

Congress of the United States
Washington, DC 20510

October 13, 2021

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland:

We write to express grave concerns with the recently released memorandum dated October 4, 2021 (“*Memorandum*”), directing federal law enforcement agencies and resources to address vaguely defined instances of “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.” The *Memorandum* fails to identify particular federal crimes that have been committed, and makes no effort whatsoever to cite federal legal authority justifying intervention by the U.S. Department of Justice (DOJ) and its various sub-agencies in matters that, at most, fall within the jurisdiction of local law enforcement. Despite these deficiencies, you direct the full weight of the federal law enforcement apparatus to be used to “discourage these threats,” which appears to be a thinly veiled effort aimed at chilling constitutionally protected speech.

A disturbing trend has come to light in recent months, but it is not the constitutionally protected speech and lawful assemblies of concerned parents that the *Memorandum* erroneously attempts to cast as criminal conduct. Rather, this Administration, with the full support of the DOJ, has engaged in an alarming pattern of declining to enforce existing laws it is duty-bound to uphold, while attempting to invent new legal authorities that have dubious statutory support and no foundation in the U.S. Constitution. The recently issued *Memorandum* is merely the latest example of this disturbing trend of politically motivated interventions by the nation’s top law enforcement agency.

Given the gravity of the implications of the *Memorandum*’s call to wield federal law enforcement resources against what appears to be constitutionally protected speech, please provide answers to the following questions by October 29, 2021:

1. Please identify, with particularity, the legal basis for the federal investigation and intervention directed by the *Memorandum*, including citation to particular

federal laws that have been violated, as well as the specific events constituting such violations of federal law that are not specified in the *Memorandum*.

- a. Please identify, with particularity, the legal authority of DOJ and its sub-agencies, including the Federal Bureau of Investigation (FBI) and Offices of the U.S. Attorneys (USAO), to use federal resources to “discourage” speech, such as spoken threats, as directed in the *Memorandum*.
 - b. Please identify what federal law is or may be violated by a spoken or written threat of the type ambiguously referred to in the *Memorandum*.
 - c. Please identify, with particularity, the legal authority of DOJ and its sub-agencies, including the FBI and USAO, to monitor, regulate, or control speakers and speech at public meetings of local school boards or school administrators.
2. Has the DOJ or its sub-agencies, including the FBI and USAO, received a request for assistance from a state or local law enforcement agency regarding the “harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff” alleged in the *Memorandum*?
- a. If so, please specifically identify:
 - i. The state or local law enforcement agency or agencies that submitted such requests;
 - ii. The particular events, incidents, and/or factual basis articulated in the requests for assistance;
 - iii. The nature of the assistance requested; and
 - iv. The dates such requests were received.
 - b. If no such request for assistance from a state or local law enforcement agency has been received by DOJ, please identify, with particularity, the legal basis and authority of DOJ to intervene in matters of state or local law enforcement.
3. Regarding the September 29, 2021, letter from the National School Boards Association (NSBA) to President Biden requesting “federal law enforcement and other assistance to deal with the growing number of threats of violence and acts of intimidation occurring across the nation,” to what extent did:
- a. The DOJ consult with the NSBA prior to the issuance of the *Memorandum* on October 4, 2021?
 - b. The NSBA contribute to, draft, or review the *Memorandum* prior to its issuance on October 4, 2021?
 - c. The DOJ or its sub-agencies, including the FBI and USAO, independently investigate or corroborate the NSBA’s nebulous claims of “threats of violence and acts of intimidation” justifying federal intervention in matters of local law enforcement?

- d. The DOJ concur in the NSBA's characterization of "threats against public school officials" as "equivalent to a form of domestic terrorism and hate crimes"?

School administrators, board members, and teachers are public servants, but in fulfilling those important roles they are not immune from scrutiny for decisions and actions that affect our children. Indeed, accountability is a hallmark of public service and, contrary to your mischaracterization of events at school board meetings as criminal threats against public servants, we are seeing parents across the country demand accountability from those charged with the critical task of educating our children.

To be clear, we condemn any acts of violence or lawlessness, and support the work of local law enforcement to arrest and prosecute criminal actors to the fullest extent of the law. However, when it comes to the education of our children, parents are constitutionally entitled and morally justified to demand accountability for the use of harmful curricula, such as Critical Race Theory, which is rooted in cultural Marxism and neo-racist doctrine that sows division and hostility toward "others" at a time when our country desperately needs unity. Such divisive concepts have no place in our great nation, much less in the schools we trust to educate our children.

We appreciate your prompt attention to these questions and look forward to your responses.

Sincerely,



Rick Scott
United States Senator



Marco Rubio
United States Senator



Kat Cammack
United States Representative



Michael Waltz
United States Representative



Carlos Gimenez
United States Representative



Bill Posey
United States Representative



Neal P. Dunn, M.D.
United States Representative



Brian Mast
United States Representative



María Elvira Salazar
United States Representative



Gus M. Bilirakis
United States Representative



John H. Rutherford
United States Representative