

United States Senate

COMMITTEES:
ARMED SERVICES
COMMERCE, SCIENCE, AND
TRANSPORTATION
JUDICIARY
VETERANS' AFFAIRS

October 26, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

President Biden,

On October 4, the Department of Justice (“DOJ”) 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.¹ While actual violence, harassment, and threats are criminal activities and must be condemned, DOJ’s directive risks conflating legitimate protests by concerned parents with criminal conduct. The memorandum implies that parents who voice their concerns at school board meetings—including those parents 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 and constitutional law, this memorandum is extraordinarily concerning. But no less concerning are the recent news reports about the White House’s involvement on this issue. According to emails recently made public, the White House was in contact with the National School Boards Association (“NSBA”) for several weeks and collaborated with NSBA on a September 29 letter that likened concerned parents to “domestic terrorists.”² This letter called for federal intervention, and less than a week later, DOJ issued its directive to the FBI to explore “how federal enforcement tools can be used” to address protests at school board meetings.³

Moreover, on October 13, Education Secretary Miguel Cardona appointed NSBA president Viola Garcia to the National Assessment Governing Board, which is charged with developing the tests

¹ 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>.

² Chrissy Clark, *White House Collaborated With School Board Group On Letter Comparing Parents To ‘Domestic Terrorists’*, Daily Caller (Oct. 21, 2021), <https://dailycaller.com/2021/10/21/nsba-biden-white-house-letter-domestic-terrorists/>.

³ Department of Justice, *Justice Department Addresses Violent Threats Against School Officials and Teachers* (Oct. 4, 2021), *available at* <https://www.justice.gov/opa/pr/justice-department-addresses-violent-threats-against-school-officialsand-teachers>.

used to track student achievement across the country.⁴ This appointment, coming only two weeks after NSBA sent the September 29 letter, raises serious questions about whether the appointment was linked to Ms. Garcia's work with the White House on that letter.

In light of the White House's communications and relationship with NSBA, I request that you respond to the following questions no later than November 8, 2021:

- Who initiated the communications between the White House and NSBA on this issue?
- Please describe the White House's awareness of and involvement in the NSBA letter, including, but not limited to, any participation in coordinating the letter, drafting the letter, and/or initiating the idea of sending it.
- Who at NSBA did the White House communicate with on this matter?
- Please detail any White House direction, guidance, communication, and/or coordination with DOJ on the FBI directive and/or any related issues discussed herein.
- Does your administration view concerned parents as domestic terrorist threats?
- Where does your administration designate the boundary between legitimate protest and criminal activity?
- Was Ms. Garcia appointed to the National Assessment Governing Board because of her role working with the White House on the September 29 letter?

Enshrined in the Bill of Rights is Americans' fundamental right to petition the government, and that includes the right to question what is being taught in our public schools. Parents have a say in how and what their children are taught in school, and their speech must not be chilled at public school board meetings. I look forward to your prompt and thorough responses to my questions.

Sincerely,



Marsha Blackburn
United States Senator

⁴ Chuck Ross, *Biden Admin Taps School Board Association Honcho For Post In Wake Of Infamous Letter*, Washington Free Beacon (Oct. 25, 2021), <https://freebeacon.com/biden-administration/school-board-association-president-got-federal-post-after-infamous-letter/>.