

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

(202) 225-3951
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November 18, 2021

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

Dear Director Wray:

We are investigating 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. On November 3, 2021, Committee Republicans wrote to you requesting documents and information relating to the Federal Bureau of Investigation's role in investigating and prosecuting concerned parents.¹ You have not responded to our request. Since then, we have received a protected whistleblower disclosure showing the FBI used counterterrorism resources to compile and categorize threat assessments related to parents. We therefore write again to reiterate and expand our request.

On October 20, 2021, the Deputy Assistant Director of the FBI's Criminal Investigative Division sent an email to an "FBI_SACS" listserv "on behalf of" the FBI's Assistant Director for the Counterterrorism Division, Timothy Langan and the Assistant Director for the Criminal Division, Calvin Shivers.² The email, which is enclosed, referenced the Attorney General's 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.³ 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."⁴ 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."⁵

¹ Letter from House Judiciary Committee Republicans to Christopher A. Wray, Director, Fed. Bureau of Investigation (Nov. 3, 2021).

² Email from Carlton Peeples, Deputy Assistant Dir., Criminal Investigative Div., Fed. Bureau of Investigation, to FBI_SACS (Oct. 20, 2021).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

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. News reports indicate that the National School Boards Association (NSBA) coordinated with the White House prior to sending a letter dated September 29 to President Biden labeling parents as domestic terrorists and urging the Department to use federal tools—including the Patriot Act—to target parents.⁶ Just five days later, on October 4, Attorney General Garland 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.⁷ As the whistleblower’s disclosure shows, the FBI’s Counterterrorism Division quickly effectuated the Attorney General’s directive.⁸

The NSBA Board of Directors has apologized for its letter to President Biden, writing: “On behalf of NSBA, we regret and apologize for the letter.”⁹ (emphasis in original). Attorney General Garland, however, has refused to rescind his directive, despite testifying that the NSBA letter was the basis for his October 4 memorandum.¹⁰ His directive to the FBI therefore remains in effect.

The whistleblower disclosure only amplifies our need to investigate how the Biden Administration is using federal law enforcement resources, including counterterrorism tools, to target concerned parents at school board meetings. In addition, during testimony before the House Permanent Select Committee on Intelligence on November 3, Assistant Director Langan acknowledged that the Department and FBI conducted a “discussion” the “weekend before” the issuance of the memorandum—presumably the weekend of October 2 and 3—concerning the letter and that the “Department was looking to put out some messaging.”¹¹ The whistleblower disclosure and Assistant Director Langan’s testimony confirm that the FBI possesses documents responsive to our initial request. We therefore reiterate the requests made in our November 3 letter to you and ask that you produce this material immediately. In addition, in light of the whistleblower disclosure, we request that you provide the following additional documents and information:

1. Provide the number of parents who have been tagged by FBI with the EDUOFFICIALS threat tag;

⁶ Callie Patteson, *WH ‘actively engaged’ with NSBA before ‘domestic terror’ letter: memo*, N.Y. POST (Nov. 11, 2021).

⁷ 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).

⁸ Email from Carlton Peebles, Deputy Assistant Dir., Criminal Investigative Div., Fed. Bureau of Investigation, to FBI_SACS (Oct. 20, 2021).

⁹ Memorandum from NSBA Board of Directors, Message to NSBA Members (Oct. 22, 2021).

¹⁰ *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).

¹¹ *Open C3 Subcommittee Hearing on Countering Domestic Terrorism, Hearing Before the H. Permanent Select Comm. on Intelligence*, 117th Cong. (Nov. 3, 2021) (testimony of Mr. Timothy Langan Jr., Assistant Dir., Counterterrorism Division, Fed. Bureau of Investigation).

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2. All documents and communications referring or relating to the EDUOFFICIALS threat tag;
3. All documents and communications referring or relating to investigations identified and labeled with the EDUOFFICIALS threat tag; and
4. All documents and communications referring or relating to FBI investigations of school board threats sent or received by the following individuals:
 - a. Carlton L. Peebles, Deputy Assistant Director, Criminal Investigative Division;
 - b. Jay Greenberg, Deputy Assistant Director, Criminal Investigative Division;
 - c. Calvin A. Shivers, Assistant Director, Criminal Division;
 - d. Brian M. Cohen, Criminal Division;
 - e. Timothy R. Langan Jr., Assistant Director, Counterterrorism Division; and
 - f. Kevin Vorndran, Deputy Assistant Director, Counterterrorism Division.

Please provide this material as soon as possible but no later than 5:00 p.m. on December 2, 2021. In addition, 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.

Thank you for your attention to this important matter.

Sincerely,



Jim Jordan
Ranking Member

cc: The Honorable Jerrold L. Nadler
Chairman

Enclosure

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

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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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