6)
Sent: Thursday, October 14, 2021 12:35 PM
To: Chambers, Kevin (ODAG) (b) (6)
Cc: Wilkinson, Monty (USAEO) (b)(6), (b)(7)(C) per EOUSA; (b)(6), (b)(7)(C) per EOUSA; (b)(6), (b)(7)(C) per EOUSA; Wong, Norman (USAEO) (b)(6), (b)(7)(C) per EOUSA
Subject: RE: Congressional on School Board Threats Initiative - Dan Bishop

Hi Kevin,

I understand your concerns. Apparently there are lots of letters coming in on the school board threat initiative so the Department is trying to formulate a consistent response to any questions posed about this issue.

I will pass on your message to OLA leadership to ensure that they know this is a pressing issue.

Tamara

From: Chambers, Kevin (ODAG) (b) (6)
Sent: Thursday, October 14, 2021 12:18 PM
To: Kassabian, Tamara (OLA) (b) (6); Wong, Norman (USAEO) (b)(6), (b)(7)(C) per EOUSA
Cc: Wilkinson, Monty (USAEO) (b)(6), (b)(7)(C) per EOUSA; (b)(6), (b)(7)(C) per EOUSA
Subject: RE: Congressional on School Board Threats Initiative - Dan Bishop

Thanks, Tamara,

What does this mean for Norm's question about (b) (5)

(b) (5)

. This is a bit pressing because (b) (5).

Thanks,
Kevin

From: Kassabian, Tamara (OLA) (b) (6)
Sent: Thursday, October 14, 2021 12:13 PM
To: Wong, Norman (USAEO) (b)(6), (b)(7)(C) per EOUSA
Cc: Wilkinson, Monty (USAEO) (b)(6), (b)(7)(C) per EOUSA; (b)(6), (b)(7)(C) per EOUSA Chambers,
Kevin (ODAG) (b) (6); (b)(6), (b)(7)(C) per EOUSA
Subject: RE: Congressional on School Board Threats Initiative - Dan Bishop

Hi Norm,

Got the response on this. OLA and ODAG are tracking all incoming letters on this. OLA will be sure to coordinate with EOUSA on any response that implicates any of their equities. Please reach out if you have further questions!

Tamara

From: Kassabian, Tamara (OLA)
Sent: Wednesday, October 13, 2021 11:30 AM
To: Wong, Norman (USAEO) (b)(6), (b)(7)(C) per EOUSA
Cc: Wilkinson, Monty (USAEO) (b)(6), (b)(7)(C) per EOUSA; (b)(6), (b)(7)(C) per EOUSA Chambers,
Kevin (ODAG) (b) (6); (b)(6), (b)(7)(C) per EOUSA
Subject: RE: Congressional on School Board Threats Initiative - Dan Bishop

Hi Norm,

I am inquiring on how to handle and will get back to you ASAP.

Tamara

From: Wong, Norman (USAEO) (b)(6), (b)(7)(C) per EOUSA
Sent: Wednesday, October 13, 2021 11:14 AM
To: Kassabian, Tamara (OLA) (b) (6)
Cc: Wilkinson, Monty (USAEO) (b)(6), (b)(7)(C) per EOUSA; (b)(6), (b)(7)(C) per EOUSA; Chambers,
Kevin (ODAG) (b) (6); (b)(6), (b)(7)(C) per EOUSA
Subject: Congressional on School Board Threats Initiative - Dan Bishop

Good morning Tamara,

We received an FYI copy of the attached letter regarding the school board threats initiative. (b) (5)
Can you let us know what the Department plans to do about responding to (b) (5) (b) (5)
. Adding Kevin Chambers, who has been spearheading this initiative in ODAG.

Thanks,
Norm

Norman Wong
Principal Deputy Director

Executive Office for United States Attorneys

U.S. Department of Justice

(b)(6), (b)(7)(C) per EOUSA

Congress of the United States
Washington, DC 20515

October 7, 2021

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Garland:

Three days ago, you issued a memorandum “directing the [FBI and U.S. Attorneys] to convene meetings with ... leaders in each federal judicial district within 30 days ... [to discuss] strategies for addressing threats against school administrators, board members, teachers, and staff.” The purported factual predicate for this order was “a disturbing spike in harassment, intimidation, and threats of violence” directed against such persons “[i]n recent months.”

Although we have observed throughout this year a growing movement of parents speaking and protesting in local school board meetings against racist Critical Race Theory-based (CRT) indoctrination and specious mask mandates for students, we are not aware of any significant or widespread acts or threats of violence or property damage associated with this First Amendment-protected activity, and certainly no apparent federal crime. Your memorandum furnishes no detail of any occurrences that justify directing federal law enforcement to coordinate nationwide opposition to this political movement.

Nor can such support be found in the National School Boards Association’s September 29 letter to President Biden demanding a federal law enforcement response, which you dutifully provided in three business days. To be sure, the NSBA spewed overwrought claims of “threats and acts of violence against our public school officials” and “heinous actions [that] could be the equivalent to a form of domestic terrorism and hate crimes.” But the roughly 20 news reports referenced by the NSBA do not come close to substantiating those characterizations.

Rather, they depict three incidents of a protester or parent striking (or exchanging blows) or tussling briefly with a “school official” (in Illinois), teacher (in California),

or student (in Florida), with not a single injury reported, and no threats of violence.¹ We have identified one other report of a protesting parent shattering a glass door (in North Carolina). Otherwise, the news stories the NSBA referenced depict nothing worse than heckling, vows of political retaliation, speaking or shouting out of order, and a few trespass arrests for refusing an order to leave a meeting. There has been nothing on the order of shouting agitators cornering a United States senator in a bathroom stall, which the President dismissed as of no consequence just this week. On the other hand, many news reports have “gone viral” featuring well-spoken and impactful criticism of school board policies, and some successful or pending recall efforts have launched.

Attorney General Garland, it should be unnecessary to say that this is American democracy. We do not call ideological opposition “domestic terrorists” and “extremists.” That’s what happens in Communist China (against the Uyghurs) and totalitarian Russia (against Putin critic Alexei Navalny).

The NSBA has a political ax to grind against the nationwide, grassroots movement of moms and dads demonstrating righteous anger against irrational and un-American treatment of grade school students. You and Joe Biden sympathize with the education establishment on the defensive, no surprise, but it is highly improper to turn the FBI against the protected speech of your political adversaries.

The disreputable history of domestic surveillance by the Department of Justice for political ends should have taught this lesson by now. Too often at the direction of a president or attorney general, the FBI targeted Martin Luther King, Jr., the SCLC, Mario Savio, Students for a Democratic Society, and others, most notoriously through the COINTELPRO program, all as detailed by the Church Committee in the 1970s among others. At least in those historic instances, the FBI could claim a fig leaf of a national security justification based on fear of communist subversion. Lacking that here, the directive you just issued may be the most nakedly political misuse of federal law enforcement power in the history of the Department.

The lip service your memorandum pays to “spirited debate about policy matters” being “protected under our Constitution” does not ameliorate this political targeting. It worsens it by reflecting your awareness of the impropriety. Your conclusory assertions about a “spike in harassment, intimidation, and threats of violence” and a “rise in criminal conduct directed toward school personnel” — unless supported with substantial evidence — are pure pretext for political animus.

¹ One news item referenced by the NSBA reported some kind of threat or harassment against pharmacies administering COVID-19 vaccine, with no connection to the subject matter at hand.

Likewise, the measures that you direct and take pains to announce publicly are redolent of the propaganda techniques employed by COINTELPRO to discredit and stigmatize disfavored figures and groups. Meetings “within 30 days,” across the country, organized by FBI agents, under direction of the U.S. Attorneys, with “leaders” from all levels of government, to discuss “strategies for addressing threats against school administrators, board members, teachers, and staff” (emphasis added) appear designed to advance a narrative and build consensus around it. You are deploying the FBI to taint the parents who are speaking out by associating them with criminality in order to chill and undermine their activism. You wish to create a backlash. This is a brazen misuse of federal law enforcement authority. In fact, unless your factual basis is far more substantial than appears, it is the sort of abuse that would warrant your impeachment, and the President’s if you have acted at his direction.

Congress must perform oversight. Accordingly, we demand that you answer the following questions and provide the specified documents. Given the timeframe of the meetings you have directed the FBI to undertake, this information must be provided within not more than ten days and before any meetings.

1. Did you communicate with the President about the NSBA letter of September 29 or the request that it communicated before issuing your directive? Did the President instruct you to take that action?
2. Provide all correspondence (or documented indicia of communications) with the White House (including President Biden) precipitating, connected with or relating to your memorandum and the associated actions.
3. Provide documentation of all occurrences predicated your assertions in the memo that there have been “a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff” and a “rise in criminal conduct directed toward school personnel.”
4. Provide all correspondence (or documented indicia of communications) within the Department of Justice connected with or relating to your memorandum, the preparation thereof, analysis of the factual predicate for it, and the preparation of the “series of measures” related thereto, which the memorandum announces will be announced “[i]n the coming days.”
5. At least ten days in advance of any meeting to be conducted by FBI pursuant to the direction in your memorandum, provide the date, time and location of the meeting, list of invitees, all correspondence with invitees and all materials to be furnished, presented, or shared at the meeting. Explain and detail all content in the meeting to distinguish and validate the propriety of and respect for First

Amendment-protected activity relating to the issues addressed in the memorandum. Provide assurances that any member of Congress will be admitted to any such meeting. Preserve the content of each meeting through video recording and provide all such recordings.

Sincerely,



Dan Bishop
Member of Congress



Andy Biggs
Member of Congress



Chip Roy
Member of Congress



Jody Hice
Member of Congress



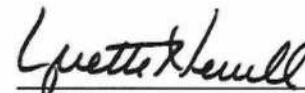
Ted Budd
Member of Congress



Ralph Norman
Member of Congress



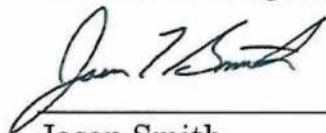
Lauren Boebert
Member of Congress



Yvette Herrell
Member of Congress



Mike Johnson
Member of Congress



Jason Smith
Member of Congress




Richard Hudson
Member of Congress





Jeff Duncan
Member of Congress


Michael Cloud
Member of Congress



Warren Davidson
Member of Congress


Brian Babin, D.D.S.
Member of Congress



Andrew Clyde
Member of Congress

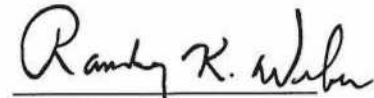

Paul A. Gosar, D.D.S.
Member of Congress

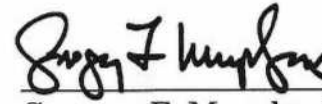

David Schweikert
Member of Congress


Matthew Rosendale
Member of Congress


Doug Lamborn
Member of Congress



Kat Cammack
Member of Congress



Randy Weber
Member of Congress



Gregory F. Murphy, M.D.
Member of Congress

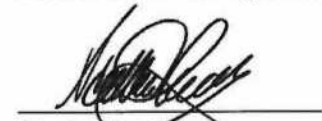

Marjorie Taylor Greene
Member of Congress

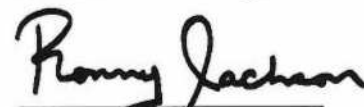

H. Morgan Griffith
Member of Congress


Mo Brooks
Member of Congress


Ben Cline
Member of Congress


Barry Moore
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Scott Perry
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Ronny Jackson
Member of Congress

Thomas Massie

Thomas Massie
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