



STATE OF INDIANA

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October 26, 2021

Chip Slaven
Interim Executive Director
& Chief Executive Officer
National School Boards Association
1680 Duke Street, Floor 2
Alexandria, Virginia 22314-3493

Viola M. Garcia, EdD
President
Board of Directors
National School Boards Association
1680 Duke Street, Floor 2
Alexandria, Virginia 22314-3493

Re: NSBA's Fraud on the American People

Dear Mr. Slaven and Ms. Garcia,

One week ago in a [letter dated October 18, 2021](#), my fellow Attorneys General and I, in a letter to the White House and the Department of Justice, laid out the facts surrounding the massive fraud that the National School Boards Association (NSBA) has perpetrated on the American people. Our letter rebutted in detail the premise of a letter to the Department of Justice dated September 29, 2021, where NSBA accused parents throughout the United States of "domestic terrorism and hate crimes" warranting the invocation of "the PATRIOT Act in regards to domestic terrorism."

Our October 18 letter also objected to Attorney General Garland's reliance on the fraudulent claims of the September 29 NSBA letter as a basis for the Department of Justice's October 4, 2021, [Memorandum](#) creating a task force to investigate parental school board protests. In our view, that task force was "designed to intimidate parents into giving up their constitutional rights to direct the upbringing and education of their children."

We appreciate and note that the NSBA has now admitted its part in this fraud on the American people in its October 22, 2021, ["Message to NSBA Members"](#), which specifically states that "there was no justification for some of the language included in that [September 29] letter."¹ However, given the damage wrought by NSBA's lies and the federal government's reliance on those lies to target lawful protests by parents concerned with the health and safety of their children attending public schools, NSBA must do far more.

¹ It is worth noting that that the NSBA website includes the September 29 letter to the DOJ and an October 4 statement praising the DOJ for its memo, but the October 22 repudiation letter is nowhere on its website. See <https://www.nsba.org/News>.

According to your website the “NSBA is a federation of state associations and the U.S. territory of the Virgin Islands that represent locally elected school board officials serving approximately 51 million public school students.”² As of the date of this letter almost half of your own state associations have recognized that the September 29, 2021 letter was a lie and have repudiated that letter in the strongest language.³ For example:

- Delaware: “Disagrees, in the strongest possible terms, with parents and citizens protesting school board meetings being characterized as ‘domestic terrorists’ and their protests being likened to ‘hate crimes.’”
- Idaho: “Had we been asked, we would have readily pointed out the mischaracterization of parents and patrons in our communities as domestic terrorists who merited federal investigation.”
- Mississippi: “The terminology used in the letter was inflammatory.”
- North Carolina: “The Association does not agree with the tone or language in the letter nor the request for federal agencies to intervene in our communities.”
- Ohio: “[R]ejects the labeling of parents as domestic terrorists.”

State associations have also expressed serious concerns over the partisan nature of the letter and of the NSBA, and indeed some have disaffiliated with the NSBA as a consequence:

- Delaware: “The DSBA is an apolitical advocacy organization, and we do not engage in partisan politics. The DSBA Constitution prohibits the endorsement of political candidates.”
- Florida: “[W]e did not submit payment for 2020-2021 dues, which were due July 1, 2021. We have been clear about reassessing the value of our affiliation with NSBA due to concerns surrounding NSBA’s governance, leadership, transparency, and failure to embrace non-partisanship.”
- Kentucky: “KSBA’s leadership is currently evaluating the benefits of continued membership in NSBA.”
- Louisiana: “The LSBA has long been a member of the NSBA but has not yet paid membership dues for the 2021-2022 year.”
- Ohio: “The OSBA board of trustees will be discussing our membership and relationship with NSBA at our next meeting of our Board of Trustees in November.”

² <https://www.nsba.org/About>.

³ The current list of states includes Alabama, Arkansas, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Montana, New Hampshire, North Carolina, Pennsylvania, Tennessee, Texas, Virginia, and Wyoming. <https://defendinged.org/press-releases/state-school-board-associations-responses-to-the-nsba-letter>.

- Pennsylvania: “On Thursday, Oct. 14, 2021, the Pennsylvania Schools Boards Association released a statement that it voted to withdraw from the National School Boards Association.”

School boards are governmental entities funded by taxpayers. The state associations and the NSBA are nonprofit entities who receive taxpayer funds from local school boards in the form of membership fees (state associations from local school boards) and dues (NSBA from state associations).⁴ It is no surprise that the associations should be appalled not only by the false statements in the September 29, 2021 letter, but NSBA’s use of taxpayer funds to engage in blatant partisan politics jeopardizing the nonprofit status of both NSBA and themselves.

Recent reporting and e-mails not only make clear that NSBA likely colluded with the Biden administration, but also suggest that Biden administration officials may have participated in the development of the September 29 letter and asked you to sign it. In your e-mail to the NSBA Board dated September 29, 2021, you specifically stated that you had been “in talks over the last several weeks with White House staff, they requested additional information on some of the specific threats, so the letter details many of the incidents that have been occurring.”⁵

Indeed, Attorney General Garland [under questioning by Rep. Jim Jordan](#) admitted during his testimony before the House Judiciary Committee that the DOJ was involved in discussions with the White House concerning the content of the NSBA letter before he issued the October 4, 2021 memorandum: “I am sure that the communication from the National School Boards was discussed by the White House and the Justice Department.”

Your fraudulent letter, prepared by a nonprofit organization using taxpayer funds, drafted by or in coordination with the Biden Administration labeling parents as domestic terrorists and calling for the invocation of the Patriot Act, requires an immediate and transparent response. As your apology of October 22 itself makes clear, a full accounting of this incident must include “not only the proceedings leading to the letter but also other related concerns.”

To that end, we request that the NSBA immediately take the following steps:

1. Revoke the September 29, 2021 letter in its entirety because, as you admitted on October 22, 2021, there was “no justification for some of the language included in that letter”;

⁴ As the NSBA website notes: “Our members are state school boards associations and U.S. territory of the Virgin Islands. State school boards associations are nonprofit organizations that represent local school board members who serve on local school boards.” <https://www.nsba.org/About>.

⁵ See e.g. [“White House in contact with school board group for 'weeks' before controversial 'Patriot Act' letter: emails: NSBA's CEO said they were in talks with White House for 'several weeks' before sending letter”](#) and [White House Collaborated With School Board Group On Letter Comparing Parents To 'Domestic Terrorists'](#).

2. Join us in calling on President Biden and Attorney General Garland to revoke the October 4, 2021, DOJ memorandum creating a task force to investigate parents—a memorandum that was based on your admittedly false allegations.
3. Call on these same officials to cease efforts to target parents for exercising their First Amendment rights;
4. Release all complete and unredacted communications to or from federal agencies or officials (using either official or personal email accounts and devices) relating to what your October 22, 2021, “apology” letter referred to as “the proceedings leading to the [September 29] letter,” including but not limited to the following:
 - A. Correspondence of any kind whether text, written or electronic to or from any individual employed by or affiliated with the White House or White House related entities such as the Domestic Policy Council;
 - B. Correspondence of any kind whether text, written or electronic to or from any individual employed by or affiliated with the United States Department of Justice, including but not limited to Attorney General Merrick Garland, Deputy Attorney General Lisa Monaco, Associate Attorney General Vanita Gupta, Assistant Attorney General Kristen Clark, or their “front office staff” including but not limited to their deputies, senior advisors, and senior counsel;
 - C. Correspondence of any kind whether text, written or electronic to or from any individual employed by or affiliated with the United States Department of Education, including but not limited to Secretary Miguel Cardona, Deputy Secretary Cindy Marten, Acting General Counsel Emma Leheny, Assistant Secretary for the Office of Civil Rights Catherine Llhamon, or their “front office staff” including but not limited to their deputies, senior advisors, and senior counsel;
 - D. All documents, e-mails, memoranda or other materials prepared by you or received from any source that relate to or discuss your e-mail to the NSBA Board dated September 29, 2021, wherein you stated that you had been “in talks over the last several weeks with White House staff, they requested additional information on some of the specific threats, so the letter details many of the incidents that have been occurring;”
 - E. All drafts, discussion copies, memoranda or other material exchanged with any federal government employees of what ended up being the September 29, 2021, letter; and,

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- F. Notes, memoranda, internal e-mails, or other NSBA documents discussing, summarizing or memorializing any of the above referenced communications.⁶

The actions of the NSBA colluding with the White House and the Department of Justice to create a pretext for using the USA PATRIOT Act against protesting parents have been both reprehensible and offensive. Your October 22, 2021, apology letter seems to admit as much, but its half-hearted concessions are insufficient. Immediate and voluntary compliance with the foregoing requests, while not righting the wrong, would be a productive next step toward ensuring accountability to the parents and students you claim to serve.

Sincerely,



Todd Rokita
Indiana Attorney General



Steve Marshall
Alabama Attorney General



Treg R. Taylor
Alaska Attorney General



Mark Brnovich
Arizona Attorney General



Leslie Rutledge
Arkansas Attorney General



Christopher M. Carr
Georgia Attorney General



Derek Schmidt
Kansas Attorney General



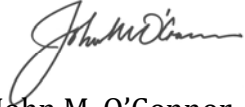
Eric S. Schmidt
Missouri Attorney General



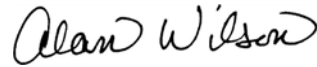
Austin Knudsen
Montana Attorney General

⁶ To the extent applicable, please also take these requests as requests for information/public records under any applicable state or federal statutes.

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John M. O'Connor
Oklahoma Attorney General



Alan Wilson
South Carolina Attorney General



Ken Paxton
Texas Attorney General