

United States Senate

March 29, 2022

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland,

We write to express continued concern that you have not yet rescinded the October 4 *Memorandum* titled “Partnership Among Federal, State, Local, Tribal, and Territorial Law Enforcement To Address Threats Against School Administrators, Board Members, Teachers, and Staff” that targets parents who dare to speak up at school board meetings across the country. We demand that you immediately and publicly rescind the *Memorandum*.

The National School Boards Association (NSBA) has publicly apologized for its letter to President Biden—the very letter that prompted your October 4 *Memorandum*. NSBA has also conducted a formal review of its processes and procedures to ensure this incident is not repeated. However, the Department of Justice (DOJ) refuses to similarly admit wrongdoing.

We also remain concerned that the Counterterrorism and Criminal Divisions of the Federal Bureau of Investigation (FBI) created a threat tag “EDUOFFICIALS” to track these alleged threats. It should go without saying that parents are not terrorists and critical FBI resources should not be used for this purpose.

Our country is experiencing an uptick in actual violent crime. Several of our major cities hit new homicide records in 2021. Illicit drugs are flowing across our border and into our communities. But instead of cracking down on crime, you decided to target parents advocating for their children. This no doubt continues to have a chilling effect on parent participation at school board meetings, as parents are afraid to attend these meetings for fear of being investigated.

Additionally, you have stonewalled the request from fourteen states for internal communications at DOJ leading up to the October 4 *Memorandum*. These states have joined together in a lawsuit to pursue DOJ compliance with their Freedom of Information Act (FOIA) requests. Ironically, on March 15 you issued guidelines directing all executive branch departments and agencies to apply a presumption of openness when processing FOIA requests. You said “For more than fifty years, the Freedom of Information Act has been a vital tool for advancing the principles of open government and democratic accountability that are at the heart of who we are as public servants.” We agree. The American people deserve to know the circumstances surrounding this misuse of federal resources.

Parents have the right to direct the upbringing and education of their children. That does not make them terrorists. For you and your Department to claim otherwise is a gross misuse of your authority as the nation’s highest law enforcement official. Your October 4 *Memorandum* must be immediately and publicly rescinded.

Thank you for your attention to this critically important issue and we look forward to your prompt response.

Sincerely,



James Lankford
United States Senator



Ted Cruz
United States Senator



Mike Braun
United States Senator



James M. Inhofe
United States Senator



Mike Lee
United States Senator



John Boozman
United States Senator



Rand Paul
United States Senator



Josh Hawley
United States Senator