

# United States Senate

Washington, DC 20510

October 8, 2021

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

Attorney General Garland:

On October 4, you issued a memorandum directing the Federal Bureau of Investigations (“FBI”) and United States Attorneys’ Offices to address purported harassment, intimidation, and threats of violence against school board members.<sup>1</sup> Actual violence, harassment, and threats are criminal activities and must be condemned. Yet your directive to the FBI runs a serious risk of conflating legitimate and meritorious protest by concerned parents with criminal conduct. The memorandum implies that parents who protest school boards, including those who oppose the inclusion of critical race theory in elementary, junior high, and high school curricula, may pose a public safety threat. In doing so, the memorandum appears intended to intimidate parents across the country into silence.

As a matter of policy, this memorandum is extraordinarily concerning, which is why we joined Senator Grassley’s letter on behalf of the 11 Republican members of the Senate Judiciary Committee in writing to you about this policy. Equally concerning, however, is reporting about an alleged connection between your family members and controversial curricula that will directly benefit from this memorandum and the chilling of speech.<sup>2</sup>

Your daughter, Rebecca Garland, married Alexander (“Xan”) Newman Tanner in 2018.<sup>3</sup> Mr. Tanner is a co-founder of Panorama Education (“Panorama”), a “social learning” provider that provides consultancy services that reportedly aids schools in teaching critical race theory under the guise of “equity and inclusion” to America’s children.<sup>4</sup> According to a recent report from the

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<sup>1</sup> Memorandum, *Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff*, Dep’t of Justice (Oct. 4, 2021), <https://www.justice.gov/ag/page/file/1438986/download>.

<sup>2</sup> See, e.g., Luke Rosiak, *AG Linked to Firm That Stores ‘Psychological Profiles’ of Students, Avoids Parental Consent*, Daily Wire (Oct. 7, 2021), <https://www.dailywire.com/news/garland-panorama-parental-consent>; Mark Moore, *Parents group: AG Garland has conflict of interest with Facebook, critical race theory*, N.Y. Post (Oct. 6, 2021), <https://nypost.com/2021/10/06/parents-group-garland-has-conflict-of-interest-with-facebook/>; Sam Dorman, *AG Garland faces scrutiny over ties to Zuckerberg-backed ed consultancy amid critical race theory battles*, Fox News (Oct. 6, 2021), <https://www.foxnews.com/politics/merrick-garland-son-in-law-panorama-zuckerberg>.

<sup>3</sup> *Rebecca Garland, Xan Tanner*, N.Y. Times (June 17, 2018), <https://www.nytimes.com/2018/06/17/fashion/weddings/rebecca-garland-xan-tanner.html>.

<sup>4</sup> *About Us*, Panorama Education (last accessed October 7, 2021), <https://www.panoramaed.com/about>. Notably, Facebook CEO Mark Zuckerberg’s foundation, Chan-Zuckerberg Initiative, gave \$16 million to Panorama Education in 2017. Sam Dorman, *AG Garland faces scrutiny over ties to Zuckerberg-backed ed consultancy amid*

Daily Wire, Panorama holds contracts with at least 22 school districts across the country, which have paid Panorama a combined \$12 million in recent years.<sup>5</sup>

These reports outline allegations that parents and advocacy groups have recently raised about Panorama's contracts, curriculum, data collection practices, and student surveys. In early September, Parents Defending Education (PDE) released an article detailing parents' concerns about data collection and student surveys implemented in Fairfax County, Virginia, under the local school district's contract with Panorama.<sup>6</sup> On September 29, the National School Boards Association sent a letter to the Biden administration raising complaints about parents' protests at school board meetings.<sup>7</sup> Then, less than a week later, you issued the memorandum, which will benefit companies like Panorama, whose contracts may be in jeopardy as parents stand up to school boards and demand that their children not be indoctrinated with critical race theory.<sup>8</sup>

According to the Department of Justice's ("DOJ") Conflict of Interest Policy, "*An employee may not participate, without authorization, in a particular matter having specific parties that could affect the financial interests of members of her household.*"<sup>9</sup> This policy is to prevent both actual conflicts of interests, as well as the appearance of a conflict of interest. In light of the allegations that your son-in-law's company may benefit directly from your memorandum, we request that you respond to the following questions no later than October 21, 2021:

- Does your son-in-law, Xan Tanner, currently work for Panorama? If not, when did he leave Panorama's employ?
- Has Panorama provided any consulting services to DOJ since January 20, 2021, or is Panorama under contract to provide any consulting services to DOJ in the future?
- Has Panorama provided consulting services or curriculum to any federal agency?
- Has there been any communication between Panorama and DOJ since January 20, 2021?
- Has any school district, teachers' union, or other trade organization contacted DOJ regarding Panorama since January 20, 2021?
- Have any school districts that hold or have held a contract with Panorama contacted DOJ regarding Panorama since January 20, 2021?
- Did you seek advice from an ethics official or attorney regarding Panorama before issuing the October 4, 2021 memoranda titled "*Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement to Address Threats Against School Administrators, Board Members, Teachers, and Staff*"?

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*critical race theory battles*, Fox News (Oct. 6, 2021), <https://www.foxnews.com/politics/merrick-garland-son-in-law-panorama-zuckerberg>.

<sup>5</sup> Luke Rosiak, *AG Linked to Firm That Stores 'Psychological Profiles' of Students, Avoids Parental Consent*, Daily Wire (Oct. 7, 2021), <https://www.dailywire.com/news/garland-panorama-parental-consent>.

<sup>6</sup> *Fairfax County signs five-year contract to pay \$2.4 million in COVID emergency funds to a Boston-based consultant to administer intrusive "social and emotional" screening*, Parents Defending Education (Sept. 7, 2021), <https://defendinged.org/incidents/test/>.

<sup>7</sup> Letter, Federal Assistance to Stop Threats and Acts of Violence Against Public Schoolchildren, Public School Board Members, and Other Public School District Officials and Educators, Nat'l Sch. Bd. Ass'n (Sept. 29, 2021), <https://nsba.org/-/media/NSBA/File/nsba-letter-to-president-biden-concerning-threats-to-public-schools-and-school-board-members-92921.pdf>.

<sup>8</sup> See *supra* fn. 1.

<sup>9</sup> *Conflicts*, Dep't of Justice (Aug. 13, 2021), <https://www.justice.gov/jmd/conflicts> (emphasis added).

- Did you or your staff have any communications with the White House regarding this memorandum or any of the issues discussed therein prior to October 4?

The American people have a strong interest in ensuring that the Department of Justice is acting in their best interests, and not in the financial interest of its officials or their families.

Sincerely,



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Ted Cruz  
Member, Senate Judiciary Committee



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Mike Lee  
Member, Senate Judiciary Committee



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Marsha Blackburn  
Member, Senate Judiciary Committee