

From: Jackson, Wykema C. (OAG)
Subject: OAG Visitor Clearances/Courtyard Entrance/ Garage Parking for today, Wednesday, June 16, 2021
To: Watson, Theresa (OAG); Visitor Center (JMD); Oliver, Emanuel L. (JMD); JPSControl (JMD); [REDACTED] (DO) (FBI); [REDACTED] (DO) (FBI); Cabral, Joseph (JMD); Richards, Kristin (JMD); Clarke, Mark (JMD); Davidson, Marcia A. (OAG); Cash, Tabitha (OAG); Washington, Tracy T (OAG); Purdy, Nikita (OAG); Avery, Charles W (JMD)
Sent: June 16, 2021 10:44 AM (UTC-04:00)

Please note [REDACTED] **. Thanks**

COURTYARD ENTRANCE GARAGE PARKING

Visitor: [REDACTED]
ETA: 6:00 pm
ETD: 8:30 pm
Room: [REDACTED]
Badge: [REDACTED]
POC: [REDACTED]

Vehicle: [REDACTED]
Tags: [REDACTED]
Color: [REDACTED]

10th STREET ENTRANCE

Visitors: [REDACTED]
ETD: 6:00 pm
ETA: 8:30 pm
Room: [REDACTED]
Badge: [REDACTED]
POC: [REDACTED]

From: Seidman, Ricki (OASG)
Subject: Likely Questions Binder
To: Goodlander, Margaret V. (OAG)
Sent: October 13, 2021 5:48 AM (UTC-04:00)
Attached: UPDATED Likely Questions TOC.docx, DRAFT questions likely to be asked HJC 10-21-21.docx

1. Attached is an updated table of contents doc (unformatted) and the combined Q & A.
2. I have highlighted in the ToC doc topics where we do not have questions.
3. As I was going through this, I looked at the Q & A. (b) (5)
[REDACTED]
4. The headers are not aligned.
5. I think for ease of use, we should keep the Q & A as one doc, but I know you might prefer to keep the topics separate. In a separate email, I will send you the culled docs I used to narrow down the questions in each topic in case they are useful to you. One warning: they do not include the questions I shifted from Hot Topics b/c I added those directly into the big doc.
6. Hope this is self-explanatory. This should give you a big head start on what is left to do. (b) (6)
[REDACTED]. I'll text you with my travel plans. During the day, I won't have a lot of time, but starting at around 5, I can work on anything you need.
(b) (6).

Hope I didn't forget to tell you something.

All best, Ricki

Ricki Seidman
Deputy Associate Attorney General
U.S. Department of Justice
(b) (6)
She/her

Table of Contents

0. GENERAL/POLITICAL

Scoped Out Per Agreement - Also (b)(5)

Panorama

Scoped Out Per Agreement - Also (b)(5)

From: Seidman, Ricki (OASG)
Subject: Likely Questions ToC
To: Greenfeld, Helaine A. (OLA)
Cc: Goodlander, Margaret V. (OAG)
Sent: October 13, 2021 6:00 AM (UTC-04:00)
Attached: UPDATED Likely Questions TOC.docx

Helaine,

I used your list(s) and culled the bigger list of questions with Maggie down to those likely to be asked (attached). You should take a look and see if you think anything is missing or if anything else can be cut. The entire document is now 230 pages and it would be great if we could get it down to between 150-175.

This list DOES NOT include additional topics suggested by the letters – I will leave to you both to decide which deserve to have questions added.

I'm mostly out of pocket for the next couple of days in (b) (6) so will leave to you and Maggie to make any adjustments. I left out Qs that are Senate only. We can add them after the HJC hearing.

Ricki Seidman
Deputy Associate Attorney General
U.S. Department of Justice
(b) (6)
She/her

Table of Contents

0. GENERAL/POLITICAL

Scoped Out Per Agreement - Also (b)(5)



Panorama

Scoped Out Per Agreement - Also (b)(5)



From: Greenfeld, Helaine A. (OLA)
Subject: RE: Likely Questions ToC
To: Seidman, Ricki (OASG)
Cc: Goodlander, Margaret V. (OAG)
Sent: October 13, 2021 9:02 AM (UTC-04:00)
Attached: UPDATED Likely Questions TOC hg.docx

I added (b) (5) and deleted (b) (5) on second thought.

From: Seidman, Ricki (OASG) (b) (6)
Sent: Wednesday, October 13, 2021 6:00 AM
To: Greenfeld, Helaine A. (OLA) (b) (6)
Cc: Goodlander, Margaret V. (OAG) (b) (6)
Subject: Likely Questions ToC

Duplicative Material (Document ID: 0.7.8808.18481, Bates Number 23cv391-22-00083-000228)

Table of Contents

0. GENERAL/POLITICAL

Scoped Out Per Agreement - Also (b)(5)

Panorama

Scoped Out Per Agreement - Also (b)(5)

From:
Subject:
To:
Sent: October 13, 2021 5:16 PM (UTC-04:00)

(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

HOUSE OVERSIGHT HEARING Q&A BINDER
TABLE OF CONTENTS

Scoped Out Per Agreement - Also (b)(5)



X. MISCELLANEOUS

Scoped Out Per Agreement - Also (b)(5)

2. Panorama

Scoped Out Per Agreement - Also (b)(5)



HOUSE OVERSIGHT HEARING Q&A BINDER
TABLE OF CONTENTS

Scoped Out Per Agreement - Also (b)(5)

X. MISCELLANEOUS

Scoped Out Per Agreement - Also (b)(5)



Scoped Out Per Agreement - Also (b)(5)

28. Panorama

From: Logan, Stephanie (OIG)
Subject: RE: [EXTERNAL] Media Inquiry from Alex Nester - Washington Free Beacon
To: Hornbuckle, Wyn (PAO)
Sent: October 15, 2021 10:22 AM (UTC-04:00)

Thanks, I can ask if he's seeking our comment or if he's asking about the DOJ's position on the appropriateness of what he describes.

Stephanie M. Logan

Assistant Director, Office of Communications/Spokesperson
U.S. Department of Justice
Office of the Inspector General

(b) (6)

Stay in the loop by connecting with us on LinkedIn, following us on Twitter, and subscribing to email updates.

-----Original Message-----

From: Hornbuckle, Wyn (PAO) (b) (6)
Sent: Thursday, October 14, 2021 5:27 PM
To: Logan, Stephanie (OIG) (b) (6)
Subject: FW: [EXTERNAL] Media Inquiry from Alex Nester - Washington Free Beacon

Hi Stephanie,
Seems directed at OIG

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Thursday, October 14, 2021 4:43 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Alex Nester - Washington Free Beacon

Date Thursday, October 14, 2021 - 4:43pm EDT

Name: Alex Nester

Email Address: (b) (6)

Topic: Inspector General

Media Outlet: Washington Free Beacon

Deadline: 5:30 PM today, October 14

Inquiry:
To whom it may concern:

My name is Alex Nester and I write on education for the Washington Free Beacon.

I am reaching out for comment regarding a letter I received from Rep. Doug Lamborn (R.) to Inspector General Horowitz. The representative is asking General Horowitz to investigate Attorney General

Garland's ties to Panorama Education, a left-wing education company that creates many race and gender-based surveys.

Is it appropriate for the Attorney General to direct federal and state law enforcement to investigate parents who speak out against radical racial and gender ideology infiltrating the classroom, while his son-in-law runs an organization responsible for some of the very surveys parents are upset about?

Any further information regarding Garland's ties to the organization are welcome.

Thanks so much,
Alex

From: Coley, Anthony D. (PAO)
Subject: FW: [EXTERNAL] Media Inquiry from Harold Hutchison - Daily Caller News Foundation
To: Klapper, Matthew B. (OAG)
Sent: October 15, 2021 12:57 PM (UTC-04:00)

-----Original Message-----

From: Press <Press@jmd.usdoj.gov>
Sent: Friday, October 15, 2021 12:56 PM
To: Coley, Anthony D. (PAO) (b) (6); Iverson, Dena (PAO) (b) (6)
Cc: Gelber, Sophie (PAO) (b) (6); Press <Press@jmd.usdoj.gov>
Subject: FW: [EXTERNAL] Media Inquiry from Harold Hutchison - Daily Caller News Foundation

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Friday, October 15, 2021 12:55 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Harold Hutchison - Daily Caller News Foundation

Date Friday, October 15, 2021 - 12:55pm EDT

Name: Harold Hutchison

Email Address: (b) (6)

Topic: Other (please specify at the top of your message)

Media Outlet: Daily Caller News Foundation

Deadline: 5 PM Today

Inquiry:

I am reaching out to get comments from Attorney General Garland regarding the fact that principles of critical race theory are present in materials promulgated by Panorama Education, the company founded by his son-in-law.

From: Gelber, Sophie (PAO)
Subject:
To: Roberts, Alivia P. (PAO)
Sent: October 19, 2021 2:36 PM (UTC-04:00)

(b) (5)

From: Roberts, Alivia P. (PAO)
Subject:
To: Gelber, Sophie (PAO)
Sent: October 19, 2021 2:37 PM (UTC-04:00)

(b) (5)

From: Gelber, Sophie (PAO)
Subject:
To: Roberts, Alivia P. (PAO)
Sent: October 19, 2021 2:38 PM (UTC-04:00)

(b) (5)

Senior Management Offices – Significant FOIA Requests/Appeals/Litigation October 20, 2021

Significant FOIA Requests:

- FOIA-2022-00075 (OAG, ODAG, OASG)
 - Reed Rubinstein (American First Legal)
 - Records of the above-referenced offices pertaining to *State of Texas v. Joseph R. Biden*, Civil Action No. 4:21-CV-579-P (N.D. Tex.), dating from April 22, 2021. The request specifically encompasses records concerning the disqualification of Gene Hamilton from the case.
 - Expedition: Standards (ii) and (iv)
 - Determination: Deny (ii), Pending (iv)

- FOIA-2022-00083 (OAG, PAO, OLA)
 - Reed Rubinstein (America First Legal)
 - Records of the above-referenced offices pertaining to (1) Alexander Tanner, (2) Panorama Education, (3) financial disclosure records of Attorney General Merrick Garland; and (4) communications with the White House pertaining to Alexander Tanner, Panorama, and Merrick Garland.
 - Expedition: Standards (ii) and (iv)
 - Determination: Deny (ii), Pending (iv)

Significant Administrative FOIA Appeals

- Nothing to Report

Significant FOIA Litigation:

New Litigation –

- Competitive Enterprise Institute v. McCarthy, et al.
 - No. 21-cv-1238 (DDC), FOIA-2021-01323
 - Plaintiff CEI is seeking records between the National Climate Task Force/NCTF Chairperson Gina McCarthy and Attorney General Merrick Garland/OAG staff regarding climate-related issues and corresponding policies for proposed rulemaking.
 - Defendant component – OAG
 - Complaint filed 7/20/21
 - Searching

New Consult –

- Colgan v. DOJ
 - No. 14-cv-740 (DDC), FOIA-2022-00122
 - Plaintiff James Calhoun Colgan is seeking the FBI's FOIA/Privacy Act Manual ("Green Book"), and similar manuals, policies, guidance, etc. pertaining to the FOIA, open government, and their systems of record
 - Defendant component – FBI

- Complaint filed 4/14/14
- Reviewing records from FBI consult

From: Creighton, Kelly M (PAO)
Subject: FW: OIP Expedited Processing Request of Rubinstein (FOIA-2022-00083)
To: Hornbuckle, Wyn (PAO)
Sent: October 25, 2021 10:54 AM (UTC-04:00)
Attached: Expedite Request, Rubinstein (America First Legal, AG and Panorama), Decision Memo.pdf

Hi Wyn,

Following up on this EP request. Several MOCs brought this up at the AG's hearing last week. I suspect it will be a topic at this week's hearing as well.

Thanks!

KC

From: Creighton, Kelly M (PAO)
Sent: Monday, October 18, 2021 3:36 PM
To: Hornbuckle, Wyn (PAO) (b) (6)
Subject: FW: OIP Expedited Processing Request of Rubinstein (FOIA-2022-00083)

Hi Wyn,

Attached is an EP request for various AG docs/comms re Panorama.

(b) (5) [Redacted]

[Redacted]

[Redacted]

[Redacted]

(b) (5) [Redacted] but welcome your thoughts.

Decision memo for your signature is attached.

Recommend: (b) (5) [Redacted]

Due date: Oct 22nd

Thank you.

KC

From: Gilbeaux, Georgianna (OIP) (b) (6)

Sent: Friday, October 15, 2021 2:16 PM

To: Creighton, Kelly M (PAO) (b) (6)

Cc: Hibbard, Douglas (OIP) (b) (6); Fiorillo, Andrew (OIP) (b) (6)

Villanueva, Valeree A (OIP) (b) (6)

Subject: OIP Expedited Processing Request of Rubinstein (FOIA-2022-00083)

Kelly,

Attached is a memorandum to PAO, including the FOIA request, for expedition review pursuant to standard iv. The expedition determination is due by Friday, October 22nd.

Should you have any questions, please feel free to contact our Office.

Thank you,

Georgianna

FOIA Requests for Expedited Processing Under Public Affairs Standard

Requester: Reed Rubinstein

Date of Letter: 10/13/2021

Organization: America First Legal

Date of PAO Receipt: 10/15/2021

Subject: *All Public Financial Disclosure Reports for Merrick B. Garland and records related thereto. Timeframe is January 1, 2017, to present. All records mentioning or referring to Alexander Tanner. Timeframe is January 1, 2021, to present. All records mentioning or referring to Panorama. Timeframe is September 1, 2021, to present. All records of communications between the department and any person with an email address containing "eop.gov" referring to Merrick B. Garland or Alexander Tanner, and/or Panorama. Timeframe is October 1, 2021, to present.*

28 C.F.R. § 16.5 (e)(1)(iv): "A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence."

Prong 1

(b) (5)

Topic of request **IS** a matter of "widespread and exceptional media interest."

Topic of request **IS NOT** a matter of "widespread and exceptional media interest."

Prong 2

(b) (5)

Topic of request **IS** a matter "in which there exist possible questions about the government's integrity which affect public confidence."

Topic of request **IS NOT** a matter "in which there exist possible questions about the government's integrity which affect public confidence."

Accordingly

(b) (5)

Request for expedited processing under standard (iv) is **GRANTED**.

Request for expedited processing under standard (iv) is **DENIED**.

Wyn Hornbuckle
Deputy Director
Office of Public Affairs

Date




U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

October 15, 2021

MEMORANDUM

TO: Kelly Creighton
Office Manager
Office of Public Affairs

FROM: Douglas R. Hibbard 
Chief, Initial Request Staff

SUBJECT: Request for Expedited Processing for the Freedom of Information Act Request (FOIA) from Reed Rubinstein; OIP No. FOIA-2022-00083

The attached FOIA request from Reed Rubinstein seeks records of the Office of the Attorney General, Office of Public Affairs, and Office of Legislative Affairs concerning Alexander Tanner, Panorama Education, and concerning the financial disclosure reports of Attorney General Merrick Garland.

The requester seeks expedited processing pursuant to 28 C.F. R. § 16.5(d)(iv) (matter of widespread and exceptional media interest in which there exists possible questions about the government's integrity which affect public confidence). Decisions to grant or deny expedited processing under this standard are made by the Director, Office of Public Affairs. As you know, under Department of Justice regulations, decisions to grant or deny requests for expedited processing should be made within ten calendar days from receipt of the request for expedition, which in this case is Friday, October 22nd.

A copy of the requester's submission, which contains the request for expedited processing, is attached for your information.

Once you have made your decision, please inform this Office and we will advise the requester. Please feel free to call Georgianna Gilbeaux at (202) 305-4015, or you may e-mail her at Georgianna.Gilbeaux@usdoj.gov if you have any questions or wish to discuss this further.

Attachments
DRH:GMG



October 13, 2021

Via Online Portal and Email

Douglas Hibbard, Chief, Initial Request Staff
Office of Information Policy, Department of Justice
6th Floor, 441 G Street, N.W.
Washington, D.C. 20530-0001

Karen McFadden, FOIA Contact
Justice Management Division, Department of Justice
Room 1111 RFK, 950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001
Email: JMDFOIA@usdoj.gov

Carmen Smith Carter,
Assistant Counsel for the Freedom of Information and Privacy Acts
Office of Professional Responsibility, Department of Justice
950 Pennsylvania Avenue, N.W., Suite 3241
Washington, D.C. 20530
Email: OPR.FOIA@usdoj.gov

Freedom of Information Act Request: Merrick B. Garland, Alexander Tanner aka “Xan” Tanner, and Panorama Education, Inc.

Dear Mr. Hibbard:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and promote knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States.

I. Introduction

Panorama Education, Inc. (Panorama) is a closely held, self-described seller of software and services to K-12 schools.¹ It claims to help “state and district leaders build

¹ Compare Panorama Education, Inc., *Commonwealth of Massachusetts Annual Report (3/26/2021)* <https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSearchViewPDF.aspx>; Panorama Education,

capacity within their systems to drive strategic initiatives on equity and inclusion and plan next steps to cultivate equitable, culturally responsive schools” and to “provide key insights into gaps between teacher groups by gender, race/ethnicity, and other key indicators to ensure that professional development opportunities are impacting all teacher and staff groups equitably.”² In simple terms, Panorama sells race-focused student and teacher surveys, data management tools, and training on systemic racism and oppression, white supremacy, implicit bias, and intersectionality, often under the rubric of “Social-Emotional Learning.” The business model depends on the credulous willingness of school districts to embrace extreme Critical Race Theory and gender ideology indoctrination of America’s K-12 schoolchildren, indoctrination paid for by unwitting local and federal taxpayers, all to generate return for Panorama’s leftist billionaire corporate investors.

For example, according to public data, Panorama has had eight funding rounds totaling approximately \$92.7 million since 2013.³ Investors reportedly include technology and financial sector oligarchs Laurene Powell Jobs (Apple/Emerson Collective), Priscilla Chan Zuckerberg (Facebook/Chan Zuckerberg Foundation), Nick Pritzker (Hyatt Development Corporation/Tao Capital Partners) and others.⁴ Notwithstanding these billionaire funding sources, Panorama promises school districts “most districts find funds for Panorama in the general budget” paid for by local taxpayers “or federal funding sources” paid for by federal taxpayers, while “several private, non-profit, and corporate grants align with the work that Panorama supports in schools.”⁵

Inc., *Commonwealth of Massachusetts Annual Report* (3/12/2020) <https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSearchResults.aspx>. These summary reports show, among other things, the apparent disappearance of approximately 18,000,000 shares of stock between the 2020 and 2021 reporting years.

² Panorama Education, Inc., *Funding & Grants for Panorama* (accessed Oct. 11, 2021) <https://www.panoramaed.com/funding>.

³ Crunchbase, *Panorama Education* (accessed Oct. 11, 2021) https://www.crunchbase.com/organization/panorama-education/company_financials; Adam Andrzejewski, *Panorama Education, Owned by U.S. AG Merrick Garland’s Son-In-Law, Contracted with 23,000 Public Schools & Raised \$76M From Investors*, FORBES (Oct. 12, 2021) <https://www.forbes.com/sites/adamandrzejewski/2021/10/12/panorama-education-owned-by-us-ag-merrick-garlands-son-in-law-contracted-with-23000-public-schools-for-social--emotional-climate-surveys/?sh=35ece0314e60>.

⁴ *Id.*; see e.g. Emerson Collective XQ Institute, *Evolving the Common App: The First Step Toward Anti-Racist College Admissions* <https://xqsuperschool.org/rethinktogether/common-app-anti-racist-college-admissions/> (accessed Oct. 11, 2021); Claire Cain Miller, “Lauren Powell Jobs and Anonymous Giving in Silicon Valley”, THE NEW YORK TIMES (May 24, 2013) <https://bits.blogs.nytimes.com/2013/05/24/laurene-powell-jobs-and-anonymous-giving-in-silicon-valley/?r=0&mtrref=undefined&gwh=EEEBAF592664CAFD0853F049C9E86172&gwt=pay&assetType=PAYWALL>; General Atlantic, *About Us*, <https://www.generalatlantic.com/about-us/> (accessed Oct. 11, 2021). Notably, General Atlantic, a key Panorama investor that claims to invest responsibly, also invests in corporations tied to or instrumentalities of the Chinese Communist Party. See *id.*, <https://www.generalatlantic.com/portfolio/> (accessed Oct. 11, 2021).

⁵ Panorama Education, Inc., *Funding & Grants for Panorama* (last visited Oct. 11, 2021) <https://www.panoramaed.com/funding>.

Allegedly, Panorama’s corporate secretary is Alexander Tanner, Attorney General Merrick B. Garland’s son-in-law.⁶ Upon information and belief, Tanner currently has an equity stake in and is paid by Panorama.

Americans have a fundamental liberty interest in, and the Constitutional right to control and direct, the education of their own children.⁷ Accordingly, parents across the nation are speaking out against Critical Race Theory and other forms of anti-religious, anti-family public school indoctrination. And as prominent members of the Democrat party⁸ currently campaign on the platform that parents should not have a say over what is taught in schools,⁹ the President’s top attorney is activating law enforcement to ensure that they do not. On October 4, 2021, the Attorney General issued a Memorandum to the Federal Bureau of Investigation, the Executive Office for U.S. Attorneys, the Assistant Attorney General of the Criminal Division, and all

⁶ According to Panorama’s corporate filings, its officers and directors are Aaron Feuer, President, 24 School Street, 4th Floor, Boston, MA 02108; Alexander Tanner, Secretary (same address); Amit Patel, Director, 400 Pacific Avenue, 3d Floor, San Francisco, CA 94133; Ross Jensen, Director, 555 Bryant Street, #259 Palo Alto, CA 94301; and Alex Finkelstein, Director, 137 Newbury Street, 8th Floor, Boston, MA 02116.

⁷ *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (O’Connor, J.); *Pierce v. Society of Sisters*, 268 U.S. 510, 534-35 (1925); *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923).

⁸ The Virginia gubernatorial race is considered a “bellwether” for upcoming Congressional elections. See, Zach Montellaro and Stephanie Murray, *It’s Go Time in Tight Virginia Race*, POLITICO (Oct. 11, 2021) <https://www.politico.com/newsletters/weekly-score/2021/10/11/its-go-time-in-tight-virginia-race-798136> (“We are just 22 days away from Election Day in the Virginia gubernatorial race, which has long been considered a political bellwether”); Christopher Cadelago, *‘People Are Going to Get Skit-tish.’ White House Sweats Over McAuliffe*, POLITICO (Sep. 28, 2021) <https://www.politico.com/news/2021/09/28/white-house-mcauliffe-514455> (“President Joe Biden can’t afford Terry McAuliffe to lose the governor’s race in Virginia – and the White House knows it”); Henry Gomez, *Obama to Campaign for McAuliffe in Tight Race for Virginia Governor*, NBC NEWS (Oct. 12, 2021) <https://www.nbcnews.com/politics/elections/obama-campaign-mcauliffe-tight-race-virginia-governor-n1281321> (“Virginia holds its election for governor every four years in the year after a presidential election, making the contest both a referendum on the party in the White House and a bellwether for the following year’s midterm races”). Moreover, the political importance of this election is demonstrated by the fact that the current President and most recent former president from the same party are campaigning for McAuliffe. See, Rachel Bade, *POLITICO Playbook PM*, POLITICO (Oct. 12, 2021) <https://www.politico.com/newsletters/playbook-pm/2021/10/12/pelosi-floats-a-debt-ceiling-plan-b-494667?tab=most-read> (“Former President Barack Obama is planning to rally for Terry McAuliffe next week ... And despite all that has been made of McAuliffe’s apparent distancing from President Joe Biden, the former governor said today that Biden will return to the campaign trail before voters go to the polls.”); Tara Palmeri, *POLITICO Playbook PM: Does McAuliffe Have a Biden Problem?*, Politico (Oct. 6, 2021) <https://www.politico.com/newsletters/playbook-pm/2021/10/06/does-mcauliffe-have-a-biden-problem-494600>.

⁹ See, Brittany Bernstein, *McAuliffe Argues Parents Shouldn’t Have Control over Public School Curriculum*, NATIONAL REVIEW (Sep. 29, 2021) <https://www.nationalreview.com/news/mcauliffe-argues-parents-shouldnt-have-control-over-public-school-curriculum/>; Michael Lee, *McAuliffe Says He Doesn’t Believe Parents Should Tell Schools What to Teach*, FOX NEWS (Sep. 28, 2021) <https://www.foxnews.com/politics/mcauliffe-says-he-doesnt-believe-parents-should-control-what-schools-teach>.

United States Attorneys apparently to chill parents from challenging both such indoctrination and the payments to firms such as Panorama needed to carry it out.¹⁰ Given that his son in law has a direct financial interest in this agenda item, it raises questions as to the propriety of the Attorney General's order, and whether he stands to gain financially from it.¹¹

AFL's mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and media, including social media platforms, to educate the public and to keep government officials accountable for their duty to faithfully execute, protect, and defend the Constitution and laws of the United States. We are concerned the Attorney General may have violated applicable conflict of interest laws and regulations because the department's regulations prohibit an employee from participating, without authorization, in a particular matter having specific parties that could affect the financial interests of his household. Therefore, pursuant to the Freedom of Information Act (FOIA)¹² we request the records specified below.

II. Custodians

- A. The Office of the Attorney General
- B. The Office of Professional Responsibility
- C. The Office of Public Affairs
- D. The Office of Legislative Affairs
- E. The Office of the White House Liaison
- F. The Justice Management Division

III. Requested Records

A. All Public Financial Disclosure Reports (Forms SF-278 and Forms 278-T) for Merrick B. Garland and records related thereto. This includes any waivers, or requests for waivers, pursuant to the federal financial conflicts of interests statute,

¹⁰ <https://www.justice.gov/ag/page/file/1438986/download>; see also Sen. Ted Cruz, Sen. Mike Lee, and Sen. Marsha Blackburn, Letter to the Hon. Merrick Garland, Attorney General (Oct. 8, 2021) <https://www.cruz.senate.gov/imo/media/doc/202110.08crtlettertoaggarland.pdf>.

¹¹ Federal ethics regulations provide that, "where the employee determines that the circumstances would cause a reasonable person with knowledge of relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee...." 5 C.F.R. § 2635.502(a).

¹² 5 U.S.C. § 552(a).

18 U.S.C. § 208, or any authorizations, or requests for authorizations, pursuant to the federal impartiality regulations, 5 C.F.R. § 2635.502. The relevant time is January 1, 2017, to the date this Item is processed.

B. All records mentioning or referring to Alexander Tanner aka “Xan” Tanner. The relevant time is January 1, 2021, to the date this Item is processed.

C. All records mentioning or referring to Panorama. The relevant time is September 1, 2021, to the date this Item is processed.

D. All records of communications between the department and any person with an email address containing “eop.gov” regarding or referring to (1) Merrick B. Garland, or (2) Alexander Tanner aka “Xan” Tanner, and/or (3) Panorama. The relevant time is October 1, 2021, to the date this Item is processed.

IV. Redactions

FOIA requires the Department to disclose records freely and promptly. The department must liberally construe AFL’s requests and make a good faith effort to search for requested records using methods “which can be reasonably expected to produce the information requested.” At all times, FOIA must be construed to carry out Congress’s open government mandate according to the ordinary public meaning of its terms at the time of its enactment.¹³

Redactions are disfavored as the FOIA’s exemptions are exclusive and must be narrowly construed. If a record contains information responsive to a FOIA request, then the department must disclose the entire record; a single record cannot be split into responsive and non-responsive bits. Consequently, the department should produce email attachments.

In connection with this request, and to comply with your legal obligations:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please construe the term “record” broadly, giving full effect to applicable law, including 44 U.S.C. 3301(a).
- Our request includes any attachments to those records or other materials enclosed with a record when transmitted. If an email is responsive to our request,

¹³ 5 U.S.C. §§ 552(a)(3)(A), 552(a)(6)(A); *Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731, 1738 (2020); *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. 214, 242 (1978); *John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 151 (1989); *Oglesby v. United States Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990).

then our request includes all prior messages sent or received in that email chain, as well as any attachments.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move records to official systems within a certain time. AFL has a right to records in those files even if material has not yet been moved to official systems or if officials have, by intent or through negligence, failed to meet their obligations.
- Please use all available tools to conduct a complete and efficient search for potentially responsive records. Many agencies have adopted the National Archives and Records Administration (“NARA”) Capstone program or similar policies. These provide options for searching emails and other electronic records in a manner reasonably likely to be more complete than just searching individual custodian files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools may capture that email under Capstone. At the same time, custodian searches are still necessary; you may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.
- If some portions of the requested records are properly exempt from disclosure, then please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted before our Items are processed. If potentially responsive records are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold.

V. Fee Waiver

Per 5 U.S.C. § 552(a)(4)(A)(iii) and 28 C.F.R. § 16.10, AFL requests a waiver of all search and duplication fees.

Fees should be waived “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the

requester.” AFL’s request concerns identifiable operations or activities of the government, and the information requested regarding the Attorney General’s compliance with department ethics regulations is likely to contribute significantly to the public understanding such activities.

AFL is a qualified non-commercial public education and news media requester. AFL is a new organization, but it has already demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, its officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. As a nonprofit organization primarily engaged in the dissemination of information to educate the public, AFL does not have a commercial purpose and the release of the information requested is not primarily in AFL’s financial interest. Our status as a qualified non-commercial public education and news media requester previously has been acknowledged and recognized by this department and by the Departments of Defense, Education, Energy, Interior, Health and Human Services, and Homeland Security, and the Office of the Director of National Intelligence.

VI. Expedited Processing

The department must grant expedited processing to requests involving an urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information.¹⁴ By this test, AFL should be granted expedited processing on Items A, B, and C. First, the department and other federal agencies have acknowledged AFL is primarily engaged in disseminating information. Second, the Attorney General’s compliance with ethic rules is assuredly a matter of “actual or alleged Federal Government activity.” Third, the common public meaning of “urgency” at the time of § 552(a)(6)(E)(v)(II)’s enactment was “the quality or state of being urgent.” The common public meaning of “urgent”, in turn, was “requiring or compelling speedy action or attention.”¹⁵ The controversy regarding the Attorney General’s Memorandum of October 4, 2021, continues to metastasize. The public’s urgent interest in the Attorney General’s ethical compliance, or lapses, with respect to the deployment of federal law enforcement resources against American parents speaking out at school board meetings cannot be gainsaid.

In the alternative, the department should grant AFL expedited processing of Items A, B, and C under the department’s expanded regulatory test for matters of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence, even if it concludes AFL fails the statutory test. *See* 28 C.F.R. § 16.5(e)(1)(iv). The Attorney General’s October 4,

¹⁴ 5 U.S.C. §§ 552(a)(6)(E)(i)(I), 552(a)(6)(E)(v)(II); *see also* 28 C.F.R. §§ 16.5(e)(ii).

¹⁵ The FOIA must be interpreted in accord with the ordinary public meaning of its terms at the time of enactment. *Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731, 1738 (2020).

2021, memorandum, and the issue of his family’s economic interest in its subject matter, have become one of the most pressing of the day.¹⁶ Accordingly, AFL’s expedited processing request should be granted.

Also in the alternative, the Circuit test for expedited processing requires the department to weigh three main factors: (1) whether the request concerns a matter of current exigency to the American public; (2) whether the consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns federal government activity.¹⁷ AFL meets this test as well. Respecting factor one, as noted above, the Attorney General’s October 4, 2021, memorandum and his possible ethical violations are assuredly matters of public concern and media interest and central to a pressing issue of the day. Respecting factor two, if production is delayed, then both AFL and the public at large will be precluded from obtaining in a timely fashion information vital to the current and ongoing debate surrounding Critical Race Theory, gender ideology, and federal abuse and overreach. Being closed off from the opportunity to debate the department’s conduct here, including its potential use of its various authorities against parents who speak out against racist propaganda and inappropriate sexual material itself is a harm in an open democracy.¹⁸

¹⁶ See, e.g., Brittany Bernstein, *Parents Group Sounds Alarm Over AG Garland’s Ties to Pro-CRT, Zuckerberg-Backed Consultancy*, NATIONAL REVIEW (Oct. 7, 2021) <https://www.nationalreview.com/news/parents-group-sounds-alarm-over-ag-garlands-ties-to-pro-crt-zuckerberg-backed-consultancy/>; Jerry Dunleavy, *GOP Senators Rise Conflict of Interest Concerns Over Garland’s Son-In-Law’s Education Company*, WASHINGTON EXAMINER (Oct. 10, 2021) <https://www.washingtonexaminer.com/news/gop-senators-raise-conflict-interest-concerns-garland-son-in-law-company-panorama-education>; Elizabeth Elkind, *Daughter of Attorney General Who Ordered DOJ to Probe Angry Parents for Domestic Terrorism is Married to Founder of Education Group that Promotes Critical Race Theory: Merrick Garland Accused of a Conflict of Interest*, DAILY MAIL (Oct. 7, 2021) <https://www.dailymail.co.uk/news/article-10069425/Garland-accused-conflict-ties-education-group-promoting-Critical-Race-Theory.html>.

¹⁷ *Al-Fayed v. Central Intelligence Agency*, 254 F.3d 300, 309-10 (D.C. Cir. 2001).

¹⁸ In *Protect Democracy Project*, the District Court reasoned:

But do the requests touch on ‘a matter of current exigency to the American public,’ and would ‘delaying a response...compromise a significant recognized interest,’ *Al-Fayed*, 254 F.3d at 310? Likely, the answer to both questions is yes. Regarding nationwide ‘exigency’: In its requests, submitted the day after the April 6 missile strikes against Syria, Protect Democracy explained that ‘the President’s decision to initiate military action is of the utmost importance to the public,’ and that ‘whether the President has the legal authority to launch [such] a military strike’ is similarly critical. Few would take issue with these assertions. But as evidence that they were justified, one need look no further than the widespread media attention—including by some of the nation’s most prominent news outlets—paid both to the April 6 strike and its legality, as early as the date of Protect Democracy’s requests.

Protect Democracy Project, Inc. v. U.S. Dep’t of Def., 263 F. Supp. 3d 293, 299-300 (D.D.C. 2017). If the one or two news cycles worth of attention given to one missile strike is sufficient to constitute “urgent” then certainly, then the Attorney General’s conduct here and his role in chilling parents’ speech do as well.

Disclosing relevant records months or even years from now will be of academic interest only, for any damage will have been done and stale information is of little value.¹⁹ Respecting factor three, AFL's Items certainly involve "federal government activity."

Any concerns the department or other requesters may raise about granting AFL expedited processing have been weighed by Congress, and Congress has concluded them to be of subsidiary importance to compelling and time-sensitive cases, such as this. Practically speaking, AFL believes it is difficult for the department to credibly argue expedited processing in this case would cause much delay to other requesters given the very specific nature of AFL's FOIA requests and the extremely limited time window.

Finally, by way of this letter, AFL certifies its compelling need for expedited processing of Items A, B, and C for the purposes of 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e)(3).

VII. Production

To accelerate release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, records in native format or in PDF format on a USB drive. Please send any responsive records being transmitted by mail to America First Legal Foundation, 600 14th Street NW, 5th Floor, Washington, D.C. 20005.

VIII. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL's request for a fee waiver and for expedited processing are not granted in full, please contact us immediately upon making that determination.

Thank you,

/s/ Reed D. Rubinstein
Reed D. Rubinstein
America First Legal Foundation

¹⁹ See *Payne Enterprises, Inc. v. United States*, 837 F.2d 486, 494 (D.C. Cir. 1988).

From: Press
Subject: FW: [EXTERNAL] Media Inquiry from Andrew Miller - Fox News
To: Coley, Anthony D. (PAO); Iverson, Dena (PAO)
Cc: Gelber, Sophie (PAO); Press
Sent: October 29, 2021 3:55 PM (UTC-04:00)

--

Catherine Morris
Speechwriting/Media Affairs Intern
Office of Public Affairs | U.S. Department of Justice
Mobile: (b) (6)
(b) (6)

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Friday, October 29, 2021 3:30 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Andrew Miller - Fox News

Date Friday, October 29, 2021 - 3:30pm EDT

Name: Andrew Miller

Email Address: (b) (6)

Topic: Other (please specify at the top of your message)

Media Outlet: Fox News

Deadline: ASAP, 30 min to an hour.

Inquiry:

Reaching out for comment on America First Legal firm filing a request for investigation into potential conflict of interest between AG Garland and his son in law's company Panorama.

From: Coley, Anthony D. (PAO)
Subject: FW: [EXTERNAL] Media Inquiry from Andrew Miller - Fox News
To: Klapper, Matthew B. (OAG)
Sent: October 29, 2021 4:02 PM (UTC-04:00)

-----Original Message-----

From: no-reply@usdoj.gov <no-reply@usdoj.gov>
Sent: Friday, October 29, 2021 3:30 PM
To: Press <Press@jmd.usdoj.gov>
Subject: [EXTERNAL] Media Inquiry from Andrew Miller - Fox News

Duplicative Material (Document ID: 0.7.8808.20303, Bates Number 23cv391-22-00083-000259)



From: OIP-NoReply
Subject: Notification of Records Search to be Conducted in Response to the FOIA, Irish, OIP No. FOIA-2022-00069
To: Washington, Tracy T (OAG); Cash, Tabitha (OAG); Reich, Mitchell (OAG)
Cc: Hibbard, Douglas (OIP); Watson, Theresa (OAG)
Sent: November 2, 2021 4:00 PM (UTC-04:00)
Attached: 01. Initial Request (10.9.21).pdf

The purpose of this email is to notify you that the records of the below-listed officials will be searched in response to the attached Freedom of Information Act (FOIA) request.

Should you have any questions concerning this matter, please email or call the OIP Official(s) cc'd in this email.

The requester, Daniel Irish, is seeking:

- Communications between Attorney General Merrick Garland and Panorama Education or Facebook.
- Timeframe: Since January 1, 2021.

The officials whose records will be searched for this request are:

- Attorney General Merrick Garland
- Please advise our office if any of the above custodians should be removed, or additional custodians should be included in this search.

The FOIA requires agencies to conduct a reasonable search in response to FOIA requests. For your information, this search will encompass the email and computer files (e.g. C or H drive) maintained by the officials listed above.

To the extent officials within your office maintain other types of records, such as paper records or material maintained within a classified system that would be responsive to this request, but would not be located as a result of OIP's unclassified electronic search, please indicate so in response to this email as soon as possible. OIP staff will make arrangements to conduct those searches as necessary. Similarly, if your office would not maintain any records responsive to this request and/or you can readily identify the officials, be they either current or former employees, who would maintain records responsive to this request, you may indicate so in response to this email.

Please note that the Federal Records Act, as amended in 2014 and [DOJ Policy Statement 0801.04](#) provide that government employees should not use a non-official account including, but not limited to, email, text, or instant message, for official business. However, should this occur, the communication must be fully captured in a DOJ recordkeeping system – either by copying any such messages to one's official account or forwarding them to one's official account within twenty days. Should any records custodians have official records responsive to this FOIA request, which are maintained only in a non-official account, and not copied into an official account, then those records should be provided to OIP.

ATTACHMENT (Initial Request Ltr)

Please do not reply to this e-mail account, as this account is not monitored. Thank you.

Request

Request Information

Request Number FOIA-2022-00069

Request Type Request

Request Date 10/09/2021

Perfected Date 10/09/2021

Due Date 11/08/2021

Request is in Litigation No

Unusual Circumstances

Significant No

Coordination No

Track Complex

Agency OIP

Document Delivery Method Email

Topic

eDiscovery Number

FOIA.gov Request ID 269026

Sending Agency

Agency Point of Contact

Agency Tracking Number

Litigation Information

First Name of Litigator

Last Name of Litigator

Litigator Office

Case Name

Federal District Court

Litigation Short Description

Litigation Reviewer

Date of Final Adjudication by Court

Requester Information

Salutation

First Name Daniel

Middle Name

Last Name Irish

Email Address (b) (6)

Organization	N/A
Register Number	
Phone Number	(b) (6)
Fax Number	
Other Information	
Address Type	
Country	United States
Address Line 1	(b) (6)
Address Line 2	(b) (6)
Military Branch	
City	(b) (6)
State	(b) (6)
Province	
Zip/Postal Code	(b) (6)
Description of Request	
Summary of Request	Communications between Attorney General Merrick Garland and Panorama Education or Facebook since January 1, 2021.
Description	<p>Please provide communications during 2021 between Attorney General Merrick Garland and the company Panorama Education and it's co-founder Alexander Tanner.</p> <p>Please provide communications during 2021 between Attorney General Merrick Garland and the company Facebook and it's founder Mark Zuckerberg.</p> <p>This request is for written and electronic communications, to include memo's, emails, call logs and meetings between AG Garland and Panorama Education, Alexander Tanner, Facebook and Mark Zuckerberg</p>
File Type 1	
File 1	No Attachment
File Type 2	
File 2	No Attachment
File Type 3	
File 3	No Attachment
Expedited Processing Information	
Expedited Processing Requested?	No
Expedited Processing Request Date	
Expedited Processing Determination	

Expedited Determination Date

Expedited Requested Due Date

Standards for Expedition

Expedited Justification

Fee Information

Will Pay Up To \$25.00

Fee Category All other requester

Fee Waiver Requested? Yes

Fee Waiver Granted?

Fee Waiver Justification It's in the public's best interest to show there has been no improprieties between AG Garland and Panorama Education, Alexander Tanner, Facebook and Mark Zuckerberg.

Records Management

Disposition Date

Marked for Disposition

Disposition Confirmed

Disposition Confirmed By

Workflow State In Progress

Workflow Status Assignment

Assigned Analyst Hill, Monique

IR Reviewer

Senior Management Offices – Significant FOIA Requests/Appeals/Litigation November 4, 2021

Significant FOIA Requests:

- FOIA-2022-00069 (OAG)
 - Daniel Irish
 - Records of communication between Attorney General Merrick Garland and Panorama Education or Facebook, dating since January 1, 2021.

- FOIA-2022-00074 (OAG, ODAG, OASG, PAO, OLA, OLP)
 - William Marshall (Judicial Watch)
 - Records of calendars and telephone logs of Attorney General Merrick Garland; and resumes, calendars, and telephone logs of all political appointees, dating from January 20, 2021 to July 20, 2021.
 - Note: This request potentially encompasses the records of all political appointees within the Department, so this Office is reaching out to the requester to further discuss the scope of the request.

- FOIA-2022-00094 (OAG and ODAG)
 - James Tindall
 - Various records concerning two Executive Orders of President Biden signed on September 9, 2021 concerning the vaccination requirement for federal employees and COVID safety protocols for federal contractors.

- FOIA-2022-00148 (OASG)
 - Christine Clark (The Daily Caller)
 - Email communications between Associate Attorney General Vanita Gupta and the National School Boards Association.

- FOIA-2022-00198 (OAG, OASG, OLA)
 - Thomas Jones (American Accountability Foundation)
 - Records of calendars, since January 20, 2021, of the following named officials:
 - Attorney General Merrick Garland
 - Chief of Staff for the Office of the Attorney General Matthew Klapper
 - Chief Counsel to the Attorney General Kate Heinzelman
 - Associate Attorney General Vanita Gupta
 - Deputy Associate Attorney General Ricki Seidman
 - Deputy Assistant Attorney General for Legislative Affairs Joseph Gaeta
 - Deputy Assistant Attorney General for Legislative Affairs Wintta Woldemariam
 - Chief of Staff for the Office of Legislative Affairs, Christina Calce
 - Senior Counsel for the Office of Legislative Affairs Senior Rachel Appleton
 - Expedition: Standard (ii)

- Determination: Denied

- FOIA-2022-00163 (OAG)
 - Andrew Kent (CSG)
 - Records concerning the National School Board Association (and its September 29, 2021 letter) and the October 4, 2021 memorandum of Attorney General Merrick Garland related to violence against school administrators.
 - Expedition: Standard (iv)
 - Determination: Pending

- FOIA-2022-00210 (OAG)
 - Mehreen Rasheed (American Oversight)
 - Records of calendars, telephone logs, and texts of Attorney General William Barr, dating from February 14, 2019 to May 14, 2019.

- FOIA-2022-00211 (ODAG)
 - Reed Rubinstein (American First Legal Foundation)
 - Records of calendars of certain officials within the Office of the Deputy Attorney General as well as communications between such officials and the FBI, eop.gov email addresses, or dhs.gov email addresses regarding the Attorney General's October 4, 2021 memo regarding threats against school personnel, dating from October 1, 2021 to October 8, 2021.
 - Expedition: Standards (ii), (iii), and (iv)
 - Determination: Deny (ii), (iii); Pending (iv)

- FOIA-2022-00214 (OAG, ODAG, OASG, OLP, PAO)
 - William Marshall (Judicial Watch)
 - Records of communications of specific officials in the above-referenced offices concerning the National School Boards Association and the October 4, 2021 memorandum of Attorney General Merrick Garland related to violence against school administrators, dating since August 1, 2021.
 - Expedition: Standard (ii), (iii), and (iv)
 - Determination: Denied (ii) and (iii); Pending (iv)

- FOIA-2022-00215 (OAG, OASG, OLA)
 - Thomas Jones (American Accountability Foundation)
 - Records of communication between below-named Department of Justice officials and various enumerated outside individuals and email domains, dating since January 20, 2021:
 - Attorney General Merrick Garland
 - Chief of Staff for the Office of the Attorney General Matthew Klapper
 - Chief Counsel to the Attorney General Kate Heinzelman
 - Associate Attorney General Vanita Gupta
 - Deputy Associate Attorney General Ricki Seidman
 - Deputy Assistant Attorney General for Legislative Affairs Joseph Gaeta

- Deputy Assistant Attorney General for Legislative Affairs Wintta Woldemariam
 - Chief of Staff for the Office of Legislative Affairs, Christina Calce
 - Senior Counsel for the Office of Legislative Affairs Senior Rachel Appleton.
 - Expedition: Standard (ii)
 - Determination: Denied
- FOIA-2022-00228 (OAG, ODAG, OASG)
 - Christina Carrega (CNN)
 - Records concerning the National School Boards Association (NSBA) and the October 4, 2021 memorandum of Attorney General Merrick Garland related to violence against school administrators since September 20, 2021. This request encompasses any relevant communications between NSBA, DOJ, and the White House.
 - Expedition: Standard (i), (ii), (iii) and (iv)
 - Determination: Denied (i), (ii), and (iii); Pending (iv)

Significant Administrative FOIA Appeals

- Appeal No.: A-2022-00185
 - Requester: Tami Abdollah (USA Today)
 - Request No/Component: 2022-00536 (BOP)
 - Subject: Death of Jose Rafael Perez-Perez at FCI-Schuylkill on Oct. 12, 2021.
 - Basis for Appeal: Denial of expedited processing
- Appeal No.: A-2022-00200
 - Requester: Mehreen Rasheed (American Oversight)
 - Request No/Component: 21-00640-F (DEA)
 - Subject: Emails sent or received by Mark Ibrahim (DEA agent who participated in the Jan. 6th rally) containing certain terms such as "Trump march" "Save America March" "WWIII" etc. from 12/1/2020 to 1/15/2021.
 - Basis for Appeal: Full denial pursuant to FOIA Exemption 7(A)

Significant FOIA Litigation:

- Nothing to Report

From: Greenfeld, Helaine A. (OLA)
Subject: RE: list for 3:00
To: Gaeta, Joseph (OLA); Calce, Christina M. (OLA); Antell, Kira M. (OLA); Schwartz, Leah F. (OLA); Woldemariam, Wintta (OLA)
Sent: October 20, 2021 1:55 PM (UTC-04:00)
Attached: (b) (5)

Here's a draft I did this morning based on (b) (5). I don't have an Panorama answer.

From: Gaeta, Joseph (OLA) (b) (6)
Sent: Wednesday, October 20, 2021 1:52 PM
To: Calce, Christina M. (OLA) (b) (6); Antell, Kira M. (OLA) (b) (6); Schwartz, Leah F. (OLA) (b) (6); Woldemariam, Wintta (OLA) (b) (6)
Cc: Greenfeld, Helaine A. (OLA) (b) (6)
Subject: list for 3:00

Starting a chain to generate a list for our Megily check in at 3:00.

For me, I'd like guidance on the school board letters—timing particularly.

Joe Gaeta
Deputy Assistant Attorney General
Office of Legislative Affairs (OLA)
U.S. Department of Justice

QUESTIONS FOR PREP

10-20-21

Scoped Out Per Agreement - Also (b)(5)

Scoped Out Per Agreement - Also (b)(5)



SCHOOL BOARDS MEMO/PANORAMA

[MATT]

Scoped Out Per Agreement - Also (b)(5)



QUESTIONS FOR PREP

10-20-21

Scoped Out Per Agreement - Also (b)(5)



Scoped Out Per Agreement - Also (b)(5)



SCHOOL BOARDS MEMO/PANORAMA

[MATT]

Scoped Out Per Agreement - Also (b)(5)



1 NEAL R. GROSS & CO., INC.

2 RPTS WALTER

3 HJU294000

4

5

6 OVERSIGHT OF THE UNITED STATES

7 DEPARTMENT OF JUSTICE

8 Thursday, October 21, 2021

9 House of Representatives,

10 Committee on the Judiciary,

11 Washington, D.C.

12

13

14

15 The committee met, pursuant to call, at 10:12 a.m., in
16 Room 200, Capitol Visitor Center, Hon. Jerrold Nadler
17 [chairman of the committee] presiding.

18 Members present: Representatives Nadler, Lofgren,
19 Jackson Lee, Cohen, Johnson of Georgia, Deutch, Bass,
20 Jeffries, Cicilline, Swalwell, Lieu, Raskin, Jayapal,
21 Demings, Correa, Scanlon, Garcia, Neguse, McBath, Stanton,
22 Dean, Escobar, Jones, Ross, Bush, Jordan, Chabot, Gohmert,
23 Issa, Buck, Gaetz, Johnson of Louisiana, Biggs, McClintock,
24 Steube, Tiffany, Massie, Roy, Bishop, Fischbach, Spartz,

25 Fitzgerald, Bentz, and Owens.

26 Staff present: Perry Apelbaum, Staff Director and Chief
27 Counsel; Aaron Hiller, Deputy Chief Counsel; Arya Hariharan,
28 Deputy Chief Oversight Counsel; David Greengrass, Senior
29 Counsel; John Doty, Senior Advisor; Moh Sharma, Director of
30 Member Services and Outreach & Policy Advisor; Jacqui
31 Kappler, Oversight Counsel; Roma Venkateswaran, Professional
32 Staff Member/Legislative Aide; Cierra Fontenot, Chief Clerk;
33 John Williams, Parliamentarian and Senior Counsel; Gabriel
34 Barnett, Staff Assistant; Atarah McCoy, Staff Assistant;
35 Merrick Nelson, Digital Director; Kayla Hamedi, Deputy
36 Communications Director; Chris Hixon, Minority Staff
37 Director; Tyler Grimm, Minority Chief Counsel for Policy and
38 Strategy; Stephen Castor, Minority General Counsel; Katy
39 Rother, Minority Deputy General Counsel and Parliamentarian;
40 Ella Yates, Minority Member Services Director; Andrea Loving,
41 Minority Chief Counsel for Immigration; Jason Cervenak,
42 Minority Chief Counsel for Crime; Betsy Ferguson, Minority
43 Senior Counsel; Ken David, Minority Counsel; Caroline Nabity,
44 Minority Counsel; James Lesinski, Minority Counsel; Kyle
45 Smithwick, Minority Counsel; Sarah Trentman, Minority Senior
46 Professional Staff Member; Andrea Woodard, Minority
47 Professional Staff Member; and Kiley Bidelman, Minority
48 Clerk.

49 Chairman Nadler. The House Committee on the Judiciary
50 will come to order. Without objection, the chair is
51 authorized to declare recesses of the committee at any time.
52 We welcome everyone to this morning's hearing on Oversight of
53 the Department of Justice.

54 Before we begin, I would like to remind members that we
55 have established an email address and distribution list
56 dedicated to circulating exhibits, motions, or other written
57 materials that members might want to offer as part of our
58 hearing today. If you would like to submit materials, please
59 send them to the email addresses that have been previously
60 distributed to your offices and we will circulate the
61 materials to members and staff as quickly as we can.

62 I would also remind all members of the guidance in the
63 Office of Attending Physician, which states that face
64 coverings are required for all meetings in an enclosed space
65 such as committee hearings except when you are recognized to
66 speak. I will recognize myself for an opening statement.

67 Good morning, Mr. Attorney General, and thank you for
68 appearing before our committee today.

69 When the Department of Justice performs as it should, it
70 is a champion of the Bill of Rights, the protector of the
71 rule of law, and the cornerstone of the institutions that
72 make up our republic.

73 As Attorney General, you have the responsibility to keep
74 the Department functioning at this high level, preserving the
75 Constitution for our children and our children's children.
76 You have assumed this enormous responsibility at a crossroads
77 in our nation's history.

78 For four years, the democratic institutions that you
79 have sworn to protect first as a judge, and now as Attorney
80 General, was deeply undermined by the former President and
81 his political enablers. During that time, the Trump
82 administration leveraged the Department to protect the
83 President and his friends and to punish his enemies, both
84 real and imagined. And when the former President lost the
85 last election, he summoned the top law enforcement officers
86 in the country and demanded that they use the full power of
87 the Federal Government to install him for another term.
88 Trump's plan failed, at least in part, because at least some
89 Department officials refused to help him overturn the
90 election.

91 Even now, however, the ex-President and his allies
92 continue to cast doubt on the last election and appear to be
93 drafting a plan to overturn the next one. And next time, we
94 may not be so lucky.

95 Your task as Attorney General is unenviable, Judge
96 Garland, because you must build back everything DOJ lost

97 under the last administration, its self-confidence, its
98 reputation in the eyes of the American people, and an
99 institutional respect for our Constitution and the rule of
100 law. And it is not enough just to right the ship. As the
101 chief law enforcement officer of our nation, it is also your
102 responsibility to help the country understand and reckon with
103 the violence and the lawlessness of the last administration
104 while maintaining the Department's prosecutorial
105 independence.

106 On January 6th, insurgents stormed the Capitol building
107 in what appears to be a pre-planned, organized assault on our
108 government, seeking to overturn the votes of their fellow
109 Americans and believing in the lie told them by President
110 Trump and his followers.

111 I commend the Department for doing the important work of
112 bringing those responsible for the violence of January 6th to
113 justice. I ask only that you continue to follow the facts
114 and the law where they lead because although you have rightly
115 brought hundreds of charges against those who physically
116 trespassed in the Capitol, the evidence suggests that you
117 will soon have some hard decisions to make about those who
118 organized and incited the attack in the first place.

119 And we must acknowledge the simple truth that none of
120 the individuals who attacked the Capitol that day appeared

121 out of thin air. According to the Southern Poverty Law
122 Center, membership of white nationalist groups grew 55
123 percent during the Trump Presidency. Membership in hate
124 groups overall remains historically high.

125 The COVID-19 epidemic, as with many national crises,
126 brought out both the best and the worst of our fellow
127 Americans. While everyday heroes struggled to save lives and
128 keep people safe, anti-Asian hate crimes and hate incidents
129 skyrocketed. Innocent people lost their lives and
130 communities were shattered.

131 I know DOJ and its components are key to the Biden
132 administration's national strategy for countering violence
133 extremism and I am looking forward to hearing more about how
134 DOJ is working to prevent violent extremists from gaining
135 further foothold in our country. This growth in extremist
136 ideology is echoed in an epidemic of violence and
137 intimidation directed at our health care professionals,
138 teachers, essential workers, school board members, and
139 election workers.

140 To be clear, we are a country that prizes democratic
141 involvement at every level of government, the right to be
142 heard, to have a voice is guaranteed by the Constitution.
143 But nobody has a right to threaten his or her fellow citizens
144 with violence.

145 You were absolutely right to ask the FBI and federal
146 prosecutors to meet with local law enforcement agencies
147 instead of dedicated lines of communication so that we can
148 confront this spike in violence head on. There is a broader
149 pattern here. In each of these cases, former President
150 Trump's big lie, the rise in hate crimes against citizens of
151 Asian descent, and the growing threats of violence against
152 public servants, the same set of individuals who have
153 leveraged the same sorts of misinformation, stoked the same
154 sorts of grievances, and shown remarkably little interest in
155 solving our problems. But this country, and your tenure as
156 Attorney General, cannot be defined only by the outrages of
157 the last four years.

158 We have much more to do to deliver on our nation's
159 fundamental promise of liberty and justice for all.
160 Black and brown Americans deserve to live in a country where
161 they can trust that their local police departments will
162 protect, not endanger their families.

163 I applaud you for taking steps to limit the use of choke
164 holds and no-knock warrants, and we must continue to work
165 together to address the issues that allow for our criminal
166 justice system to so disproportionately impact people of
167 color.

168 Across the country, state legislatures are restricting

169 the right to vote in service of the most cynical political
170 motive. Your Department has rightly stepped in to secure our
171 next election and Congress owes you a voting rights
172 restoration act that will give you the tools you need to
173 consign these nakedly undemocratic efforts to the dust bin of
174 history where they belong.

175 Similarly, Texas law to ban abortion after six weeks,
176 and punish abortion providers is designed to restrict its
177 citizens' constitutionally-protected rights. It does so by
178 offering to pay a bounty to those who would turn in their
179 neighbors, coworkers, or even strangers if they suspect
180 someone violated the law and helped the woman get an abortion
181 after six weeks. This deliberately creates an atmosphere of
182 fear and suspicion that stops women from seeking help. It is
183 a dangerous law that is repugnant to the Constitution and I
184 thank you for the Department's swift action to protect these
185 essential rights.

186 We cannot become a country where only some people in
187 some states enjoy their constitutional rights. As Attorney
188 General, you have the power to help our country navigate the
189 generational trauma of oppression and move past the
190 challenges of the last four years.

191 Thank you again for appearing before us today. I look
192 forward to your testimony.

193 I now recognize the Ranking Member of the Judiciary
194 Committee, the gentleman from Ohio, Mr. Jordan, for his
195 opening statement.

196 Mr. Jordan. Thank you, Mr. Chairman. The chairman just
197 said the Trump DOJ was political and went after their
198 opponents. Are you kidding me? Three weeks ago, the
199 National School Board Association writes President Biden
200 asking him to involve the FBI in local school board matters.
201 Five days later, the Attorney General of the United States
202 does just that, does exactly what a political organization
203 asked to be done. Five days.

204 Republicans on this committee have sent the Attorney
205 General 13 letters in the last 6 months. It takes weeks and
206 months to get a response. Eight of the letters, we have got
207 nothing. They just gave us the finger and said we are not
208 going to get back to you. And all of our letters were
209 actually sent to the Attorney General.

210 Here is a letter sent to someone else asking for a
211 specific thing to be done and in five days the Attorney
212 General does it. Here is what the October 4th memo said. "I
213 am directing the FBI to convene meetings with local leaders.
214 These meetings will open dedicated lines of communication for
215 threat reporting. Dedicated lines of communication for
216 threat reporting. Dedicated lines of communication for

217 threat reporting. A snitch line on parents started five days
218 after a left wing political organization asked for it. If
219 that is not political, I don't know what is.

220 Where is the dedicated lines of communication with local
221 leaders regarding our Southern border? Something that
222 frankly is a federal matter.

223 Where is the dedicated lines of communication on violent
224 crime in our cities? Violent crime that went up in every
225 major urban area where Democrats have defunded the police.
226 No, can't do that. Can't do that. The Biden Justice
227 Department is going to go after parents who object to some
228 racist, hate America curriculum.

229 No, can't focus on the Southern border where 1.7 million
230 illegal encounters have happened this year alone, a record, a
231 record number. MS13 can just waltz right across the border,
232 but the Department of Justice, they are going up to open up a
233 snitch line on parents.

234 Think about this. The same FBI that Mr. Garland is
235 directing to open dedicated lines of communication for
236 reporting on parents just a few years ago spied on four
237 American citizens associated with President Trump's campaign.
238 The Clinton campaign hired Perkins Coie, who hired Fusion
239 GPS, who hired Christopher Steele, who put a bunch of garbage
240 together, gave it to the FBI. They used that as the basis to

241 open up an investigation into a Presidential campaign.

242 Oh, and then was Mr. Sussman. Mr. Sussman, who worked at
243 Perkins Coie, the firm hired by the Clinton campaign. He cut
244 out all the middle men. He just said I am just going to go
245 directly to the FBI, and not just anyone at the FBI. Who did
246 he go to? Jim Baker, the Chief Counsel at the FBI handed him
247 a bunch of false information, told him false information, and
248 of course, he has been indicted by the Special Counsel.

249 A few weeks ago, the IG at the Department of Justice
250 released a report that found that the FBI made over 200
251 errors, omissions, and lies in just 29 randomly selected FISA
252 applications. Don't worry, the Attorney General of the
253 United States just put them in charge of a dedicated line of
254 communication to report on parents who attend school board
255 meetings.

256 Mr. Chairman, Americans are afraid. For the first time
257 during my years in public office, first time, I talk to the
258 good folks I get the privilege of representing in the 4th
259 District of Ohio, folks all around the country, they tell me
260 for the first time they fear their government. And frankly,
261 I think it is obvious why. Every single liberty we enjoy in
262 the First Amendment has been assaulted over the last year.
263 It is something to think about.

264 Americans were told you couldn't go to church, couldn't

265 go to work, couldn't go to school. Small business owners
266 were told you are not an essential business, close your
267 doors, causing many of them to go bankrupt. We were given
268 curfews, stay at home orders. Last fall in Ohio, you had to
269 be in your home at ten. In Pennsylvania, when you are in
270 your home, you had to wear a mask. In Vermont, when you were
271 in your home, you didn't have to wear to a mask because you
272 weren't allowed to have friends and family over.

273 And of course, there is always the double standard with
274 these folks. Folks who make the rules, never seem to follow
275 them. And now the Biden administration says get a vaccine or
276 lose your job, even if you have had COVID and have natural
277 immunity, get a vaccine or you will lose your job.

278 Oh, I almost forgot, the Biden administration also wants
279 another dedicated line of communication for reporting. They
280 want a second snitch line. They want banks to report on
281 every single transaction over \$600 for every single American
282 to the IRS, the IRS, that agency with its stellar record of
283 customer service. The IRS, the same IRS that targeted
284 conservatives the last time Joe Biden was in the Executive
285 Branch.

286 Jefferson said once, tyranny is when the people fear the
287 government. We are there. Sadly, we are there. But I don't
288 think, I don't think the good people, I don't think the good

289 people of this great country are going to cower and hide.

290 I think your memo, Mr. Attorney General, was the last
291 straw. I think it was the catalyst for a great awakening
292 that is just getting started.

293 Pilots at Southwest Airlines, the Chicago police union,
294 parents at school board meetings, Americans are pushing back
295 because Americans value freedom.

296 A few weeks ago, a few weeks ago, Terry McAuliffe said
297 this, I don't think parents should be telling schools what to
298 teach. The government tells parents we are smarter than you.
299 Americans aren't going to tolerate it.

300 When the Attorney General of the United States sets up a
301 snitch line on parents, Americans aren't going to tolerate
302 it. I think they are going to stand up to this accelerated
303 march to communism that we now see. Americans are going to
304 fight the good fight. They are going to finish the course.
305 They are going to keep the faith because Americans value
306 freedom.

307 Mr. Chairman, we have a video we would like to play.

308 Ms. Dean. Mr. Chairman. I object.

309 Chairman Nadler. For what purpose does Ms. Dean seek
310 recognition?

311 Ms. Dean. I object. I am reserving my right to object
312 to the video. May I inquire as to whether the gentleman has

313 followed the Judiciary Committee's AV protocol by providing
314 48 hours' notice to the committee's clerk that he was going
315 to use a video?

316 Mr. Jordan. We provided notice. Well, first of all,
317 there is no 48-hour rule. It is not in the committee rules.
318 Second, we did let the committee staff and majority know that
319 we had a video and we gave the video to them this morning.

320 Chairman Nadler. Responding to the gentlelady's
321 request, he did not. He did not supply the 48 hours' rule --
322 48 hours' notice required by the rule.

323 Ms. Dean. Then I insist on my objection, having failed
324 to follow the bipartisan protocol, I insist on my objection.

325 Chairman Nadler. An objection has been heard. The
326 video will not be shown.

327 Mr. Jordan. I appeal the ruling of the chair.

328 Chairman Nadler. There has been no ruling made. There
329 has been an objection.

330 Mr. Jordan. Mr. Chairman, I would like to speak
331 regarding --

332 Chairman Nadler. No. That is out of order. This is
333 not debatable.

334 Mr. Jordan. What is out of order is there is no rule
335 that requires a 48-hour notice. That is what is out of
336 order.

337 Chairman Nadler. There is such a rule.

338 Mr. Jordan. There is not, not in our rules.

339 Mr. Roy. Mr. Chairman, what are you afraid of?

340 Chairman Nadler. There is such a rule. You objected
341 last year. You were told there was such a rule.

342 Mr. Roy. Mr. Chairman, what are our colleagues on the
343 other side of the aisle afraid of? They are afraid of
344 videos? Of parents?

345 Chairman Nadler. The gentleman was recognized for his
346 opening statement. Are you finished with your opening
347 statement?

348 Mr. Jordan. It is not a rule. It is not a rule. It is
349 what you said -- I think you used is a protocol.

350 Chairman Nadler. The gentlewoman objected --

351 Mr. Jordan. -- conduct of the committee, rules do.
352 That is not a rule. We had a video. We understood you had a
353 video.

354 Mr. Gaetz. I seek recognition for a parliamentary
355 inquiry?

356 Chairman Nadler. The gentlewoman objected because you
357 failed to follow the rule. Her objection is sustained.

358 Mr. Gaetz. I seek recognition for a parliamentary
359 inquiry?

360 Mr. Jordan. I will yield back in just a second and

361 particularly --

362 Chairman Nadler. The gentleman yields back?

363 Mr. Jordan. No, I haven't yielded back yet. I said I
364 will in a second. It is a video about parents at school
365 board meetings, moms and dads speaking at school board
366 meetings. And you guys aren't going to let us play it?

367 Chairman Nadler. It will not be played. An objection
368 has been heard that you failed to give the 48 hours required
369 by the rule and therefore it will not be heard.

370 Mr. Jordan. What rule?

371 Mr. Roy. Chairman, what rule? Parliamentary inquiry.
372 What rule? Will you present the rule?

373 Chairman Nadler. The case of audio visual materials
374 under the leadership of my predecessor, Chairman Goodlatte, a
375 Republican, the committee developed a written protocol for
376 managing the use of audio visual materials in our hearings.
377 This protocol simply requires members to provide 48 hours'
378 notice they are going to use audio visual material.

379 Until recently, this protocol was not controversial. It
380 was a helpful tool we used to manage hearings and make sure
381 videos were played properly.

382 The gentlewoman has objected to the materials because
383 the gentleman did not provide the agreed upon 48 hours'
384 notice. Playing audio visual materials during a committee

385 hearing is the equivalent of introducing printed materials
386 into the hearing record.

387 In the normal course of business, we do not object to
388 each other's requests, but members have the right to object
389 if they so choose and an objection has been heard.

390 Mr. Roy. Mr. Chairman, did we ever vote on that?

391 Mr. Johnson of Louisiana. That is a clever, written
392 statement, but a protocol is not a rule.

393 Mr. Jordan. Mr. Chairman, obviously, you are not going
394 to let us play it. Obviously, you are going to censure us
395 which is sort of the conduct of the left today it seems and
396 Democrats today it seems. I will yield back the balance of my
397 time.

398 Chairman Nadler. The gentleman yields back. A point of
399 order. The gentleman will state his point of order.

400 Mr. Biggs. I would ask you if you are going to insist
401 that this is a rule, please cite the rule, show us the actual
402 written rule. This is not a rule.

403 Chairman Nadler. It is not a point of rule as I said
404 before. Playing audio visual materials during committee
405 hearings is the equivalent of introducing --

406 Mr. Biggs. I ask that you rule on my point of order.

407 Chairman Nadler. -- printed materials into the
408 hearing record. In the normal course of business, we do not

409 object to each other's requests --

410 Mr. Biggs. That is not a rule, sir --

411 Chairman Nadler. -- members have the right to object
412 if they so choose and an objection has been heard.

413 Mr. Biggs. That is a statement, not a rule, sir. I
414 would ask you to rule on my point of order.

415 Chairman Nadler. The gentleman has not made a valid
416 point of order.

417 Mr. Biggs. I appeal the ruling of the chair.

418 Chairman Nadler. There is nothing to appeal. There has
419 been no ruling.

420 Mr. Biggs. You ruled that my --

421 Chairman Nadler. There has been no ruling.

422 Mr. Biggs. I am entitled to have --

423 Chairman Nadler. There is just been an objection and
424 the objection has been heard.

425 Now we will introduce the Attorney General. I will now
426 introduce today's witness.

427 Merrick Garland is sworn in as the 86th Attorney General
428 of the United States on March 11, 2021. Immediately
429 preceding his confirmation as Attorney General, Mr. Garland
430 was a judge of the United States Court of Appeals for the
431 District of Columbia Circuit. He was appointed to that
432 position in 1997, served as Chief Judge of the Circuit from

433 2013 to 2020, and served as Chair of the Executive Committee
434 of the Judicial Conference of the United States from 2017
435 until 2020.

436 In 2016, President Obama nominated him for the position
437 of Associate Justice of the United States Supreme Court.
438 Before becoming a federal judge, Attorney General Garland
439 spent a substantial part of his professional life at the
440 Department of Justice including as Special Assistant to the
441 Attorney General, Assistant United States Attorney, Deputy
442 Assistant Attorney General in the Criminal Division, and
443 Principal Associate Deputy Attorney General.

444 Earlier in his career, Attorney General Garland was in
445 private practice and he also taught at Harvard Law School.
446 He earned both his undergraduate and law degrees from Harvard
447 University. Following law school, he clerked for Judge Henry
448 Friendly, the United States Court of Appeals for the Second
449 Circuit and for Supreme Court Justice William Brennan.

450 We welcome the Attorney General and we thank him for
451 participating today. And if you please rise, I will begin by
452 swearing you in. Raise your right hand.

453 Do you swear or affirm under penalty of perjury that the
454 testimony you are about to give is true and correct to the
455 best of your knowledge, information, and belief so help you
456 God?

457 Let the record show that the witness has answered in the
458 affirmative. Thank you and please be seated.

459 Please note that your written statement will be entered
460 into the record in its entirety. Accordingly, I ask that you
461 summarize your testimony in five minutes. To help you stay
462 within that time limit, there is a timing light on your
463 table.

464 When the light switches from green to yellow, you have
465 one minute to conclude your testimony. When the light turns
466 red, it signals your five minutes have expired.

467 Attorney General Garland, you may begin.

468 TESTIMONY OF MERRICK GARLAND, ATTORNEY GENERAL OF THE UNITED
469 STATES

470

471 Attorney General Garland. Good morning, Chairman Nadler,
472 Ranking Member Jordan, distinguished members of this
473 committee. Thank you for the opportunity to appear before
474 you today.

475 My address to all Justice Department employees on my
476 first day in office I spoke about three co-equal priorities
477 that should guide the Department's work: upholding the rule
478 of law, keeping our country safe, and protecting civil
479 rights.

480 The first core priority, upholding the rule of law, is
481 rooted in the recognition that to succeed and retain the
482 trust of the American people, the Justice Department must
483 adhere to the norms that have been part of its DNA since
484 Edward Levi's tenure as the first post-Watergate Attorney
485 General. Those norms of independence from improper influence
486 of the principled exercise of discretion and of treating like
487 cases alike define who we are as public servants.

488 Over the past seven months that I have served as
489 Attorney General, the Department has reaffirmed and where
490 appropriate, updated and strengthened policies that are
491 foundational for these norms. For example, we strengthened

492 our policy governing communications between the Justice
493 Department and the White House. That policy is designed to
494 protect the Department's criminal and civil law enforcement
495 decisions and its legal judgments from partisan or other
496 inappropriate influence.

497 We also issued a policy to better protect the freedom
498 and independence of the press by restricting the use of
499 compulsory process to obtain information from or records of
500 members of the news media.

501 The second priority is keeping our country safe from all
502 threats, foreign and domestic, while also protecting our
503 civil liberties. We are strengthening our 200 joint
504 terrorism task forces which are the essential hubs for
505 international and domestic counter terrorism cooperation
506 across all levels of government. For FY22, we are seeking
507 more than \$1.5 billion, a 12 percent increase for counter
508 terrorism work.

509 We are also taking aggressive steps to counter cyber
510 threats, whether from nation states, terrorists, or common
511 criminals. In April, we launched both a comprehensive cyber
512 review and a ransomware and digital extortion task force. In
513 June, we seized a \$2.3 million ransom payment made in Bitcoin
514 to the group that targeted Colonial Pipeline.

515 Keeping our country safe also requires reducing violent

516 crime and gun violence. In May, we announced a comprehensive
517 violent crime strategy which deploys all of our relevant
518 departmental components to those ends. We also launched five
519 cross jurisdictional strike forces to disrupt illegal
520 firearms trafficking in key corridors across the country.
521 And to support local police departments and help them build
522 trust with the communities they serve, our FY22 budget
523 requests over \$1 billion for grants.

524 We are likewise committed to keeping our country safe
525 from violent drug trafficking networks that are, among other
526 things, fueling the overdose epidemic, opioids, including
527 illegal fentanyl, causing at least 70,000 fatal overdose
528 deaths in 2020. We will continue to use all resources at our
529 disposal to save lives.

530 Finally, keeping our country safe requires protecting
531 its democratic institutions, including the one we sit in
532 today from violent attack. As the committee is well aware,
533 the Department is engaged in one of the most sweeping
534 investigations in its history in connection with the January
535 6th attack on the Capitol.

536 The Department's third core priority is protecting civil
537 rights. This was a founding purpose when the Justice
538 Department was established in 1870. Today, the Civil Rights
539 Division's work remains vital to safeguarding voting rights,

540 prosecuting hate crimes, ensuring constitutional policing,
541 and stopping unlawful discrimination. This year, we doubled
542 the size of the Civil Rights Division's Voting Section and
543 our FY22 budget seeks the largest ever increase for the
544 division, totaling more than 15 percent. We have appointed
545 Department-wide coordinators for our hate crimes work and we
546 have stepped up our support for the Community Relations
547 Service and the Department-wide efforts to advance
548 environmental justice and tackle climate change.

549 We are also revitalizing and expanding our work to
550 ensure equal access to justice. In the days ahead, we look
551 forward to working with Congress to restore a stand-alone
552 Access to Justice Office within the Department, dedicated to
553 addressing the most urgent legal needs of communities across
554 America.

555 In addition to these core priorities, another important
556 area of departmental focus is ensuring antitrust enforcement,
557 reinvigorating that enforcement, combating fraud, and
558 protecting consumers. We are aggressively enforcing our
559 antitrust laws by challenging anti-competitive mergers and
560 exclusionary conduct and by prosecuting price fixing and
561 allocation schemes that harm both consumers and workers.

562 In FY22, we are seeking additional resources to
563 reinvigorate antitrust enforcement across the board. We also

564 stood up the COVID-19 Fraud Enforcement Task Force to bring
565 to justice those who defrauded the government of federal
566 dollars meant for the most vulnerable among us.

567 In sum, in seven months, the Justice Department has
568 accomplished a lot of important work for the American people
569 and there is much more to be done.

570 Thank you for the opportunity to testify today and I
571 look forward to your questions.

572 [The statement of Attorney General Garland follows:]

573

574 *****COMMITTEE INSERT*****

575 Chairman Nadler. Thank you for your testimony. We will
576 now proceed under the five-minute rule for questions and I
577 will recognize myself to begin for five minutes.

578 Mr. Attorney General, in the 2013 decision, Shelby
579 County v. Holder, the Supreme Court gutted Section 5 of the
580 Voting Rights Act, rendering its pre-clearance provision
581 inoperative. As a direct result of this decision, the right
582 to vote has come under a renewed and steady assault and
583 states have spent the past eight years enacting a slew of
584 barriers to voting to target or impact communities of color
585 and other historically disenfranchised groups.

586 Before this committee in August, the Assistant Attorney
587 General Kristen Clarke testified that "Section 5 of the
588 Voting Rights Act was truly the heart of the act and calls it
589 the Department's most important tool for safeguarding voting
590 rights in our country."

591 Why is Section 5 pre-clearance so crucial to combating
592 discriminatory voting practices?

593 Attorney General Garland. Thank you, Mr. Chairman. The
594 right to vote is a fundamental aspect of our democracy and in
595 many ways it is the light from which all other rights occur.
596 The Voting Rights Act was a gem of American legislation,
597 President Ronald Reagan said, and other Presidents on both
598 sides of the aisle have said.

599 A key part of that provision was Section 5 as you said.
600 This was a pre-clearance provision which required specified
601 states where there had been discriminatory practices that
602 provisions for changes in patterns or practices of voting to
603 be submitted to the Department for pre-clearance to determine
604 whether they violated the Act.

605 There was another alternative if a state did not like
606 the result from the Justice Department, it could go to a
607 court and get a resolution there. But the great idea of pre-
608 clearance was to allow advance review before these things
609 went into effect, rather than require the Justice Department
610 on a one-by-one basis after the fact. It is extremely
611 difficult to attack unlawful prescriptions on voting
612 practices.

613 Chairman Nadler. Thank you. Assistant Attorney General
614 Clarke testified that Section 2 is no substitute for the
615 important, swift preemptive review that was provided by way
616 of Section 5 pre-clearance process. The full impact of the
617 Supreme Court's recent decision in Brnovich v. DNC on Section
618 2 remains to be seen. However, in the absence of an
619 operational Section 5 pre-clearance regime, what steps has
620 the Justice Department taken to increase enforcement of
621 voting rights under Section 2?

622 Attorney General Garland. Section 2 is our remaining

623 tool. It is extraordinarily important and it does give us
624 some impact. In order to better effectuate that provision,
625 we have doubled the size of the Voting Rights Section because
626 it will take more people to evaluate state laws on the one-
627 by-one basis. We are going about doing that. We have
628 brought one case, as you know, with respect to changes in
629 Georgia. We are looking carefully at other states and we are
630 looking carefully at the redistricting, which is occurring as
631 we speak now, as a result of the decennial census. We
632 continue to do that and vigorously make sure that Section 2
633 is appropriately enforced.

634 Chairman Nadler. If you should find that given states
635 reapportionment, for example, is unconstitutional and you
636 sued it could take six or eight years for those suits to be
637 resolved, as we have seen, and that is one reason, another
638 reason, for the necessity for Section 5 pre-clearance.

639 My time is short, so I have only one last question for
640 you. The country and the Congress is still reeling from the
641 events of January 6th and the Select Committee is diligently
642 pursuing its investigation into the insurrection.

643 This week, Chairman Thompson and his colleagues voted to
644 hold in contempt Steve Bannon who failed to comply with the
645 Select Committee's subpoenas. And the measure will be taken
646 up by the House later today.

647 Unfortunately, the actions of individuals like Mr.
648 Bannon are not new to us. Many committees, including this
649 one, repeatedly face obstruction from the prior
650 administration in the former President's loyal allies.
651 Congress, however, is not an enforcement body and looks to
652 the Department to handle criminal matters when appropriate.

653 So I ask you, Mr. Attorney General, regardless of
654 politics, will the Department follow the facts and the law
655 and expeditiously consider the referrals put forth by the
656 Select Committee if and when they are approved by the full
657 House?

658 Attorney General Garland. Well, the Department
659 recognizes the important oversight role that this committee,
660 the House of Representatives, and the Senate play with
661 respect to the Executive Branch. I will say what
662 spokesperson for the U.S. Attorney's Office and the District
663 of Columbia said I think yesterday or the day before. The
664 House of Representatives votes for referral of the contempt
665 charge. The Department of Justice will do what it always
666 does in such circumstances. It will apply the facts and the
667 law and make a decision consistent with the principles of
668 prosecution.

669 Chairman Nadler. Thank you very much.

670 Mr. Jordan. Could you pull the mic a little closer, Mr.

671 Attorney General?

672 Attorney General Garland. Oh, I'm sorry. Is that
673 better, Mr. Chairman?

674 Chairman Nadler. Yeah. Mr. Chabot?

675 Mr. Chabot. Thank you.

676 Mr. Chairman, I'd start by asking unanimous consent that
677 an op-ed that appeared in last week's Wall Street Journal by
678 the author of the PATRIOT Act, Mr. Sensenbrenner, former
679 chairman of this committee, entitled, "The Patriot Act Wasn't
680 Meant to Target Parents" be entered into the record.

681 Chairman Nadler. Without objection.

682 [The information follows:]

683

684 *****COMMITTEE INSERT*****

685 Mr. Chabot. Thank you.

686 Mr. Attorney General, most of us had other jobs before
687 we got here to Congress. For example, I practiced law for
688 quite a few years. I was a county commissioner. I was a
689 member of Cincinnati City Council. And before that, I was a
690 school teacher in Cincinnati in the inner city.

691 All the students in the school were African American,
692 and I taught the seventh and eighth grade. It was my
693 experience that the kids who did the best were the ones who
694 had parental involvement in their education.

695 Does that make sense to you?

696 Attorney General Garland. Yes. I think parental
697 involvement is very important in education.

698 Mr. Chabot. Thank you.

699 Now, with that in mind, having parents involved in their
700 children's education, I have to say I found it deeply
701 disturbing that the National School Board Association
702 convinced the Biden administration to sic you and your
703 Justice Department, the FBI, the full power of the federal
704 law enforcement in this country, on involved parents as if
705 they were domestic terrorists.

706 One of the tools in your arsenal of weapons, of course,
707 is the PATRIOT Act that I just mentioned. Not many current
708 members of this committee were here when we passed the

709 PATRIOT Act, but I was.

710 And, Mr. Chairman, you were too, and I remember clearly
711 that we were both concerned about potential abuse of this new
712 law enforcement tool and that's why, for example, we insisted
713 on sunset provisions on some aspects of the PATRIOT Act.

714 But I can tell you not in a million years did we dream
715 that one day we'd see the Justice Department treat American
716 parents as domestic terrorists. And in a primer on domestic
717 terrorism issued last November by none other than the FBI,
718 Mr. Attorney General, the FBI explicitly stated that, quote,
719 "Under FBI policy and federal law, no investigative activity
720 related to domestic terrorism may be initiated based on First
721 Amendment activity," unquote.

722 Now, parents speaking up at school board meeting against
723 the teaching of critical race theory or anything else that
724 they want to talk about is, clearly, a First Amendment
725 activity.

726 Now, of course, school board meetings can sometimes be
727 highly emotional affairs. Parents do care about their kids'
728 education, how they're being taught, what they're being
729 taught, and these parents have every right to be heard. Even
730 a former Virginia governor, Terry McAuliffe, thinks
731 otherwise.

732 Now, no one has the right to be violent or threaten

733 violence, and if anyone does that they can be dealt with by
734 security or by local law enforcement. But we don't need the
735 vast power of the federal government throwing its weight
736 around.

737 We don't need you, your Justice Department or the FBI
738 trampling on the rights of American parents who just want the
739 best possible education for their children.

740 So Mr. Attorney General, let me ask you this. According
741 to the Sarasota Herald Tribune, one example of a so-called
742 terrorist incident was a parent merely questioning whether
743 school board members had earned their high school diplomas.

744 Now, that might have been rude. But does that seem like
745 an act of domestic terrorism that you or your Justice
746 Department ought to be investigating?

747 Attorney General Garland. Absolutely not, and I want to
748 be clear, the Justice Department supports and defends the
749 First Amendment right of parents to complain as vociferously
750 as they wish about the education of their children, about the
751 curriculum taught in the schools.

752 That is not what the memorandum is about at all, nor
753 does it use the words "domestic terrorism" or "PATRIOT Act."
754 Like you, I can't imagine any circumstance in which the
755 PATRIOT Act would be used in the circumstances of parents
756 complaining about their children, nor can I imagine a

757 circumstance where they would be labeled as domestic
758 terrorism. It's --

759 Mr. Chabot. Thank you. I'm nearly out of time. So let
760 me just conclude with this. We ought to be encouraging
761 parents to be actively involved in the education of their
762 children. After all, if our children are to be competitive
763 with the children of Japan and South Korea and India and,
764 yes, China for tomorrow's jobs, they better be getting a top-
765 notch education in this country.

766 Let's support and welcome parental involvement, not use
767 the vast powers of federal law enforcement to target parents
768 as domestic terrorists.

769 I yield back.

770 Chairman Nadler. The gentleman yields back. Once
771 again, I would remind all members that guidance from the
772 Office of Attending Physician states of face coverings are
773 required for all meetings in an enclosed space such as
774 committee hearings except when you are recognized to speak,
775 and that means you, Jim, and Marjorie and Matt and a lot of
776 other people I can't recognize because of distance, et
777 cetera.

778 So, please, everyone observe that rule.

779 I'll now recognize Ms. Lofgren for five minutes.

780 Ms. Lofgren. Thank you, Mr. Chairman, and thank you,

781 Mr. Attorney General, for being here this morning.

782 At your confirmation hearing you characterized what
783 happened on January 6th, as, quote, "A heinous attack that
784 sought to disrupt a cornerstone of our democracy."

785 I agree with that. And in your written testimony today,
786 you point out that the intelligence community has identified
787 domestic violent extremists as the primary threat to our
788 nation and further note that your department is committed to
789 keeping our country safe by protecting our democratic
790 institutions.

791 I would note that protecting our democratic institutions
792 is not limited to the Department of Justice. The Congress
793 also has that obligation to protect our democracy.

794 To that end, we have a Select Committee that is
795 reviewing the events leading up to January 6th and has a
796 legislative mandate to devise legislative recommendations to
797 prevent future acts of domestic extremist violence, to
798 strengthen the resiliency of our nation's democratic
799 institutions to propose laws that will keep us, our
800 democratic system, safer.

801 Now, with that background in mind, we are, as you are
802 aware, seeking information to inform us to perform that role.
803 Before you were AG you were a judge, and I note that the --
804 in your judicial role in 2004 there was a case, *Judicial*

805 *Watch v. the Department of Justice*, where the court ruled,
806 quote, "Presidential communications privilege applies only to
807 documents solicited and received by the President or his
808 immediate White House advisors who have broad and significant
809 responsibility for investigating and formulating the advice
810 to be given to the President."

811 I think you're familiar with that case. Do you think
812 that's still good law?

813 Attorney General Garland. Yeah, I think the D.C.
814 Circuit is a good source of law.

815 Ms. Lofgren. In the Supreme Court case *Nixon v.*
816 *Administrator of GSA*, 1974 -- the Judicial Watch case
817 actually relied on that precedent -- that case said that the
818 communications to advise the President would be only on
819 official government matters.

820 Do you think that's still good law?

821 Attorney General Garland. I think the Supreme Court's
822 opinion is still good law until it's reversed, and I see no
823 sign that it's going to be reversed.

824 Ms. Lofgren. In the -- we were here in the Judiciary
825 Committee pursuing testimony from Mr. McGahn and the court
826 wrote in the 2019 case, and this is a quote, "To make the
827 point as plain as possible, it is clear to this court for the
828 reasons explained above that with respect to senior level

829 aides, absolute immunity from compelled congressional process
830 simply does not exist."

831 Do you think that's still good law?

832 Attorney General Garland. I believe the McGahn case is
833 still good law.

834 Ms. Lofgren. Recently, the Department of Justice
835 informed a federal district court that, quote, "Conspiring to
836 prevent the lawful certification of the 2020 election and the
837 injured members of Congress and inciting the riot at the
838 Capitol," quote, "would plainly fall outside the scope of
839 employment of an officer or employee of the United States of
840 America."

841 Since your department filed that, I assume you agree
842 with that?

843 Attorney General Garland. Yes.

844 Ms. Lofgren. So I just want to mention -- I'm not going
845 to ask you about what your department will do if the House of
846 Representatives adopts a referral to your department because
847 I take you at your word that you will follow the precedent,
848 you will follow the law in the ordinary course of events.

849 I would just note that your defense of the rule of law
850 for the Department of Justice and your standing for the rule
851 of law also means the rule of law for the Congress of the
852 United States.

853 Article One has -- was the first article for a reason.
854 We have a role to play in making sure that our democratic
855 institutions are defended. I thank you for your service to
856 our country and I look forward to your deliberations so that
857 the Congress of the United States can play its rightful role
858 in defending our institutions and adopting legislation that
859 will strengthen our institutions and preserve and protect our
860 democratic republic.

861 With that, Mr. Chairman, I yield back.

862 Chairman Nadler. The gentlelady yields back.

863 Mr. Gohmert?

864 Mr. Gohmert. Thank you, Mr. Chairman, and thank you,
865 Judge Garland, for being here.

866 You stated a moment ago you couldn't imagine a parent
867 being labeled a domestic terrorist. But parents all over the
868 country believe that's exactly what you labeled them by your
869 memo, indicating you were going to get involved in board
870 meetings -- school board meetings -- because of the threat of
871 domestic terrorism.

872 So if you can't imagine a parent being labeled a
873 domestic terrorist, I would encourage you to redo your memo
874 so it's not so perceived as being so threatening to people
875 concerned about their kids' education.

876 But I want to take you to January 6. It's a very common

877 topic here for people. Has any defendant involved in the
878 January 6 events been charged with insurrection?

879 Attorney General Garland. I don't believe so.

880 Mr. Gohmert. Well, that is the word most used by
881 Democrats here on Capitol Hill about January 6 but no one has
882 been charged with it that we could find either.

883 How many protesters on January 6 were charged with
884 obstructing an official proceeding for four to six hours? Do
885 you know?

886 Attorney General Garland. I don't know the exact
887 number. Obviously, there are 650 who were arrested, some for
888 assaulting officers, some for obstructing proceedings, some
889 for conspiring to obstruct proceedings.

890 I can get you the numbers for each of the specific --

891 Mr. Gohmert. Thank you. I'd be interested in getting
892 that number. But regarding the man who broke the glass in
893 the two doors there at the Speaker's lobby when the two
894 Capitol Police had been standing there moved to the side to
895 allow them access, were any of those people who broke glass
896 and did damage to those doors working for the FBI or other
897 federal law enforcement entities?

898 Attorney General Garland. This is an ongoing criminal
899 investigation and I'm really not at liberty to discuss.
900 There have been some filings of -- in a nature of discovery,

901 which has been provided to the defendants. But other than
902 that, I can't discuss this now.

903 Mr. Gohmert. Well, we have seen some of those filings
904 that talk about persons one through 20 something. Were those
905 persons, one, designated by number -- were those people that
906 were employed by the FBI or federal entities, or were they
907 confidential informants?

908 Attorney General Garland. Again, I don't know those
909 specifics. But I do not believe that any of the people
910 you're mentioning charged in the indictment were either one.

911 Mr. Gohmert. Was a determination ever made as to who
912 repeatedly struck Roseanne Boyland in the head with a rod
913 before she died?

914 Attorney General Garland. Again, I think this was a
915 matter that was investigated by the U.S. Attorneys Office and
916 --

917 Mr. Gohmert. Well, there's a witness on video saying
918 that it was a D.C. Metro policeman. I didn't know if you've
919 been able to confirm or deny that.

920 Well, on June 22nd of 2016, Judge, most of the Democrat
921 members of Congress took over the House floor and for the
922 first time in American history members of Congress obstructed
923 official proceedings, not for four to six hours but for
924 virtually 26 hours. Not just violating over a dozen House

925 rules, but actually committing the felony that some of the
926 January 6 people are charged with.

927 That was during the Obama administration. Nobody has
928 been charged and those kind of things where you let Democrat
929 members of Congress off for the very thing that you're
930 viciously going after people that were protesting on January
931 6 gives people the indication that there is a two-tiered
932 justice system here in America.

933 You know well -- you've been a circuit court judge --
934 you know well that confinement -- pre-trial confinement is
935 not ever to be used as punishment.

936 Yet, there are people -- and understand, as a former
937 tough law and order judge, I would sentence everyone
938 regardless of their party who did violence or committed
939 crimes on January 6th to appropriate sentences.

940 But, for Heaven's sake, they are being abused in the
941 D.C. jail. Have you done an inspection over there of the
942 D.C. jail since your department has some jurisdiction?

943 Attorney General Garland. So my understanding is Judge
944 Lamberth, who I respect very much, has --

945 Mr. Gohmert. Yeah, he held the warden in contempt, but
946 we haven't seen an improvement.

947 Attorney General Garland. Well, he asked for a review
948 and the Justice Department is conducting a review of the

949 Marshals.

950 Did an inspection the other day, which was reported in
951 the news, and the Civil Rights Division is examining the
952 circumstances. This is the District of Columbia jail. It's
953 not the Bureau of Prisons, you understand.

954 Chairman Nadler. The time of the gentleman has expired.

955 As I've explained to members on many occasions, I view
956 the wearing of face masks as a safety issue and, therefore,
957 is an important matter of order and decorum. Because I am
958 responsible for preserving order and decorum in this
959 committee, I am requiring members of staff attending this
960 hearing to wear face masks.

961 I came to this decision after the Office of the
962 Attending Physician released his guidance requiring masks in
963 committee hearings some time ago. I note that some members
964 are still not wearing masks.

965 The requirement is that members where their masks at all
966 times when they are not speaking. I will take members in
967 compliance with this rule into consideration when they seek
968 recognition.

969 I see Mr. Roy, for example.

970 I now recognize Ms. Jackson Lee.

971 Ms. Jackson Lee. Thank you, Mr. Chairman.

972 General, let me thank you for your enormous work that

973 the department is doing. I have a series of questions. Help
974 me out and in your answers so that I can secure responses.

975 As you well know, the Senate Judiciary Committee did an
976 outstanding report on how the former president and his allies
977 pressured DOJ to overturn the 2020 election.

978 In particular, they noted a series of dates in which
979 they assess that the former president grossly abused the
980 power of the presidency. He also, arguably, violated the
981 criminal provisions of the Hatch Act, which prevents any
982 person from commanding federal government employees to engage
983 in political activity.

984 Would there be any reason that the DOJ would not further
985 research or determine prospectively that the former president
986 could be prosecuted under the Hatch Act?

987 Attorney General Garland. Congresswoman, the Justice
988 Department has a very long-standing policy of not commenting
989 on potential investigations or actual or pending
990 investigations. This is a foundational element of our rule
991 of law and norms.

992 It's to protect everyone no matter what their position -
993 - former president, current president, congresswoman, a
994 senator or ordinary citizen, and I'm going to have to rest on
995 that that I can't comment on --

996 Ms. Jackson Lee. Thank you. I take that there's no

997 prohibition. But thank you so very much.

998 The Justice Department investigated Texas five secured
999 juvenile facilities, finding sexual abuse. Can I quickly get
1000 an answer of working with the Justice Department encouraging
1001 standardized conditions for these facilities since the facts
1002 were gross in terms of the abuse of those children? I think
1003 you're investigating Georgia as well.

1004 Mr. General?

1005 Attorney General Garland. So we are investigating
1006 Texas. That was announced, and I believe the government
1007 welcomed that investigation, and that's being done by a
1008 combination of the Civil Rights Division and all four U.S.
1009 Attorneys Offices in Texas.

1010 Ms. Jackson Lee. Thank you, sir. With respect to
1011 compassionate release, which came about through the CARES
1012 Act, we found that in the BOP 39 percent of American federal
1013 prisoners contracted COVID-19.

1014 According to a New York Times article, 2,700 persons
1015 have died. There is a potential of the compassionate release
1016 being eliminated and those out, but also I found that it's
1017 not being utilized appropriately now.

1018 The attorney -- inspector general said that BOP was not
1019 prepared with the issue -- was not prepared to deal with the
1020 issue of compassionate release on a granular level and, of

1021 course, the director himself said prisons are not made for
1022 social distancing.

1023 My question is, will you monitor what is going on with
1024 compassionate release either in terms of people returning
1025 and/or the utilization -- the fair utilization of
1026 compassionate release in the BOP under this issue of COVID?

1027 Attorney General Garland. Yes. Congresswoman, the
1028 answer is yes.

1029 Obviously, the pandemic was not something that the
1030 Bureau of Prisons was prepared for or, frankly, most American
1031 institutions were not prepared for. It created a lot of
1032 difficulties. It did lead to compassionate release, leaving
1033 people in home confinement.

1034 I don't know the specifics that you're mentioning, but
1035 we are, certainly, reviewing carefully how the Bureau is
1036 responding now to this dangerous circumstance of COVID-19.

1037 Ms. Jackson Lee. Thank you, General.

1038 We found as it relates to the women in prison 6,600 are
1039 serving huge sentences of life with parole -- life with
1040 parole, life without parole, virtual life, et cetera.

1041 Eighty-six percent of women in jail have experienced
1042 sexual violence. Seventy-seven percent have experienced
1043 intimate partner violence. This has given a report as it
1044 relates to women of color. Can we have a more vigorous

1045 trauma/mental health protocol for women in prison -- federal?

1046 Attorney General Garland. So I think -- federal, yeah.

1047 So I think an important part of the First Step Act requires
1048 us to be careful about those things and we have asked for
1049 additional funding for that purpose, and the deputy attorney
1050 general is monitoring the way in which the Bureau of Prisons
1051 spends that money and establishes those programs.

1052 Ms. Jackson Lee. Thank you. Can I quickly ask with
1053 VAWA, which has not been passed by the House, would that
1054 passage help you do even a more effective job dealing with
1055 violence against women like domestic violence, which is
1056 Domestic Violence Awareness Month this month? Would it help
1057 you be more effective in prosecuting, moving forward.

1058 Attorney General Garland. Yes. Yes, it would. We have
1059 strongly supported a reauthorization of the Violence Against
1060 Women Act.

1061 Ms. Jackson Lee. I'm going to make just a few
1062 statements. Gun violence in children has accelerated in a
1063 19-year high in 2017. I would appreciate talking further
1064 about greater prosecution on gun trafficking and the
1065 proliferation of guns.

1066 Secondly, hate crimes has surged as well, and we want
1067 to hear about the resources that are being used for hate
1068 crimes. And then as you well know that we have been the

1069 poster child in Texas for racial gerrymandering, and let me
1070 thank you for the work you've done under Section Two.

1071 I just want to make sure that this is on the radar
1072 screen of the Justice Department dealing with that issue of
1073 redistricting.

1074 But my question, finally, is the Texas abortion law.
1075 One of the worst components is the stalking of women.

1076 Chairman Nadler. The gentlelady's time -- the
1077 gentlelady's time has expired.

1078 Ms. Jackson Lee. And so I'm asking whether or not --

1079 Chairman Nadler. The gentlelady's time has expired.

1080 Mr. Owens?

1081 Mr. Owens. Thank you, Mr. Chairman.

1082 Thank you, Attorney General Garland, for coming before
1083 our committee today.

1084 I like to take every opportunity that I have to share
1085 with our nation the making of a great community. I grew up
1086 in one in the Deep South 1960s. Though in the depths of Jim
1087 Crow segregation, it was a community that produced giant
1088 Americans like Clarence Thomas, Condoleezza Rice, Thomas
1089 Sowell, Walter Williams, and Colin Powell. This was not by
1090 accident, and it was also not rare. It was a community of
1091 faith, family, free market, and education.

1092 Education was the very core of our success. I was

1093 raised in a home with teachers. My dad was a college
1094 professor for 40 years; my mom, a junior high school teacher.
1095 They were trusted to do what teachers have done throughout
1096 our history -- to teach children how to read, write, add,
1097 subtract, and to think critically. Success in education was
1098 always based on parental involvement. It was both expected
1099 and welcomed.

1100 In my great State of Utah, these expectations of parents
1101 have not changed. We do not expect, nor will we tolerate,
1102 leftist teaching of our children behind our backs, the evil
1103 of CRT -- how to hate our country and hate others based on
1104 skin color.

1105 Some of the most recent actions that the Department of
1106 Justice has taken against parents are concerning, and I would
1107 like to direct my questions around that topic. Some of the
1108 questions have been asked, and I do want to make it very
1109 clear to some of my constituents some of the concerns I have.

1110 We all agree that true threats and violence at school
1111 board meetings are inexcusable. Attorney General Garland, do
1112 you agree with the National School Board Association that
1113 parents who attend school board meetings and speak
1114 passionately against the inclusion of divisive programs like
1115 Critical Race Theory should be characterized as domestic
1116 terrorists?

1117 Attorney General Garland. I do not believe that parents
1118 who testify, speak, argue with, complain about school boards
1119 and schools should be classified as domestic terrorists or
1120 any kind of criminals. Parents have been complaining about
1121 the education of their children and about school boards since
1122 there were such things as school boards and public education.
1123 This is totally protected by the First Amendment.

1124 I take your point that true threats of violence are not
1125 protected by the First Amendment. Those are the things we
1126 are worried about here.

1127 Mr. Owens. Okay. Could I just say --

1128 Attorney General Garland. Those are the only things we
1129 are worried about here.

1130 Mr. Owens. Okay. Thank you so much for that.

1131 Is there legal precedence for the Department of Justice
1132 to investigate peaceful protests or parental involvement at
1133 public school meetings?

1134 Attorney General Garland. Just to say again, we are not
1135 investigating peaceful protests or parent involvement in
1136 school board meetings. There is no precedent for doing that
1137 and we would never do that. We are only concerned about
1138 violence, threats of violence, against school administrators,
1139 teachers, staff, people like your mother, a teacher. That is
1140 what we are worried about.

1141 We are worried about that across the board. We are
1142 worried about threats against Members of Congress. We are
1143 worried about threats against police.

1144 Mr. Owens. Thank you very much. Thank you much for
1145 that.

1146 I am also a member of the Education and Labor Committee.
1147 On October 7, Republican members of this committee sent you a
1148 letter, you and Secretary Cardona, expressing a concern about
1149 disparaging remarks that the Secretary had made against
1150 parents. In this letter, we requested that you brief the
1151 Education and Labor Committee before taking action on your
1152 threats to parents' lawful expression of legitimate concerns.
1153 Have you received that letter, and do you plan on testifying
1154 before the House Education and Labor Committee?

1155 Attorney General Garland. I am sorry, I don't recollect
1156 the letter, but I will ask my staff to find out where it is.

1157 Mr. Owens. Okay. Let me just say this as I wrap this
1158 up. And I do appreciate you being here, Attorney General. I
1159 watched a time, I was aware of a time when our race led our
1160 country in the percentage of men matriculating from college,
1161 black men matriculating from college. I now have been aware
1162 of, in 2017, studies at the Department of Education that 75
1163 percent of the black boys in the State of California cannot
1164 pass standard reading and writing tests. That is a big

1165 shift. And the difference is, in those days when I was
1166 growing up, parents were involved. There was a trust that we
1167 can send our kids to school and they would be taught how to
1168 love our country, love each other, and love education. That
1169 has been changed drastically.

1170 And I think I am going to implore parents out there:
1171 get involved. Now is the time. Do not trust any other
1172 adults, particularly our educational system, for the future
1173 of your kids. Get involved. Fight for your rights, for your
1174 kids to be taught how to love our country, love education,
1175 and move forward.

1176 And I think, if we do that, we will get back to the old-
1177 school America, where we can really appreciate the fact of
1178 who we are and an education system that should be teaching us
1179 how to do that.

1180 I yield back my time.

1181 Chairman Nadler. The gentleman yields back.

1182 Mr. Cohen?

1183 Mr. Cohen. Thank you, Mr. Chair.

1184 Welcome, General Garland. I feel it is a difficult
1185 position for me to question you because I have such respect
1186 for your acumen, your probity, and your rectitude, which is
1187 widely recognized, but there are questions I must ask.

1188 The Senate Judiciary Committee had a report recently

1189 about the attempts of President Trump to get Department of
1190 Justice employees involved in the Stop the Steal Campaign,
1191 trying to subvert the election. Are any of those people that
1192 were involved in that still at the Justice Department?

1193 Attorney General Garland. All the boldfaced names that
1194 I know about were political appointees, all of whom are not
1195 at the Department. I don't know the answer otherwise, but I
1196 don't believe so, but --

1197 Mr. Cohen. Thank you. I would appreciate it if you
1198 would check into that. If they were and they participated in
1199 this in any way, that they should come to your attention and
1200 they should have certain sanctions, I believe.

1201 You have defended, and sought to continue to defend,
1202 President Trump in his defamation action brought by E. Jean
1203 Carroll. He called her a liar. He accused her of conspiring
1204 with the Democratic Party in her allegation of rape, and for
1205 what it was worth, he said she wasn't "his type." His type
1206 is, apparently, fairly expansive. And you are defending him.

1207 Do you think that the public sees that as a proper use
1208 of Department of Justice resources, when it has been shown
1209 that we are short on personnel in the Civil Rights Division
1210 and that we need that personnel, and yet, we are defending
1211 President Trump's defamation lawsuit by a woman who he has
1212 defamed?

1213 Attorney General Garland. Congressman, we are not
1214 defending the defamation made by the former President. As I
1215 have said publicly several times, sometimes being the
1216 Attorney General and sometimes being the judge, that means
1217 taking positions with respect to the law that are required by
1218 the law, but which you would not take as a private citizen.

1219 In this circumstance, the Justice Department's briefing
1220 is not about whether this was defamation or it wasn't
1221 defamation. It is solely on the question, on the application
1222 of the Tort Claims Act. And there is consistent precedent in
1223 the D.C. Circuit which holds that, even defamatory statements
1224 made during press conferences by public officials are within
1225 the scope of employment for that very narrow purpose and for
1226 that very narrow definition.

1227 Mr. Cohen. If I may, sir, and I appreciate that and I
1228 have read that, but this was an action he took as a private
1229 citizen. He is now again a private citizen. And it was
1230 totally outside of anything to do with him being President.
1231 I hope you will look into it again because I think the public
1232 sees it as a mistake.

1233 The rule of law, you have made clear -- and I know you
1234 believe this -- it is one of the major tenets of the
1235 Department of Justice to uphold the rule of law. Michael
1236 Cohen has a felony on his record, spent time in prison for

1237 paying, at the direction of President Trump, hush money to
1238 Stormy Daniels and another woman. I believe that it is
1239 pretty well known that President Trump was "Individual One,"
1240 as described in the indictment. He couldn't be indicted
1241 because of a Department of Justice policy you don't indict a
1242 sitting President. He is no longer a sitting President.

1243 Do you believe that not looking into indicting
1244 Individual One equally, if not more, guilty than Michael
1245 Cohen, is not an abuse of equal protection under the law and
1246 an abrogation of the idea that the rule of law is a
1247 principle?

1248 Attorney General Garland. So, Congressman, a very
1249 important element of the rule of law is the norm of the
1250 Justice Department that we don't comment on whether we are
1251 investigating, what the status of investigations are, unless
1252 and until there is a public charge. That is important to
1253 protect everyone, whether it be a former President, an
1254 existing President, or public official, or a private
1255 individual.

1256 Mr. Cohen. I will accept that, but I hope that you will
1257 look at it because I believe that he is equally, if not more,
1258 guilty. And it does seem that people get favored treatment
1259 if he is not prosecuted.

1260 Transparency is important as well. Amy Berman Jackson

1261 tried to release some records concerning Bill Barr's
1262 downplaying of Trump's obstruction in the Mueller
1263 investigation. This committee was looking into the
1264 Emoluments Clause violations of the Trump Hotel and got an
1265 order to seize some records. And yet, the DOJ appealed.

1266 Do you believe that transparency, those two situations
1267 are ones where transparency was not permitted to the American
1268 public, as well as the whole Mueller Report, which hasn't
1269 been redacted?

1270 Attorney General Garland. With respect to Judge
1271 Jackson's ruling, I respect Judge Jackson. She was a former
1272 colleague. I respect her very much. We just have a
1273 difference of opinion with respect to the Freedom of
1274 Information Act's deliberative privilege exception. And we
1275 believe that in that circumstance the memorandum which was
1276 given to Attorney General Barr is protected by that, so that
1277 all Attorneys General can receive honest advice from their
1278 subordinates. That matter is before the D.C. Circuit now.
1279 Everything I have just said is in our papers. So, I am not
1280 saying outside the record. And it will be resolved by the
1281 D.C. Circuit.

1282 Mr. Cohen. Thank you. Chairman Nadler. The
1283 gentleman's time has expired.

1284 Mr. Cohen. I yield back the balance of my time.

1285 Chairman Nadler. Mr. Johnson of Louisiana?

1286 Mr. Johnson of Louisiana. Thank you.

1287 Mr. Attorney General, millions of Americans are deeply
1288 concerned today that, instead of addressing the most pressing
1289 issues facing our country, we are watching the Biden-Garland
1290 Justice Department be weaponized, that you are using your
1291 authorities now to advance far-left policies and attack
1292 Republican-led state actions, and erode constitutional norms.

1293 The most recent case in point has been brought up this
1294 morning, your memorandum directing the FBI and other
1295 Department of Justice officials to get involved in political
1296 school board debates. It concerns us that it was issued just
1297 five days after the National School Board Association sent a
1298 letter to President Biden which referred to concerned parents
1299 as the equivalent of, quote, "domestic terrorists and
1300 perpetrators of hate crimes." Unquote. Given the timing of
1301 all this, your memo appears to have been motivated by
1302 politics more than any pressing federal law enforcement need.
1303 This is concerning to us and it is worthy of investigation.

1304 It also concerns us that your actions may have been
1305 motivated by your family's financial stake in this issue.
1306 Published reports show that your son-in-law cofounded a
1307 company called Panorama Education. We now know that that
1308 company publishes and sells Critical Race Theory and so-

1309 called anti-racism materials to schools across the country.

1310 And it works with school districts nationwide to obtain
1311 and analyze data on students, often without parental consent.
1312 On its website, the company brags that it has surveyed more
1313 than 13 million students in the United States, it has raised
1314 \$76 million from powerful investors, including people like
1315 Mark Zuckerberg, just since 2017.

1316 My first question is this: are you familiar with Title
1317 5 of the Code of Federal Regulations which addresses the
1318 rules of impartiality for executive branch employees and
1319 officials?

1320 Attorney General Garland. I am very familiar with it.
1321 And I want to be clear once again that there is nothing in
1322 this memorandum which has any effect on the kinds of
1323 curriculums that are taught or the ability of parents to
1324 complain about the kinds of --

1325 Mr. Johnson of Louisiana. I understand your position on
1326 the free speech of parents.

1327 Attorney General Garland. It is not a position; it is
1328 the words of the memorandum.

1329 Mr. Johnson of Louisiana. Wait. Wait just a minute.
1330 The question is, the thing that has concerned many of those
1331 parents that are showing up at these school board meetings,
1332 the very basis of their objection and their vigorous debate,

1333 as you mentioned earlier, is the curricula, the very
1334 curricula that your son-in-law is selling. So, to millions
1335 of Americans, I mean my constituents -- I was home all
1336 weekend and I got an earful about this. They are very
1337 concerned about that.

1338 Subpart E of that federal regulation says, "An employee
1339 of the executive branch is discouraged from engaging in
1340 conduct that's likely to affect the financial interest of
1341 someone close to them." Your son-in-law, your daughter
1342 clearly meets that definition.

1343 And so, the question is, did you follow that regulation?
1344 Did you have the appropriate agency ethic official look into
1345 this? Did you seek guidance, as the federal regulation
1346 requires?

1347 Attorney General Garland. This memorandum is aimed at
1348 violence and threats of violence.

1349 Mr. Johnson of Louisiana. I understand that, but did
1350 you --

1351 Attorney General Garland. There is no --

1352 Mr. Johnson of Louisiana. Excuse me. Did you seek
1353 ethics counsel before you issued a letter that directly
1354 relates to the financial interest of your family? Yes or no?

1355 Attorney General Garland. This memorandum does not
1356 relate to the financial interests of anyone. It is, again,

1357 it is not --

1358 Mr. Johnson of Louisiana. I take that as a no. I take
1359 that as a no.

1360 Attorney General Garland. The memorandum is against
1361 violence and threats of violence. I don't know --

1362 Mr. Johnson of Louisiana. Will you, Mr. Attorney
1363 General, will you commit to having the appropriate ethics
1364 designee review the case and make the results public?

1365 Attorney General Garland. This memorandum is aimed at
1366 violence and threats of violence.

1367 Mr. Johnson of Louisiana. I understand your talking
1368 point. You are not asking my question, Mr. Attorney General.

1369 Attorney General Garland. I am talking --

1370 Mr. Johnson of Louisiana. With all due respect, will
1371 you submit to an ethics review of this matter? Yes or no?

1372 Attorney General Garland. There is no company in
1373 America or, hopefully, no law-abiding citizen of America who
1374 believes that threats of violence should not be prevented.
1375 There are no conflicts of interest that anyone could have --

1376 Mr. Johnson of Louisiana. According to you, but, sir,
1377 with due respect, that is the purpose of the federal
1378 regulation. We need objective third parties to review our
1379 activities. You don't get to make that decision yourself.
1380 It doesn't matter. You are the top, you are the chief law

1381 enforcement of this country. This raises questions in the
1382 minds of millions of Americans, and your impartiality is
1383 being called into question. Why would you not submit to a
1384 simple ethics review of that?

1385 Attorney General Garland. I am exquisitely aware of the
1386 ethics requirements.

1387 Mr. Johnson of Louisiana. But you are not following
1388 them.

1389 Attorney General Garland. I have followed them and
1390 lived with them for the last 25 years --

1391 Mr. Johnson of Louisiana. Did you seek an ethics review
1392 of this or not?

1393 Attorney General Garland. I am going to say again,
1394 there are no conflicts of interest involved when the Justice
1395 Department asks the --

1396 Mr. Johnson of Louisiana. Okay, okay. According to
1397 you. I got that. I'm not trying to be disrespectful. But
1398 you are not respecting our rules, our constitutional norms,
1399 and the federal law that directly applies to your activities.
1400 This is a great concern.

1401 This is why people are losing faith in our institutions.
1402 They are losing faith in this Department of Justice. And you
1403 and I both know, as constitutional attorneys, that if the
1404 people lose their faith in our system of justice, if they

1405 lose their faith in the idea that justice is blind, that
1406 there are not two standards, that there is one standard of
1407 the law and that everyone --

1408 Chairman Nadler. The time of the gentleman has expired.
1409 Would the Attorney General like to respond to the
1410 innuendo?

1411 Attorney General Garland. No. All I can say is I
1412 completely agree that the rule of law and respect for it is
1413 essential, and I will always do everything possible to uphold
1414 that and to avoid any kind of conflict of interest.

1415 Mr. Johnson of Louisiana. But you will not submit to an
1416 ethics --

1417 Chairman Nadler. The time of the gentleman has expired.

1418 Mr. Johnson of Louisiana. I would just --

1419 Chairman Nadler. The time of the gentleman has expired.

1420 Mr. Jordan. It wasn't innuendo. It was a question.

1421 Mr. Johnson of Louisiana. Yes. Thank you.

1422 Mr. Jordan. It was a question.

1423 Chairman Nadler. The question is -- the gentleman's
1424 time --

1425 Mr. Jordan. The editorial comments from the chair about
1426 other people's questions is not appreciated by this side of
1427 the aisle.

1428 Chairman Nadler. I asked the Attorney General -- Mr.

1429 Johnson of Georgia?

1430 Mr. Johnson of Georgia. Thank you, Mr. Chairman.

1431 And thank you for being here, General Garland.

1432 This summer the House passed H.R. 4, the John R. Lewis
1433 Voting Rights Advancement Act, which would strengthen
1434 Sections 2 and 5 of the Voting Rights Act. And also this
1435 summer, the Department announced that it was suing the State
1436 of Georgia under Section 2 of the Voting Rights Act. And I
1437 commend your Department for working to protect the rights of
1438 all Americans to vote.

1439 General Garland, Section 2 of the Voting Rights Act
1440 prohibits voting practices or procedures that discriminate on
1441 the basis of race, while Section 5 of the Act mandates that
1442 changes to voting practices in certain covered jurisdictions
1443 be precleared by federal authorities.

1444 With the Supreme Court having nullified Section 5, in
1445 effect, the preclearance requirement, by ruling that the
1446 coverage formula was unconstitutional, does the Department
1447 view Section 2 litigation alone as adequate to safeguard
1448 voting rights, or must Congress pass the John Lewis Voting
1449 Rights Advancement Act and reinstate Section 5 in order for
1450 voting rights to be adequately safeguarded?

1451 Attorney General Garland. The Justice Department
1452 supports that Act. Section 2 is what we have. Section 5 is

1453 what we need.

1454 Mr. Johnson of Georgia. Knowing that the House has
1455 already passed H.R. 4, does the Justice Department support
1456 passage of the John Lewis Voting Rights Advancement Act in
1457 the United States Senate?

1458 Attorney General Garland. Yes, sir.

1459 Mr. Johnson of Georgia. Thank you.

1460 On September the 4th, 2021, DOJ announced an
1461 investigation into Georgia prison conditions. The New York
1462 Times reported that over 25 incarcerated persons died last
1463 year by confirmed or suspected homicide in Georgia prisons,
1464 and 18 homicides, as well as numerous stabbings and beatings
1465 have been reported this year. What is the timeline for this
1466 investigation? And will you commit to briefing the committee
1467 and the Georgia delegation on the results of the inquiry?

1468 Attorney General Garland. We are doing that
1469 investigation. It is pursuant to a statute which authorizes
1470 the Civil Rights Division to bring those kinds of cases. I
1471 can't tell you what the timeline is. These kind of things
1472 take a considerable amount of time. And I am not sure what
1473 the legal requirements are with respect to briefings outside
1474 -- this is now in court. And so, I am not sure what
1475 additional material can be provided outside of what we
1476 provide in court. But we will look into it for you.

1477 Mr. Johnson of Georgia. Thank you.

1478 Much of what is known about conditions in Georgia
1479 prisons is derived from social media posts, including video
1480 footage posted during a prison riot last year. How are
1481 social media and the use of smuggled smartphones by inmates
1482 aiding DOJ in its civil rights investigation of Georgia's
1483 prisons?

1484 Attorney General Garland. Sorry, I don't know the
1485 answer to that question, but I will see if I can ask at the
1486 Civil Rights Division how they are using that material.

1487 Mr. Johnson of Georgia. All right. Thank you.

1488 General Garland, the Sackler has used every trick in the
1489 book to escape accountability for their role in the opioid
1490 epidemic, including abusing the bankruptcy system to secure
1491 civil immunity from their victims. And now, Johnson &
1492 Johnson has scrambled its organizational charts to put tens
1493 of thousands of legal claims into bankruptcy to avoid further
1494 liability for its cancer-causing talcum powder.

1495 Do you believe culpable individuals and corporations
1496 should be allowed to use the shell game to shield themselves
1497 from liability?

1498 Attorney General Garland. I don't know anything about
1499 the second example that you gave. As to the first, the
1500 Justice Department's bankruptcy trustee has weighed in to

1501 appeal the decision to immunize from personal liability, and
1502 I think that matter is now pending in court.

1503 Mr. Johnson of Georgia. Thank you.

1504 Lastly, I will note that there has been a lot of
1505 discussion by my friends on the other side of the aisle about
1506 local school boards. And I will point out the fact that
1507 there are reports that restrictions on the discussion of race
1508 and history in schools, these laws that are being put forward
1509 by Republican-led states, are causing administrators to tell
1510 teachers that, in addition to having an opposing view on
1511 slavery, now they are saying that you have got to include an
1512 opposing view on the Holocaust. If you have any books that
1513 are teaching about that, you have got to have an opposing
1514 view. This is the danger that we --

1515 Chairman Nadler. The gentleman's time has expired.

1516 Mr. Jordan?

1517 Mr. Jordan. Thank you, Mr. Chairman.

1518 March 25th, Joe Biden criticizes the Georgia election
1519 law. Three months later, the Department of Justice
1520 challenges it. September 1st, Joe Biden criticizes the new
1521 pro-life law in Texas. Eight days later, the Department of
1522 Justice challenges it. September 29th, the political
1523 organization asked President Biden to involve the FBI in
1524 local school board issues. Five days later, the Department

1525 of Justice does just that.

1526 Mr. Attorney General, was it just a coincidence that
1527 your memo came five days after the National School Boards
1528 Association's letter went to the President?

1529 Attorney General Garland. So, we are concerned about
1530 violence and threats of violence across the board against
1531 school officials, against --

1532 Mr. Jordan. Is there any connection, Mr. Attorney
1533 General, with the school board letter, and then, five days
1534 later, your memo regarding school board issues?

1535 Attorney General Garland. Obviously, the letter, which
1536 was public and asked for assistance from the Justice
1537 Department, was brought to our attention, and it is a
1538 relevant factor in --

1539 Mr. Jordan. Who gave you the letter?

1540 Attorney General Garland. I'm sorry?

1541 Mr. Jordan. How did you become aware of the letter?
1542 Who gave it to you?

1543 Attorney General Garland. Well, I read about the letter
1544 in the news. That's how I read about --

1545 Mr. Jordan. Who at the White House told you to write
1546 the memo?

1547 Attorney General Garland. No one in the White House
1548 spoke to me about the memo at all. I am sure, at least I

1549 certainly would believe, that the White House communicated
1550 its concerns about the letter to the Justice Department. And
1551 that is perfectly --

1552 Mr. Jordan. Well, that was my next question.

1553 Attorney General Garland. -- perfectly appropriate.

1554 Mr. Jordan. Did you or anyone at the Justice Department
1555 discuss the memo with White House personnel or with anyone at
1556 the White House before the memo was sent?

1557 Attorney General Garland. I did not. I don't know
1558 whether anyone discussed the memo. I am sure that the
1559 communication from the National Association of School Boards
1560 was discussed between the White House and the Justice
1561 Department, and that's perfectly appropriate, just as --

1562 Mr. Jordan. Who are those individuals? Who at the
1563 White House talked with who at the Justice Department?

1564 Attorney General Garland. I don't know. I don't know.

1565 Mr. Jordan. Did they talk to you? Did someone call
1566 you? Did --

1567 Attorney General Garland. I think I have answered. No
1568 one from the White House spoke to me, but the White House is
1569 perfectly appropriately concerned about violence, just like
1570 they are concerned about violence in the streets. And they
1571 make requests of the Justice Department in that respect, just
1572 like they are --

1573 Mr. Jordan. Did you or anyone at the Department of
1574 Justice communicate with the American Federation of Teachers,
1575 the National Education Association, the National School
1576 Boards Association prior to your memo?

1577 Attorney General Garland. I did not. I don't know as
1578 to --

1579 Mr. Jordan. You don't know if anyone else at the
1580 Justice Department did?

1581 Attorney General Garland. I don't know.

1582 Mr. Jordan. Did you or anyone at the Justice Department
1583 communicate with those organizations -- AFT, NEA, National
1584 School Boards Association -- prior to the letter? Did you
1585 help the National School Boards Association put together the
1586 letter?

1587 Attorney General Garland. Again, not -- I have had no
1588 such conversations. I would be surprised if that happened,
1589 but I don't know.

1590 Mr. Jordan. Will FBI agents be attending local school
1591 board meetings?

1592 Attorney General Garland. No, FBI agents will not be
1593 attending local school board meetings, and there is nothing
1594 in this memo to suggest that. I want to, again, try to be
1595 clear. This memo is about violence and threats of violence.
1596 It is not --

1597 Mr. Jordan. Well, let me just point out, the same day
1598 you did the memo, the Justice Department sent out a press
1599 release, Monday, October 24 -- or excuse me -- on Monday,
1600 October 4th, 2021. The press release says, "Justice
1601 Department Addresses Violent Threats Against School Officials
1602 and Teachers."

1603 Now you said earlier to a question from one of my
1604 colleagues on the Republican side, that parents aren't
1605 domestic terrorists; we are not going to treat them that way.
1606 But let me just read from the third paragraph: "According to
1607 the Attorney General's memorandum, the Justice Department
1608 will launch a series of additional efforts in the coming days
1609 designed to address the rising criminal conduct directed
1610 towards school personnel. Those efforts are expected to
1611 include the creation of a task force consisting of
1612 representatives from the Department's Criminal Division,
1613 Civil Rights Division, Executive Office of the U.S.
1614 Attorneys, the FBI, the Community Relations Service, Office
1615 of Justice Programs, and the National Security Division."

1616 Now I find that interesting. You said there is no way
1617 you are going to be treating parents as domestic terrorists,
1618 but you have got the National Security Division in a press
1619 release regarding your memo that day.

1620 Attorney General Garland. My memo does not mention the

1621 National Security Division. It is addressed to --

1622 Mr. Jordan. I didn't say it did. I said the press
1623 release accompanying your memo that day from the Department
1624 of Justice -- right here it is -- talks about --

1625 Attorney General Garland. I want to be as clear as I
1626 can be --

1627 Mr. Jordan. -- the National Security Division being
1628 part of this effort.

1629 Attorney General Garland. I want to be clear as I can
1630 be. This is not about what happens inside school board
1631 meetings. It is only about threats of violence, and violence
1632 aimed at school officials, school employees, and teachers.

1633 Mr. Jordan. The first sentence of your memo, the very
1634 first sentence, you said, "In recent months, there's been a
1635 disturbing spike in harassment, intimidation, threats of
1636 violence."

1637 Attorney General Garland. Yes.

1638 Mr. Jordan. When did you first review the data showing
1639 this so-called disturbing uptick?

1640 Attorney General Garland. So, I read the letter, and we
1641 have been seeing over time threats --

1642 Mr. Jordan. Whoa, whoa, whoa. I didn't ask you -- so,
1643 you read the letter. That is your source?

1644 Attorney General Garland. So, let me be clear. This is

1645 not a prosecution or an investigation --

1646 Mr. Jordan. Is there some study, some effort, some
1647 investigation someone did that said there's been a disturbing
1648 uptick? Or did you just take the words of the National
1649 School Boards Association?

1650 Attorney General Garland. When the National School
1651 Boards Association, which represents thousands of school
1652 boards and school board members, says that there are these
1653 kind of threats, when we read in the newspapers reports of
1654 threats of violence, when that is in the context of threats
1655 of violence against all --

1656 Mr. Jordan. So, the source for this, for the very first
1657 line in your memo --

1658 Chairman Nadler. The time of the gentleman has expired.

1659 Mr. Jordan. -- was the School Boards Association
1660 letter?

1661 Chairman Nadler. The time of the gentleman has expired.

1662 Mr. Deutch?

1663 Mr. Deutch. Thank you, Mr. Chairman.

1664 Thank you, General Garland, for being here.

1665 What is so disturbing to me is the lack of concern about
1666 threats of violence. General Garland, let me give you some
1667 examples.

1668 In Brevard County, Florida, a school board member

1669 reported she was followed to her car, received messages from
1670 people saying, "We are coming for you," and "Beg for mercy."
1671 She was concerned when people were going behind her home and
1672 brandishing weapons.

1673 She is not alone, Attorney General. In Texas, a parent
1674 tore a teacher's mask from her face. In California, a parent
1675 verbally assaulted a principal and physically attacked a
1676 teacher who intervened, sending him to the hospital. In
1677 Arizona, a school official was told, "You're going to get
1678 knifed." A fight broke out, a fist fight broke out after a
1679 school board meeting in Missouri.

1680 I appreciate, Attorney General Garland, your concern
1681 about threats to people who are doing their job, trying to
1682 help our kids get a good education. I am grateful to you for
1683 that.

1684 My question is, as our Governor in Florida claimed that
1685 your efforts are weaponizing the DOJ, I would like to know
1686 whether Governor DeSantis in the State of Florida has been
1687 cooperative in your efforts to protect our schools?

1688 Attorney General Garland. I don't know the answer to
1689 the question that you are asking. We are trying to prevent
1690 violence and threats of violence. It is not only about
1691 schools; we have similar concerns with respect to election
1692 workers, with respect to hate crime, with respect to judges

1693 and police officers. This is a rising problem in the United
1694 States of threats of violence, and we are trying to prevent
1695 the violence from occurring.

1696 Mr. Deutch. Attorney General Garland, I appreciate it,
1697 and I am shocked and dismayed by the lack of concern by some
1698 of my colleagues on this committee.

1699 Last year, Attorney General Garland, as you pointed out,
1700 over 93,000 people died of overdose in America. Young people
1701 15 to 24 saw a 48 percent increase. Earlier this year, I
1702 lost my nephew, Eli Weinstock, to an accidental overdose
1703 after he consumed a legal herbal supplement tainted with
1704 fentanyl.

1705 Last month, in response to the surge in overdoses caused
1706 by fentanyl and fake pills, the DEA issued its first Public
1707 Safety Alert in six years and has ramped up enforcement
1708 efforts, resulting in the seizure of over 11.3 million pills
1709 and 810 arrests.

1710 In a Washington Post article entitled, "With Overdose
1711 Deaths Soaring, DEA Warns About Fentanyl-, Meth-Laced Pills,"
1712 from September 27th, and I ask unanimous consent to submit it
1713 for the record, Mr. Chairman.

1714 Chairman Nadler. Without objection.

1715 [The information follows:]

1716

1717

*****COMMITTEE INSERT*****

1718 Mr. Deutch. In that article, it said that young people
1719 assume that a pill purchased online must be made in a
1720 reputable lab and must not be too dangerous. "We are in the
1721 midst," according to DEA Administrator Milgram, "We are in
1722 the midst of an overdose crisis, and the counterfeit pills
1723 are driving so much of it." Many of these counterfeit pills
1724 that alarm the DEA are being sold on social media sites,
1725 Snapchat, Tik Tok, Instagram, YouTube. Milgram said that
1726 "The drug dealer isn't just standing on a street corner
1727 anymore. It's sitting in a pocket on your phone."

1728 Attorney General, what more should social media
1729 companies be doing to prevent young people from finding
1730 deadly drugs on their platform, and what more can you do
1731 about it?

1732 Attorney General Garland. With respect to the latter
1733 question, what we can do about it, the DEA has intensified
1734 focus on this problem of fentanyl crossing the border from
1735 Mexico, made from precursor which often come from the
1736 People's Republic of China. This is a very dangerous
1737 circumstance. Much of, I think, the article that you are
1738 referring to comes from a press conference that the DEA
1739 Administrator gave. A significant portion of these pills are
1740 a lethal overdose with one pill. And this is an
1741 extraordinarily dangerous problem that we are putting our

1742 full attention to.

1743 Mr. Deutch. Attorney General Garland, I assure you that
1744 there is strong, notwithstanding much of what else you will
1745 hear today, strong bipartisan support in this Congress to
1746 combat the threats of fentanyl rising overdoses.

1747 Finally, yesterday the person who shot and killed 17
1748 people at Marjory Stoneman Douglas High School, injured 17
1749 more, and traumatized my entire community, pleaded guilty in
1750 a Broward County courtroom. Many Parkland families strongly
1751 believe that gun companies must also be held responsible for
1752 the dangerous marketing of assault weapons.

1753 Unfortunately, the Protection of Lawful Commerce in Arms
1754 Act, known as PLCAA, has blocked countless victims and
1755 surviving family members from their day in court. The law
1756 provides broad immunity against civil lawsuits unique to the
1757 gun industry.

1758 Unfortunately, the Department of Justice has a long
1759 history of intervening in civil cases filed by gun violence
1760 survivors to defend this law. The question is whether you
1761 believe, Attorney General Garland, that repealing PLCAA to
1762 hold gunmakers accountable for their products and the
1763 marketing of those products could improve gun safety in
1764 America.

1765 Attorney General Garland. So, the President has already

1766 stated his opposition to that statute, but our obligation in
1767 the Justice Department is to defend the constitutionality of
1768 statutes that we can reasonably argue are constitutional.
1769 That is the position that the Justice Department takes.
1770 Whether we like the statute or not, we defend the
1771 constitutionality of Congress' work.

1772 Chairman Nadler. The time of the gentleman has expired.

1773 Mr. Deutch. You support the passage of the John Lewis
1774 Voting Rights Act. I hope that you will support the repeal
1775 of PLCAA --

1776 Chairman Nadler. The time of the gentleman has expired.

1777 Mr. Deutch. -- PLCAA.

1778 Thank you.

1779 Chairman Nadler. At this time, we will take a very
1780 short 5-minute break. We will return immediately after.

1781 The committee stands in recess.

1782 [Recess.]

1783 Chairman Nadler. Committee will come to order.

1784 Mr. Roy?

1785 Mr. Roy. I thank the chairman.

1786 Attorney General Garland, do you know where Broad Run
1787 High School is?

1788 Do you know where Broad Run High School is? It's in
1789 Ashburn, Virginia in Loudoun County, Virginia.

1790 Do you know why I care? Because I'm a graduate of
1791 Loudoun Valley High School. Despite my family having Texas
1792 reach back to the 1850s, I grew up in Loudoun. It was my
1793 home. And also I care because on October 6th, a mere 15 days
1794 ago, inside Broad Run High School in Loudoun County,
1795 Virginia, a young girl was sexually assaulted.

1796 Attorney General Garland, are you aware that because
1797 Loudoun County prosecutors confirmed that the boy who
1798 assaulted this young girl in Broad Run High School is the
1799 same boy who wore a skirt and went into a girl's bathroom,
1800 sodomized and raped a 14-year-old girl in a different Loudoun
1801 County high school on May 28? Are you aware of those facts?

1802 The boy was -- are you aware of firmly -- are you aware
1803 further that the boy was arrested and charged for the first
1804 assault in July but released from juvenile detention?

1805 Attorney General Garland. It sounds like a state case
1806 and I'm not familiar with it. I'm sorry.

1807 Mr. Roy. Do you agree with Loudoun parents who said it
1808 is not okay to allow a child that has been charged with a
1809 rape to go back into a school in that public school system?

1810 Attorney General Garland. Again, I don't know any of
1811 the facts of this case. But the way you put it, it certainly
1812 sounds like I would agree with you. But I don't know the
1813 facts of the case.

1814 Mr. Roy. Is the FBI or the Department of Justice
1815 investigating the Loudoun school board for violating civil
1816 rights or under authority of, say, the Violence Against Women
1817 Act?

1818 Attorney General Garland. I don't believe so. But I
1819 don't know the answer to that question.

1820 Mr. Roy. And I would ask why not because on June 22nd
1821 at a school board meeting in Loudoun County, Virginia, the
1822 superintendent, Scott Ziegler, declared in front of the
1823 father of the girl who had been raped that the predator
1824 transgender student or person simply does not exist and that,
1825 to his knowledge, we don't have any records of assaults
1826 occurring in our restrooms.

1827 When this statement bothered the father of the girl --
1828 I'm a father of a daughter, I believe you are, too sir -- the
1829 girl who had been raped, sodomized in the bathroom of a high
1830 school by a dude wearing a skirt, that father reacted.

1831 Now, that father reacted by simply using a derogatory
1832 word. Would that statement have bothered you if your
1833 daughter had been raped if somebody said that it didn't
1834 occur?

1835 Attorney General Garland. Again, I don't know anything
1836 about the facts of this case. But derogatory words are not
1837 what my memorandum is about.

1838 Mr. Roy. Well, the victim's mother is heard on a cell
1839 phone video telling the crowd what happened. "My child was
1840 raped at school," she said. Behind her, the victim's father
1841 seen being arrested, bloodied.

1842 This man is arrested. A 48-year-old plumber became the
1843 poster boy for the new domestic terrorism, the Biden
1844 administration, the administration in which you serve, has
1845 concocted to destroy anyone who gets in the way.

1846 As the ranking member said, the National School Boards
1847 Association wrote a letter to the president citing Smith's
1848 case. We all know this to be true.

1849 Attorney General, do you believe that a father attending
1850 a meeting exercising his First Amendment rights and, yes,
1851 getting angry about whatever lies are being told about his
1852 daughter being raped in the school he sent her to be educated
1853 in, that this is domestic terrorism? Yes or no.

1854 Attorney General Garland. No, I do not think that
1855 parents getting angry at school boards for whatever reason
1856 constitute domestic terrorism. It's not even a close
1857 question.

1858 Mr. Roy. To be clear, even if there's a threat of
1859 violence, do you believe that it is domestic terrorism that
1860 the FBI has the power to target American citizens in local
1861 disputes because a father gets mad?

1862 Now, I'm not saying Mr. Smith did that. In fact, he
1863 didn't. I can tell you how I sure as hell would have
1864 reacted. Mr. Smith should be given a medal for his calm to
1865 be able to hold back his anger.

1866 Are you aware that Loudoun County failed to report this
1867 sexual assault according to state law and are you
1868 investigating this?

1869 Attorney General Garland. Again, I'm sorry. I don't
1870 know anything about this case.

1871 Mr. Roy. Are you aware that the Virginia General
1872 Assembly, run by Democrats, voted for -- and Democrat
1873 Governor Ralph Northam signed a bill allowing schools to
1874 refrain from reporting instances of sexual battery, stalking,
1875 violation of a protective order, and violent threats
1876 occurring on school property?

1877 Is the FBI investigating how this may conflict with the
1878 Violence Against Women Act or conflict with your own domestic
1879 terrorism efforts?

1880 Attorney General Garland. I don't know anything about
1881 the Virginia legislation.

1882 Mr. Roy. Do you agree with the following statement as a
1883 father or as a Cabinet member? Quote, "You don't want
1884 parents coming into every different school jurisdiction
1885 saying that this is what should be taught here and that this

1886 is what should be taught here?"

1887 Attorney General Garland. The Justice Department has no
1888 role with respect to what curriculum is taught in the
1889 schools. This is a matter for local decision making and not
1890 for the Justice Department, and we are not in any way
1891 suggesting that we have any --

1892 Mr. Roy. I would note that that statement was by a
1893 Democratic gubernatorial candidate in the Commonwealth of
1894 Virginia.

1895 I would note that there are a number of other issues of
1896 concern of the Virginia Department of Education, what's being
1897 taught there, and the lack and the total failure of Loudoun
1898 County of reporting all of these incidents that have occurred
1899 in Loudoun County public schools.

1900 I've got eight seconds left. Attorney General Garland,
1901 I sent a letter along with my colleague, Thomas Massie,
1902 regarding the incidents of January 6th on May 13th and on
1903 July 15th and have not gotten a response from the Department
1904 of Justice.

1905 Chairman Nadler. The gentleman's -- the gentleman's
1906 time has expired.

1907 Mr. Roy. Do you commit to responding?

1908 Chairman Nadler. The gentleman's time has expired.

1909 Ms. Bass?

1910 Ms. Bass. Thank you, Mr. Chair.

1911 Attorney General Garland, in 2014, 12-year-old Tamir
1912 Rice was tragically and fatally shot by a Cleveland police
1913 officer.

1914 Since then, we have learned that despite multiple
1915 requests from prosecutors in the Civil Rights Division to
1916 investigate this shooting, the case stalled without approval
1917 from DOJ officials who had political concerns about high-
1918 visibility police misconduct cases.

1919 Ultimately, department officials essentially ran the
1920 clock out on the statute of limitations for federal
1921 obstruction of justice charges. That following December, a
1922 whistleblower exposed this information to light and former AG
1923 Barr formally ended the department's inquiry into Tamir
1924 Rice's killing.

1925 This year, the family wrote a letter requesting that the
1926 department reopen the inquiry into Tamir's murder and to
1927 convene a grand jury. According to a department
1928 spokesperson, the letter has been received.

1929 I wanted to know if you could tell us today if the
1930 department has reviewed the letter and if you know when the
1931 department will respond to this request to reopen the
1932 inquiry.

1933 Attorney General Garland. So when the department

1934 receives a letter like that it would go to the Civil Rights
1935 Division for examination, and in line with our general norm
1936 of not disclosing pending investigations -- I don't know the
1937 answer to the question but even if I did I would not be able
1938 to give an explanation.

1939 Ms. Bass. Okay. Sadly, just yesterday, the AP released
1940 a report investigating how police use of force on children,
1941 and I'd like to ask the chair -- request unanimous consent to
1942 submit for the record this article, "Tiny Wrists in Cuffs:
1943 How Police Use Force Against Children."

1944 Chairman Nadler. Without objection.

1945 [The information follows:]

1946

1947 *****COMMITTEE INSERT*****

1948 Ms. Bass. Out of 3,000 cases analyzed where police use
1949 force -- thank you -- against children under 16, more than 50
1950 percent of them were African-American children. This is
1951 despite the fact that only 15 percent of the U.S. child
1952 population is African American.

1953 The American Psychological Association found that Black
1954 boys as young as 10 are more likely than their white
1955 counterparts to be perceived as guilty and face police
1956 violence.

1957 Use of force against children can include physical
1958 restraint, handcuffs, tasers, dogs, and even firearms. In
1959 one particularly distressing case cited in the AP report, law
1960 enforcement officers attempted to handcuff a six-year-old
1961 girl but were unable to because her hands were too small.

1962 These encounters can be traumatizing and impact
1963 children's perceptions of police, moving forward. I wanted
1964 to know, to the best of your knowledge are law enforcement
1965 officers trained on how to properly interact with children?

1966 There have been several reports of officers attempting
1967 to handcuff five-, six-, and seven-year-old children.

1968 Attorney General Garland. I'm afraid I don't know the
1969 answer because the federal government almost never is
1970 involved in those kind of cases. However, we do have funding
1971 for use of force guidelines and that sort of thing, and we

1972 also have under our Office of Juvenile Justice funding for
1973 helping set up standards for such things. I don't know the
1974 specifics.

1975 Ms. Bass. Okay. Thank you very much.

1976 Last month, you announced a new policy prohibiting the
1977 department's federal law enforcement components from using
1978 choke holds or carotid restraints. Thank you very much for
1979 that, considering we weren't able to pass the law in the
1980 Senate. Passed it twice here.

1981 I commend the department for taking these steps to
1982 reduce the potential for abuse of force by federal law
1983 enforcement. That being said, we have seen other incidences
1984 such as in the tragic case of Elijah McClain where methods of
1985 restraints have been used with horrifying results.

1986 What is the department's policy regarding the use of
1987 sedatives or other chemical restraints by the department's
1988 federal law enforcement components during an individual's
1989 arrest or detention?

1990 Just to remind you, the department in Colorado
1991 administered -- required a paramedic to administer ketamine.
1992 It's my understanding that medication can only be prescribed
1993 by medical personnel, not by law enforcement. But I want to
1994 know if there is any policy around prohibiting chemical
1995 restraints.

1996 Attorney General Garland. So I'm not familiar with that
1997 specifically. The deputy attorney general is doing a review
1998 of all of our use of force policies.

1999 That's where the carotid holds and the choke hold
2000 policies came out of, and I don't know about the question
2001 you're asking. But I'd be happy to have staff get back to
2002 you.

2003 Ms. Bass. Great, and once again, I appreciate DOJ trying
2004 to step in where we weren't successful in the Senate in terms
2005 of the George Floyd Justice in Policing Act, and I wanted to
2006 know if you could expand on further action that the
2007 Department of Justice will be taking in lieu of us passing
2008 legislation.

2009 Attorney General Garland. Well, I mean, there are a lot
2010 of things that we're doing. We have begun, again, to look at
2011 pattern and practice investigations of police departments for
2012 patterns of unconstitutional policing as provided by statute
2013 that Congress did pass and gave us the authority to do.

2014 We will, again, use consent decrees where they are
2015 appropriate. We have issued memoranda with quite specific
2016 standards about when they are appropriate and when not. They
2017 may include monitors, may not but, again, with new standards
2018 about when monitors are appropriate.

2019 So I think that's, you know, one -- certainly, one very

2020 significant area. I think one of the other members mentioned
2021 that we have had three of those proceedings and we also have
2022 in Texas a proceeding about the youth jails and the youth
2023 prisons. So that follows up on your other question where
2024 we're doing those kinds of investigations.

2025 Chairman Nadler. The time of the gentlelady has
2026 expired.

2027 Mr. Tiffany?

2028 Mr. Tiffany. Thank you, Mr. Attorney General, for being
2029 here today. Right over here in this corner.

2030 Attorney General Garland. Ah. Oh, thank you. Okay.
2031 Sorry.

2032 Mr. Tiffany. The equal protection clause was
2033 incorporated into the Fifth Amendment to prevent the federal
2034 government from discriminating against Americans based on
2035 race. Do you agree that race is a suspect classification?

2036 Attorney General Garland. Yes, that's what the Supreme
2037 Court has held for -- since the late 1950s, early 1960s.

2038 Mr. Tiffany. Thank you very much for that. So the so-
2039 called American Rescue Plan earmarked billions of dollars in
2040 United States Department of Agriculture debt relief based
2041 solely on race. Why are you and your department defending
2042 the American Rescue Plan that discriminates based on race?

2043 Attorney General Garland. So I believe you're referring

2044 to a district court case in which that's at issue and so I
2045 can't really say any more than is in the pleadings in that
2046 case.

2047 But if this has to do with whether there are additional
2048 indicia in addition to race that are used in making these
2049 grants and whether there is sufficient evidence of historical
2050 practices that will tie it to race.

2051 Mr. Tiffany. So, sir, it's very explicit in the bill
2052 that the Democrats wrote in this Congress and President Biden
2053 signed into law. They said, this is based on race. I mean,
2054 doesn't this meet the standard of that is pure discrimination
2055 --

2056 Attorney General Garland. The question --

2057 Mr. Tiffany. -- that our country has tried to rid
2058 itself of?

2059 Attorney General Garland. I believe the question has to
2060 do with historical patterns of discrimination against Black
2061 farmers and I believe that the purpose of what's going on in
2062 the district court now is examining the record to determine
2063 whether there is a sufficient record in that respect
2064 [inaudible] department believes there is.

2065 Mr. Tiffany. So it sounds like you -- sounds like you
2066 support the legislation then.

2067 Attorney General Garland. The question for us is the

2068 constitutionality of the legislation. That's the only
2069 question before us and the -- as I said with respect to
2070 another statute, the Justice Department defends the
2071 constitutionality of statutes that can be reasonably
2072 construed as constitutional and we believe that statute can
2073 be, yes.

2074 Mr. Tiffany. The chairman confines me to five minutes,
2075 so I'd like to move on.

2076 Recently, you directed the FBI to coordinate with 14,000
2077 school districts after the National School Boards Association
2078 asked you to protect schools from the imminent threat of
2079 parents.

2080 Along with friends, neighbors, and constituents, I've
2081 attended multiple school board meetings throughout my
2082 district here over the last year. I have a child that's in
2083 public school, yet very concerned about some of the things
2084 that are going on.

2085 And yes, some of those school board meetings get heated.
2086 Are we, my friends, neighbors, constituents -- are we
2087 domestic terrorists?

2088 Attorney General Garland. No.

2089 Mr. Tiffany. Are we criminals?

2090 Attorney General Garland. Again, I don't know the facts
2091 that you're talking about. But the only way you're criminals

2092 is if you commit acts in violation of the statutes and that
2093 would mean threats of violence or actual violence. I'm sure
2094 you haven't done that, Congressman.

2095 Mr. Tiffany. Have states -- have states asked for help?

2096 Attorney General Garland. That's not --

2097 Mr. Tiffany. The School Boards Association did but have
2098 states asked for help?

2099 Attorney General Garland. So we have state and local
2100 partners for all of our matters. This is an assessment of
2101 whether there is a problem and there are federal statutes
2102 involved and there are state statutes involved, and we are
2103 trying to prevent violence and threats of violence against
2104 public officials across a broad spectrum of kinds of public
2105 officials.

2106 Mr. Tiffany. As a -- as a former town board member, I
2107 can tell you that we know how to deal with this. We call our
2108 sheriff's department. We can handle it. It's really not a
2109 problem.

2110 William Castleberry, vice president for Facebook,
2111 admitted that the company knowingly allows users to promote
2112 information on the platform instructing people on how to
2113 break U.S. immigration law.

2114 He said, "We do allow people to share information about
2115 how to enter a country illegally or request information about

2116 how to be smuggled."

2117 Are there charges pending against Facebook?

2118 Attorney General Garland. Again, we can't, under the
2119 norms of the department, discuss whether there are pending
2120 investigations, actual investigations, the date of
2121 resolution.

2122 Mr. Tiffany. Well, let me -- let me help. I understand
2123 your answer that you're going to give there. Let me help you
2124 along.

2125 Title 8 U.S. Code 1324 makes it illegal for any person
2126 to knowingly encourage or induce an alien to come, to enter,
2127 or reside in the United States in violation of law or for
2128 individuals to aid or abet illegal entry.

2129 I would just say to you, you need to really take a look
2130 at Facebook and what they're doing to provide for greater
2131 illegal immigration that the Biden administration continues
2132 to foster also.

2133 I mean, let's get down to what's happening here in the
2134 United States of America. Under the Biden administration, we
2135 have a two-tiered justice system. They do nothing about
2136 crime. There's more cash bail and nothing is being done
2137 about it.

2138 You talk about increased crime. It is skyrocketing
2139 across the country, including in our biggest city, Milwaukee,

2140 Wisconsin.

2141 Chairman Nadler. Time of the gentlemen has expired.

2142 Mr. Tiffany. Yet, we have parents that are silenced.

2143 We have parents that are silenced.

2144 Chairman Nadler. The time of the gentleman has expired.

2145 Mr. Jeffries?

2146 Mr. Jeffries. Thank you -- thank you, Mr. Chairman.

2147 Thank you, General Garland, for your leadership, service to
2148 the country, and your presence here today.

2149 Earlier this year, the House passed on a bipartisan
2150 basis by a vote of 414 to 11 the Effective Assistance of
2151 Counsel in a Digital Error Act, which would limit the ability
2152 of the Bureau of Prisons to monitor private communications,
2153 email communications, between detainees in the BOP's custody
2154 and their attorneys.

2155 We concluded in a bipartisan way that this practice,
2156 which has occurred under Democratic administrations and
2157 Republican administrations, needs to be addressed.

2158 We are seeking technical assistance from the Department
2159 of Justice and the BOP. I sent a letter to you in that
2160 regard yesterday.

2161 I ask unanimous consent, Mr. Chairman, that it be
2162 entered into the record.

2163 Chairman Nadler. Without objection.

2164 [The information follows:]

2165

2166 *****COMMITTEE INSERT*****

2167 Mr. Jeffries. And I look forward to your response and
2168 to working with the Department of Justice on this issue.

2169 Voter fraud, if proven, a serious crime that carries a
2170 five-year prison sentence. Is that right?

2171 Attorney General Garland. I'm not sure about the
2172 sentence. But yes, if proven, it's a serious crime.

2173 Mr. Jeffries. And the Department of Justice is
2174 responsible for investigating and prosecuting voter fraud.
2175 Is that right?

2176 Attorney General Garland. With respect to federal
2177 voting, yes.

2178 Mr. Jeffries. Now, your predecessor, Bill Barr,
2179 publicly acknowledged that the Department of Justice had
2180 uncovered zero evidence of widespread fraud in the 2020
2181 election. Is that still accurate?

2182 Attorney General Garland. It's my recollection that
2183 that is what he concluded and I don't know of any evidence to
2184 the contrary.

2185 Mr. Jeffries. Right. There's no evidence that voter
2186 fraud impacted the outcome of the 2020 presidential election.
2187 True?

2188 Attorney General Garland. That's correct. That's
2189 correct.

2190 Mr. Jeffries. Is it fair to say that despite a global

2191 pandemic and record voter turnout, as prior members of the
2192 Trump administration have acknowledged the 2020 election was
2193 the most secure in American history?

2194 Attorney General Garland. That is the conclusion of the
2195 Justice Department and of the intelligence community and of
2196 the Department of Homeland Security. Yes.

2197 Mr. Jeffries. And despite the fact that there's no
2198 evidence of so-called fraud, this year at least 19 states
2199 have enacted 33 laws making it harder for everyday Americans
2200 to vote.

2201 And in the aftermath of the January 6th insurrection,
2202 instead of running toward democracy, there are people
2203 throughout this country, some, have run away from democracy
2204 and they've unleashed an epidemic of voter suppression across
2205 the land.

2206 So let me just ask a few questions about some of the
2207 things that have occurred. How does banning churches and
2208 civic groups from giving food and water to voters, some of
2209 whom have been waiting in line for hours, prevent or address
2210 voter fraud?

2211 Attorney General Garland. So, Congressman, I don't want
2212 to talk too much about that because that is the subject of
2213 our lawsuit against the state of Georgia. But you have
2214 identified a segment of that statute that we have challenges

2215 of being unlawful.

2216 Mr. Jeffries. And does restricting the times that
2217 someone can cast their vote to business hours when many
2218 Americans are at work relate in any way, rationally, to
2219 protecting the integrity of our elections?

2220 Attorney General Garland. Let me just talk generally
2221 about this. So I believe that every eligible voter should be
2222 able to vote and that there should be no restrictions on
2223 voters that make it more difficult for them to vote unless
2224 they're absolutely necessary.

2225 The Justice Department is limited in its ability to
2226 bring cases. It must find discriminatory intent or effect.
2227 So those are the kind of cases that are covered by Section
2228 Tow.

2229 But as a general matter, my view is that everyone should
2230 have the ability to vote as readily and easily as possible.

2231 Mr. Jeffries. You testified earlier today that, in
2232 fact, one of the founding reasons for the Department of
2233 Justice is to defend civil rights in the nation. In that
2234 particular context, I believe it was in the immediate
2235 aftermath of the Civil War where the rights of African
2236 Americans were under assault.

2237 We have come a long way. We still have a long way to
2238 go. We still see race baits, assaults on civil rights,

2239 taking place today, and I would just urge the Department of
2240 Justice, as it has been doing under your leadership to
2241 continue to do all that's possible to defend and protect the
2242 integrity of the right to vote.

2243 Let me just also comment that, you know, there are some
2244 who continue to lie about the election. They're lying about
2245 COVID. They're lying about the Department of Justice.

2246 Mr. Attorney General, you're a man of great integrity,
2247 and under your leadership the Department of Justice is off to
2248 a good start. We appreciate the work that you're doing.
2249 Keep it up on behalf of the American people and the
2250 Constitution.

2251 I yield back.

2252 Attorney General Garland. Thank you, Congressman.

2253 Chairman Nadler. The gentleman yields back.

2254 There is a technical issue with the Zoom feed. So we
2255 will recess for less than five minutes to resolve this issue.

2256 [Recess.]

2257 Mr. Bishop. Thank you, Mr. Chairman. Mr. Attorney
2258 General, I am right here. I was going to do another subject
2259 in my questioning, Mr. Attorney General, but I have been so
2260 concerned about the interaction about the October 4 memo that
2261 I am going to follow up on that, if I might.

2262 The memo is a one-pager. You read it before it was

2263 issued, I assume.

2264 Attorney General Garland. I certainly did, and I worked
2265 on it.

2266 Mr. Bishop. Okay. Now in that memo you issued a
2267 directive to the FBI. You directed the FBI to conduct
2268 meetings with leaders of all levels of government across the
2269 country, in every judicial district to strategize against an
2270 alleged trend of, quote, "harassment, intimidation, and
2271 threats of violence." You didn't cite examples to
2272 distinguish legitimate First Amendment activity from criminal
2273 activity, nor certainly examples of a nationwide scope or
2274 severity of such acts to constitute a rise or spike in
2275 criminal activity, which you alleged in the memo, certainly
2276 not one that would warrant nationwide action by the FBI.

2277 Here you have acknowledged that you relied in part on
2278 your knowledge of the National School Boards Association
2279 letter, which by the way characterized this activity
2280 nationwide as domestic terrorism, and maybe some vague
2281 awareness of other news reports.

2282 You have offered the justification here also that this
2283 was not the initiation of an investigation, as if that; I
2284 don't submit it doesn't, excuse the preeminent law
2285 enforcement official in the country issuing a memo of that
2286 sort. And other than a brief nod to the concept of First

2287 Amendment right you included no guidance in your memo how the
2288 FBI should go about avoiding chilling, intimidating,
2289 legitimate First Amendment activity. You have even distanced
2290 yourself from the DOJ's press release on your memo today in
2291 its reference to the National Security Division.

2292 So we come to this: You directed the FBI to act with
2293 speed. Meetings in 30 days is what you said. You directed
2294 the FBI to have these meetings nationwide, coordinated by
2295 United States attorneys. Three days later I and 30-some-odd
2296 members of Congress asked for advanced notice of these
2297 meetings, indications of what content would be shared there.

2298 We asked for that response within 10 days given the time
2299 frame that you set forth in your memo. More than half of
2300 that time has passed; no response. Are these meetings
2301 occurring?

2302 Attorney General Garland. So let me just be clear again
2303 here. This memo is expressly addressed against threats of
2304 violence and violence. The federal statutes that are
2305 relevant--

2306 Mr. Bishop. I am sorry--

2307 Attorney General Garland. --prosecutors are well aware
2308 of where the First Amendment line is. This is addressed to
2309 prosecutors and members of law enforcement. These are the
2310 kinds of statutes that we deal with every single day.

2311 Mr. Bishop. Well, I am not sure--

2312 Attorney General Garland. They know the line.

2313 Mr. Bishop. --you deal with it in this way, Mr.

2314 Attorney General. Are the meetings occurring? Do you know?

2315 Attorney General Garland. I don't know whether they are
2316 ongoing, but I expect and hope that they are going, yes,
2317 because I did ask that they take place.

2318 Mr. Bishop. So you do not have any report or you have
2319 not pursued at all to know what the progress is of your
2320 directive to do this within 30 days, have meetings in every
2321 judicial district across the country? You just don't know?

2322 Attorney General Garland. I doubt there have been
2323 meetings in every jurisdiction. I expect there have been in
2324 some jurisdictions. And I hope so because that is the
2325 purpose of the memo, to have meetings to discuss whether
2326 there is a problem, to discuss strategies, to discuss whether
2327 local law enforcement needs assistance or doesn't need
2328 assistance. That is the purpose of these meetings.

2329 Mr. Bishop. Doesn't that make it worse, Mr. Attorney
2330 General?

2331 Attorney General Garland. Doesn't that make--

2332 Mr. Bishop. You don't even know if these meetings that
2333 you directed urgently to occur are even occurring. What is
2334 left indeed of the memo except your use of federal law

2335 enforcement moral authority to stigmatize a widespread
2336 movement of First Amendment activity, at least a significant
2337 portion of which is directed--is opposed to the ideology upon
2338 your son-in-law makes his living? That is the problem.

2339 And it is no answer, I would submit, Mr. Attorney
2340 General. If you were on the bench, you would not accept an
2341 answer from counsel that simply repeated your opposition to
2342 threats of violence nationwide.

2343 Attorney General Garland. Well, the memorandum
2344 specifically--

2345 Mr. Bishop. I haven't finished my--

2346 Attorney General Garland. Oh, I am sorry.

2347 Mr. Bishop. --point or my question, sir.

2348 Attorney General Garland. I thought you did. I
2349 apologize.

2350 Mr. Bishop. In fact you would ask of counsel an answer
2351 that responds to the point. Without having a raft or a
2352 significant volume of evidence you have directed the FBI to
2353 act nationwide concerning a matter on which there is
2354 widespread First Amendment activity. There is a movement
2355 among school parents. That seems to me to be--

2356 Chairman Nadler. The gentleman's time--

2357 Mr. Bishop. My time is expired.

2358 Chairman Nadler. Mr. Cicilline?

2359 Mr. Cicilline. Thank you, Mr. Attorney General, for
2360 being here. And before I begin I just want to take a moment
2361 to acknowledge the stark contrast between the current Justice
2362 Department and the Justice Department in the prior
2363 administration.

2364 During the Trump Administration we saw over and over and
2365 over again evidence of Mr. Trump's personal grudges dictating
2366 DOJ policy, particularly how the department was often
2367 weaponized to promote Mr. Trump's own corrupt interests and
2368 punish those who would speak against him.

2369 We hear public officials often speak about how we must
2370 ensure justice is blind, but it is almost laughable to
2371 promise that to the American people if our own Justice
2372 Department is manipulated as it was during the Trump
2373 presidency.

2374 And so I want to say thank you to you because we now
2375 have an Attorney General who will not let the department be
2376 reduced to a president's personal law firm or criminal
2377 defense team, but instead understands his solemn obligation
2378 to the American people and to the rule of law. And though I
2379 have disagreed with some of the decisions you have made, I
2380 have never had any doubt about your integrity or
2381 impartiality. And so I thank you for your service.

2382 My first question, Mr. Attorney General, is

2383 approximately--actually in 2020 about 6,000 firearms were
2384 sold to prohibited purchasers because of the Charleston
2385 loophole where the background check doesn't come back within
2386 72 hours. And I have a piece of legislation, the Unlawful
2387 Gun Buyer Alert, that would require the NIC System to notify
2388 the local FBI office and the local law enforcement agency
2389 that someone who is prohibited from buying a gun because they
2390 are a convicted felon or some other disqualifying information
2391 has actually got a gun.

2392 That bill is pending in the House, but would it be
2393 possible for the Justice Department, for you to initiate the
2394 promulgation of a regulation that would require the NIC
2395 System to share information on prohibited purchasers so that
2396 we can in fact respond to people who illegal bought guns in
2397 the thousands each year?

2398 Attorney General Garland. I don't know whether we are
2399 able to do that or not, but we will certainly look into it.
2400 We are certainly interested in closing all loopholes that
2401 would allow people who are prohibited from obtaining
2402 firearms, from obtaining them.

2403 Mr. Cicilline. Thank you. And I will follow up with
2404 your staff.

2405 As you know, Mr. Attorney General, approximately a year
2406 ago the Judiciary Committee released a 450-page report

2407 detailing the lack of competition play in the digital
2408 marketplace. This report was a culmination of a 60-month
2409 bipartisan investigation and the report concluded that
2410 decades of flawed antitrust jurisprudence had made it nearly
2411 impossible for antitrust enforcers and private players to get
2412 courts to stop harmful mergers and anticompetitive conduct in
2413 the digital markets. Courts have become fixated on market
2414 definition litigation even where there is direct evidence
2415 that a firm possesses market power and is engaging in
2416 anticompetitive conduct.

2417 I know you cannot express support for specific pieces of
2418 legislation without a lengthy White House process, but my
2419 question is do you believe Congress should update the
2420 antitrust laws to give enforcement authorities additional
2421 tools and courts additional guidance on how to ensure free
2422 and fair competition in the digital economy?

2423 Attorney General Garland. Yes, we are supportive of
2424 updating the antitrust laws. I can't speak specifically
2425 without looking at particular ones. I would say though that
2426 the antitrust laws do permit us to be quite aggressive with
2427 respect to some of the kinds of exclusionary
2428 policies/practices that you are talking about, mergers. And
2429 we have been quite aggressive since we came to office. And I
2430 have also asked for in the fiscal year 2022 budget for

2431 additional personnel for the division so that we can
2432 aggressively police this area.

2433 I mean one particular problem is there are huge--new
2434 number of merger filings, and for us to possibly review the
2435 competitive or anticompetitive nature of those filings we are
2436 going to need additional people and additional assistance.

2437 Mr. Cicilline. Yes, and we are fighting very hard to be
2438 sure that you have additional resources to get this work
2439 done.

2440 In March the Subcommittee on Antitrust heard testimony
2441 from Judge Diane Wood of the U.S. Court of Appeals for the
2442 Seventh Circuit. Judge Wood explained that the Supreme
2443 Court's antitrust jurisprudence over the past four decades
2444 has contributed to under-enforcement. She told the
2445 subcommittee that legislative changes to the statutes may be
2446 appropriate, and I quote, "so that anticompetitive practices
2447 do not go unredressed because antitrust standards are overly
2448 onerous or the available remedies are either too weak or
2449 otherwise ineffective."

2450 Can you identify for us; and if you can't do it today,
2451 if you could give this some thought, are there challenges the
2452 department faces in enforcing the antitrust laws currently?
2453 Are there particular types of categories of anticompetitive
2454 practices that are going unaddressed because of these

2455 challenges? And what additional tools or authorities does
2456 the department need to overcome these challenges and
2457 aggressively enforce antitrust law?

2458 Attorney General Garland. So I am not in a position to
2459 specify those now, but our staff will get back to you. I
2460 would be happy to do that and have the--

2461 Mr. Cicilline. Great. And then finally, Mr. Attorney
2462 General, I want to say, as Congressman Deutch said, I am
2463 grateful for all of your work to make sure that school board
2464 meetings and teachers and school staff are kept safe and the
2465 notion that that is not an appropriate responsibility for the
2466 Department of Justice is curious to me.

2467 And finally Mr. Gohmert made some reference to the
2468 peaceful sit-in that we conducted with the legend John--the
2469 late John Lewis to protest inaction on gun violence
2470 legislation. And to equate that to the deadly insurrection,
2471 a violent bloody insurrection that resulted in the death of
2472 five people in an effort to undermine our democracy I think
2473 was disgraceful. And with that I yield back.

2474 Chairman Nadler. The gentleman yields back.

2475 Mr. Buck?

2476 Mr. Buck. Thank you, Mr. Chairman.

2477 Mr. Attorney General, I would like to direct your
2478 attention to the easel behind me. The first painting is a

2479 Claude Monet.

2480 Attorney General Garland. I am sorry. I can't read any
2481 of the words.

2482 Mr. Buck. You don't need to.

2483 Attorney General Garland. Okay.

2484 Mr. Buck. You just need to look at this great painting
2485 right--

2486 Attorney General Garland. It is a very beautiful
2487 painting.

2488 Mr. Buck. It is beautiful. And it is listed at
2489 Christie's for \$700,000. Now Claude Monet was the founder of
2490 the impressionist movement, something I didn't know until I
2491 researched it.

2492 The second painting is a Degas, another world-renowned
2493 artist, and this painting sold for \$500,000.

2494 The third painting; you may recognize this name, is a
2495 Hunter Biden.

2496 [Laughter.]

2497 Attorney General Garland. I don't recognize the
2498 painting.

2499 Mr. Buck. The Hunter Biden painting sold for \$500,000
2500 also. Now you may think that such an exclusive--that when
2501 Hunter Biden is in such exclusive company that he would have
2502 a background, artistic training for example. But you would

2503 be wrong if you thought that. And you might think that he
2504 had some sort of apprenticeship with a world-renowned artist,
2505 but you would be wrong again if you thought that. Or perhaps
2506 that he has been selling his works for years, and again
2507 unfortunately you would be wrong.

2508 It turns out that in 2019 Hunter Biden couldn't find a
2509 gallery to list his art. And what happened in 2020 that
2510 changed all that, his dad became President of the United
2511 States. Now a single piece of art from Hunter Biden sells
2512 for more than the average American home.

2513 This art arrangement is so suspicious that the Obama
2514 Administration ethics czar Walter Shaub tweeted on July 10 of
2515 this year Hunter Biden should cancel this art sale because he
2516 knows the prices are based on his dad's job. Shame on POTUS
2517 if he doesn't ask Hunter to stop. By the way, Mr. Attorney
2518 General, this is the same Hunter Biden who is being
2519 investigated by your department and the IRS for tax fraud.

2520 Selling fakes or selling--or having a fake skill set is
2521 nothing new to Hunter Biden. When his dad was vice-
2522 president, Hunter Biden received \$50,000 a month from a
2523 Ukrainian oligarch to sit on a board of an energy company.
2524 What was Hunter Biden's background in energy? Nada.
2525 Nothing. Zilch.

2526 Soon after he received his dad--soon after he and his

2527 dad got off Air Force Two in China, Hunter Biden became a
2528 private equity guru and assisted with a Chinese private
2529 equity firm linked to the Chinese Central Bank. You might
2530 ask what his background was with Pacific Rim investments or
2531 the Chinese Central Bank. Nothing.

2532 With this dubious track record inquiring minds might
2533 question why any art gallery would want to sell Hunter
2534 Biden's art. Well this particular art gallery had a COVID
2535 relief loan more than doubled by the Biden Administration.
2536 In a survey of more than 100 art galleries in New York's 10th
2537 Congressional District this particular art gallery received
2538 by far the largest SBA disaster loan. And as an aside, Mr.
2539 Attorney General, the member who represents the 10th
2540 Congressional District is none other than Chairman Nadler.

2541 Mr. Attorney General, who buys Hunter Biden's art? Who
2542 benefits? What benefits do they receive from the Biden
2543 Administration? The American people want to know.

2544 I have sent a letter to the Department of Justice before
2545 your tenure asking them to appoint a special counsel to
2546 investigate Hunter Biden. I have today sent a letter to you
2547 and I am asking you now will you appoint a special counsel to
2548 investigate Hunter Biden?

2549 Attorney General Garland. For the same reason that I am
2550 not able to respond to questions about investigations of the

2551 former president or of anyone else I am not able to discuss
2552 any investigations, pending or otherwise with respect to any
2553 citizen of the United States.

2554 Mr. Buck. Mr. Attorney General, I worked for the
2555 Department of Justice for 15 years. You are allowed to tell
2556 us whether you will appoint a special counsel. You may not
2557 tell us whether you are investigating or not investigating a
2558 particular matter, but you are allowed to tell us whether you
2559 will appoint a special counsel. And that is my question.

2560 Attorney General Garland. Well, apparently I just
2561 received the letter today from you and will be taking it
2562 under advisement, but I wasn't aware that you had sent me a
2563 letter.

2564 Mr. Buck. Okay. I appreciate it.

2565 Mr. Chairman, I yield back, but I would like to first
2566 place into the record two articles, one from Vox, "Why
2567 Obama's Former Ethics Czar is Highly Critical of Hunter
2568 Biden's Lucrative Art Sales," and the second from the New
2569 York Post, "Art Gallery Repping Hunter Biden Receives
2570 \$500,000 Federal COVID Loan, Records Show."

2571 Chairman Nadler. Without objection.

2572 [The information follows:]

2573

2574 *****COMMITTEE INSERT*****

2575 Chairman Nadler. The gentleman yields back?

2576 Mr. Buck. I yield back, yes.

2577 Chairman Nadler. The gentleman yields back.

2578 Mr. Swalwell?

2579 Mr. Swalwell. General Garland, you may not get these
2580 four hours back, but you may get some art history credit for
2581 today.

2582 You had a job before becoming a judge, which I think is
2583 the best job in the world. You were a prosecutory. And when
2584 you were a prosecutor for the department I imagine there were
2585 times where witnesses who you had lawfully subpoenaed did not
2586 show up to court. Do you recall that ever occurring?

2587 Attorney General Garland. Yes, sir.

2588 Mr. Swalwell. And when that would occur you would ask
2589 the judge to enforce a bench warrant and have them brought
2590 in?

2591 Attorney General Garland. Yes, but generally that did
2592 not get that far. But yes, that is true.

2593 Mr. Swalwell. That is one remedy you would have if
2594 someone does not show up?

2595 Attorney General Garland. It is.

2596 Mr. Swalwell. And today as we sit here in this room in
2597 dozens of courtrooms across America your prosecutors have
2598 that right if a witness under a lawful subpoena does not come

2599 in to ask for a warrant for that witness' arrest?

2600 Attorney General Garland. Well, again you are asking me
2601 about a particular case and what I can say is what the
2602 department has said about this on the record, which is if the
2603 House of Representatives vote to refer a criminal contempt
2604 matter to the department, we will review it and act according
2605 to the law and the facts as the principles of prosecution
2606 require.

2607 Mr. Swalwell. And, General Garland, then you would
2608 agree that a subpoena lawfully issued by an Article II
2609 administrator is to be treated the same as a subpoena
2610 lawfully issued by Article I?

2611 Attorney General Garland. Again, since we are really
2612 now talking about a very specific case, I don't want to get
2613 into the law.

2614 Mr. Swalwell. I don't want to go into specific cases.
2615 I just want to say if a Congress at any time in history
2616 issues an Article I subpoena, do you agree that generally
2617 that should be treated the same as an Article II subpoena?

2618 Attorney General Garland. Well, there is different case
2619 law about both, and we would be following the Supreme Court's
2620 case law on the subject in making our determinations.

2621 Mr. Swalwell. General Garland, in 1973 an office of
2622 legal counsel memo outlined the parameters for indicting a

2623 sitting president and said that you could not do that.
2624 Twenty-seven years later that memo was updated to reaffirm
2625 that principle. Twenty-one years later we have seen a former
2626 president test the bounds of presidential authority. And I
2627 am wondering would you commit to revisiting that principle,
2628 whether or not a president while sitting should be indicted?

2629 Attorney General Garland. Well, like an office of legal
2630 counsel memorandum, particularly when they have been reviewed
2631 and reaffirmed by attorneys general and assistant attorneys
2632 general, or different parties, it is extremely rare to
2633 reverse them. We have the same kind of respect for our
2634 precedents as the courts do. I think it is also--would not
2635 normally be under consideration unless there was an actual
2636 issue arising, and I am not aware of that issue arising now.
2637 So I don't want to make a commitment on this question.

2638 Mr. Swalwell. I don't want to talk about any specific
2639 case, but just in general should a former president's
2640 suspected crimes once they are out of office be investigated
2641 by the Department of Justice?

2642 Attorney General Garland. Again I don't want to make
2643 any discussion about any particular former president or
2644 anything else. The memorandum that you are talking about is
2645 limited to acts while the person was in office. And that is
2646 all I can say.

2647 Mr. Swalwell. And should that decision be made only
2648 after an investigation takes place rather than deciding
2649 beforehand a general principle of we are not going to
2650 investigate a former president at all? Would you agree that
2651 if there are facts, those should be looked at?

2652 Attorney General Garland. Again, you are pushing me
2653 very close to a line that I do not intend to cross. We
2654 always looked at the facts and we always look at the law in
2655 any matter before making a determination.

2656 Mr. Swalwell. General Garland, my colleague Mr. Deutch
2657 asked you about gun manufacturer liability and I wanted to
2658 follow up and ask does the recent Pennsylvania decision,
2659 which has been vacated and reargued, change your office's
2660 reasoning and thinking? And would you commit to reexamining
2661 DOJ's posture in such cases as the law changes in different
2662 states?

2663 Attorney General Garland. I am going to ask you to
2664 refresh my recollection as to the recent Pennsylvania
2665 decision about which you are speaking. I am sorry.

2666 Mr. Swalwell. Sure.

2667 Attorney General Garland. I have a lot of cases in my
2668 head, but that one doesn't came right up.

2669 Mr. Swalwell. Last year a Pennsylvania state appeals
2670 court held the Protecting Lawful Commerce in Arms Act

2671 unconstitutional. And so just asking in light of that would
2672 you commit to reexamining as new cases come in?

2673 Attorney General Garland. The Justice Department has
2674 taken the position in court that we are going to defend that
2675 statute as constitutional and I don't see a ground for
2676 changing our mind. I expect that the considerations that the
2677 judges in the Pennsylvania state court were brought to the
2678 attention of the solicitor general's office.

2679 Mr. Swalwell. Thank you. In the beginning you
2680 referenced the January 6 prosecutions and just on behalf of
2681 my law enforcement family and the law enforcement officers
2682 who work in this building I want to thank you for continuing
2683 to pursue those investigations and arrests.

2684 I yield back.

2685 Chairman Nadler. The gentleman yields back.

2686 Mr. Fitzgerald?

2687 Mr. Fitzgerald. Attorney General, thank you.

2688 Attorney General Garland. Appreciate your waving at me
2689 because --

2690 Mr. Fitzgerald. Thank you for being here. Right. I
2691 think we all agree that no one should be above the law and
2692 recent reports had Former President Clinton in California; he
2693 fell ill, and was also reported that he had been there to
2694 raise money for the Clinton Foundation.

2695 In 2017, the Attorney General Jeff Sessions launched a
2696 probe to scrutinize whether donors to the Clinton Foundation
2697 had been given special treatment by Hillary Clinton when
2698 Hillary Clinton was Secretary of State. This investigation
2699 wound down in January of 2020.

2700 In September of 2020 press reports indicated that
2701 Special Counsel Durham's team was seeking information on the
2702 FBI's handling of the Clinton Foundation investigation.

2703 During your confirmation hearing, if you remember, you
2704 were asked if you would actually ensure that the special
2705 counsel, Special Counsel Durham, would have sufficient staff
2706 and other resources to complete that investigation.

2707 Now obviously you have had more than six months on the
2708 job. Can you commit to allowing Special Counsel Durham's
2709 investigation to proceed and obviously free from any
2710 political influence?

2711 Attorney General Garland. Yes, let me just say first
2712 about the money. We are now in a new fiscal year and, as
2713 everyone knows, Mr. Durham is continuing. So I think you can
2714 readily assume that his budget has been approved. We don't
2715 normally make a statement about those things, but since he is
2716 still in action the provisions of the regulation which
2717 require approval of his budget for the next fiscal year are
2718 public. So I think you can draw--you would know if he

2719 weren't continuing to do is work.

2720 Mr. Fitzgerald. I will take that as a confirmation that
2721 the investigation is continuing into the Clinton Foundation,
2722 and I think that is important that we--

2723 Attorney General Garland. Oh, I don't want to--

2724 Mr. Fitzgerald. --ultimately get to the bottom of--

2725 Attorney General Garland. --say what it is about. That
2726 is up to Mr. Durham. I am not determining what he is
2727 investigating.

2728 Mr. Fitzgerald. Very good. Very good. If I can move
2729 on, another thing that came up during your confirmation
2730 hearing: You said that the DOJ would be under your, quote,
2731 "protection for the purpose of preventing any kind of
2732 partisan or improper motive in making any kind of
2733 investigation or prosecution." And that is the end of your
2734 quote.

2735 But I think there are many people that I interact with
2736 on a regular basis back in my congressional district that--it
2737 appears that when you have tackled and targeted specific
2738 areas since your tenure began, it has been about election
2739 integrity measures, pro-life initiatives, and what has been
2740 discussed many times here today, the silencing of parents
2741 that kind of are very upset about what is going on with some
2742 of the school boards.

2743 So it appears that you said one thing and made that
2744 commitment in your confirmation hearings, but at the same
2745 time it seems that DOJ is specifically targeting many issues
2746 that I think I have described as conservative issues. I am
2747 wondering if you could respond to that.

2748 Attorney General Garland. On the last point I hope you
2749 can assure your constituents that we are not trying--the
2750 Justice Department is not trying to chill their--whatever
2751 objections they want to make to school boards. Our only
2752 concern is violence and threats of violence. So if you could
2753 make that clear to your constituents, perhaps that would help
2754 on that question.

2755 On the other question some of these are policy
2756 differences that are natural between one administration and
2757 another, different views about what the law is. There will
2758 be people who--from the Democratic Party who disagree with my
2759 determinations, and you have already heard some of those.
2760 And there will be people from the Republican Party who will
2761 disagree with my determinations about our filings in civil
2762 cases. That comes with the territory. That is what happens
2763 to the Attorney General.

2764 I am doing my best to ensure that we make decisions on
2765 the facts and the law. When I said I would protect our
2766 people from partisan influence with respect to investigations

2767 and prosecutions, I meant that and I continue to do that
2768 regardless of which side of the aisle is criticizing me for
2769 it.

2770 Mr. Fitzgerald. An earlier member said that he was very
2771 concerned about the previous administration weaponizing DOJ,
2772 and I would say I share the same concerns and I would
2773 certainly hope that your department would maybe be much more
2774 sensitive--

2775 Chairman Nadler. The time of the gentleman has expired.

2776 Mr. Lieu?

2777 Mr. Fitzgerald. --many of these actions. I yield back.

2778 Chairman Nadler. The gentleman yields back.

2779 Mr. Lieu?

2780 Mr. Lieu. Thank you, Chairman Nadler.

2781 Thank you, Attorney General Garland for your outstanding
2782 public service. My wife is a school board member. She has
2783 been targeted with deeply disturbing death threats. The lack
2784 of concern by my Republican colleagues for the safety of
2785 teachers, school officials, and school board members is
2786 dangerous, disgusting, and utterly shameful. Thank you,
2787 Attorney General Garland, for seeking to protect Americans
2788 from violence and threats of violence.

2789 I would like to ask you some questions now about racial
2790 and ethnic profiling. In 2014 and 2015 Asian-Americans such

2791 as Sherry Chen and Professor XI and others were wrongfully
2792 arrested by Department of Justice, charged with alleged
2793 spying for China, and then months later all their charges
2794 were dropped, but not after their lives were ruined and they
2795 incurred massive legal bills.

2796 As we looked into these cases the only thing that was
2797 the same among all of them is that the defendants happened to
2798 look like me. They happened to be Asian-American. In
2799 response then Attorney General Loretta Lynch ordered implicit
2800 bias training for all her law enforcement agents and
2801 prosecutors at Department of Justice.

2802 My question to you is will you commit to implementing
2803 implicit bias training at the Department of Justice?

2804 Attorney General Garland. So I thank you for your
2805 comments. As I know you know I am greatly attuned to this
2806 problem. That is why the very first memorandum I issued when
2807 I came to the Justice Department was to investigate hate
2808 crimes on a nationwide basis, and particularly against the
2809 AAPI community. That is why we have made all of the changes
2810 required by the NO HATE Act, most of them before the act was
2811 even passed because we were already on that route. There is
2812 no excuse for this kind of discrimination and it is the
2813 obligation of the Justice Department to protect people.

2814 Mr. Lieu. Thank you. So let me bring attention to a

2815 study that came out that shows that this problem is wider
2816 than we feared. It was conducted by a visiting scholar to
2817 the South Texas College of Law and the Committee of 100, a
2818 non-profit. They analyzed economic espionage cases brought
2819 by the department between 1996 and 2020 and the findings are
2820 deeply disturbing.

2821 This study showed that one in three Asians accused of
2822 espionage were falsely accused. It found that Asian
2823 defendants were punished twice as severely as non-Asian
2824 defendants. And it showed that the Department of Justice
2825 issued press releases much more frequently under these cases
2826 if the defendant happened to have an Asian name versus a
2827 Western name.

2828 So I am going to ask you again will you commit to
2829 implementing implicit bias training that then-Attorney
2830 General Loretta Lynch had directed at the Department of
2831 Justice?

2832 Attorney General Garland. So my understanding is that
2833 that was required by the--I think--I can't remember the name,
2834 maybe the No FEAR Act. I can't remember the name. And the
2835 bar on doing such training was rescinded by the President in
2836 an executive order I think on the very first day of the new
2837 administration. And so of course we will go ahead with what
2838 was required by the statute, including implicit bias

2839 training, yes.

2840 Mr. Lieu. So if you could look into that more, I would
2841 appreciate it. So thank you.

2842 I would like to now talk about a case brought under the
2843 China Initiative that happened under your watch, the case of
2844 Professor Anming Hu, who was also wrongfully accused of
2845 spying for China. Evidence against him was so flimsy that a
2846 federal judge dismissed the case under a Rule 29 motion.

2847 I am a former prosecutor. I know that those motions are
2848 rarely if ever granted. The judge found that even viewing
2849 all of the evidence in a light most favorable to the
2850 prosecution no rational jury could conclude that the
2851 defendant violated the law.

2852 If we look at one of the darkest periods in our nation's
2853 history, over 100,000 Americans who happened to be of
2854 Japanese descent were interned because our government could
2855 not figure out the difference between the Imperial Army of
2856 Japan and Americans who happened to be of Japanese descent.

2857 I am asking the department not to repeat that similar
2858 type of mistake and I am asking you if you would look into
2859 the China Initiative to make sure it is not putting undue
2860 pressure on the department to wrongfully target people of
2861 Asian descent.

2862 Attorney General Garland. Internment of Japanese-

2863 Americans. A terrible stain on American people and on the
2864 American government, on American history. I can assure you
2865 that kind of racist behavior will not be repeated.

2866 There is a new assistant attorney general for the
2867 National Security Division who is pending confirmation. I am
2868 sure that when he is confirmed, which hopefully will be in
2869 the next few days; maybe in the next few weeks, he will
2870 review all of the activities in the department, in his
2871 division and make a determination of which cases to pursue
2872 and which ones not. I can assure you that cases will not be
2873 pursued based on discrimination, but only on facts justifying
2874 them.

2875 Chairman Nadler. The time of the gentleman is expired.

2876 Mr. Lieu. Mr. Chairman, may I ask unanimous consent to
2877 enter three documents into the record?

2878 Chairman Nadler. Without objection.

2879 Mr. Lieu. Okay. The first is a study I referenced
2880 called, "Racial Disparities in Economic Espionage Act
2881 Prosecutions: a Window Into a New Red Scare," dated September
2882 21, 2021.

2883 The second is an article entitled, "Professor Acquittal:
2884 Is China Initiative Out of Control?" dated September 25,
2885 2021.

2886 And the final document is a letter from 177 Stanford

2887 faculty members outlining why the China Initiative is
2888 discriminatory and harms American competitiveness dated
2889 September 8, 2021. Thank you.

2890 Chairman Nadler. Without objection.

2891 [The information follows.]

2892

2893 *****COMMITTEE INSERT*****

2894 Chairman Nadler. The gentleman yields back.

2895 Mr. Bentz?

2896 Mr. Bentz. Thank you, Mr. Chair.

2897 Thank you, Mr. Attorney General, for being here today.

2898 Let me begin by saying I was disappointed with your memo
2899 regarding school boards and parents, first because I, like
2900 you, am a parent of two wonderful kids. I attended too many
2901 school board meetings to count. I attended many more as a
2902 eight-year member of school boards, really long years I might
2903 add. I can assure that I welcomed parents' involvement and I
2904 appreciated their attendance. I listened to their--I
2905 listened to them carefully. The fact that they took the time
2906 to be there after long days at work spoke volumes about how
2907 much they care for their kids.

2908 And no one condones violence, no one condones threats of
2909 harm, no one condemns--condones intimidation, but what has
2910 been repeatedly said today is that your memo is far too
2911 aggressive, far too loose in its language, far too likely to
2912 chill the very parental participation we on school boards
2913 so--did so much to encourage. I would encourage a
2914 supplemental memo.

2915 Second, this goes to the assertion at the end of your
2916 memo that it is the department's steadfast commitment to
2917 protect all people in the United States from violence,

2918 threats of violence, and other forms of intimidation and
2919 harassment. This goes to the prioritization of the
2920 activities of your department. And I would just suggest that
2921 we have a situation in Oregon that I think is going to be
2922 copied across the United States.

2923 It involves the illegal growing and production of
2924 marijuana and cannabis on an almost unbelievable industrial
2925 scale based in large, and probably irreplaceable part the
2926 miserable suffering of thousand, if not tens of thousands of
2927 people coming across the border illegally and then pressed
2928 into indentured servitude by cartels.

2929 This is not me making this up. This is coming from any
2930 number of law enforcement agencies in Oregon. We will not go
2931 into the challenges on the border, other than I wish we had a
2932 border. I simply want to say that the people that are coming
2933 across by the thousands are being put to work in situations
2934 that are immensely bad. And the FBI, by the way I have
2935 spoken with, but your department needs to be doing something
2936 about it at all the levels you can.

2937 And I am tempted to each time I go through one of the
2938 horrible things that are happening to these people refer back
2939 to the memo regarding the school board because it seems to me
2940 there has been a mis-prioritization. We are talking about
2941 thousands of people that are in these inhuman living

2942 conditions. And the size of the problem is almost
2943 unbelievable.

2944 Based on estimates from law enforcement in Jackson,
2945 Klamath, and Josephine Counties in Oregon the amount being
2946 illegally raised and sold across the United States in just
2947 one of these counties exceeds 13.5 billion. In just one of
2948 my counties. I have 36 counties. Thirteen-point-five
2949 billion dollars, Mr. Attorney General, on the backs of
2950 people, human beings brought over the border and probably
2951 forced into servitude to pay back the cartels for their
2952 immigration.

2953 I want to mention that the creation of this situation
2954 doesn't all just harm those folks brought across the border.
2955 It harms the community. We have had people come in and tell
2956 us about going shopping down at the local supermarket and
2957 seeing folks wearing big bulky coats and under those coats
2958 they can see AK-47s.

2959 They have had watermasters approached--the watermaster,
2960 the guy who is trying to take care of the water that is being
2961 stolen by these cartels, and they have come up to these--to
2962 the watermaster and said you know what, I am invisible. You
2963 can't see me. I can kill you and no one will ever know.
2964 That is a threat; that is intimidation. That is the kind of
2965 thing that is referred to your memo regarding parents. I

2966 would just suggest there is a mis-prioritization.

2967 Mr. Chair, I would like to offer for the record a letter
2968 from Josephine County commissioners to me, a letter from
2969 Josephine County commissioners to the Governor of the State
2970 of Oregon, the order just issued a week or so ago from
2971 Jackson County declaring an emergency because of this
2972 situation, and finally photos of the living--squalid living
2973 conditions and a video of the valley showing thousands of
2974 hoop houses, some of which we are absolutely sure may of
2975 which are illegal.

2976 Chairman Nadler. Without objection.

2977 [The information follows:]

2978

2979 *****COMMITTEE INSERT*****

2980 Mr. Bentz. With that I will--

2981 Mr. Jordan. Will the gentleman yield?

2982 Mr. Bentz. I will yield.

2983 Mr. Jordan. I appreciate the gentleman for yielding.

2984 Mr. Attorney General, your memo you said that you--
2985 directing the Federal Bureau of Investigations to convene
2986 meetings with federal leader--federal local leaders and state
2987 leaders within 30 days of the issuance of this memorandum in
2988 each federal judicial district, 94 federal judicial
2989 districts. They got until November 3 to have these meetings.
2990 How many meetings have taken place?

2991 Attorney General Garland. I don't know the answer. I
2992 am sure that there have been meeting, but I am sure that they
2993 have not occurred--

2994 Mr. Jordan. Any idea?

2995 Attorney General Garland. --in all--

2996 Mr. Jordan. Any idea how many meetings have taken
2997 place?

2998 Attorney General Garland. I don't know how many
2999 meetings. I am sure that there are not--

3000 Mr. Jordan. There was so much urgency that five days
3001 after a political organization asked the President of the
3002 United States for FBI involvement--five days later you do a
3003 memo talking about a disturbing spike in harassment and

3004 violence. And then convening this open line of communication
3005 for reporting on parents and you say start meetings within 30
3006 days and you can't come--you come to the Justice Department
3007 and you can't tell us what is going on?

3008 Chairman Nadler. The time of the gentleman has expired.
3009 Mr. Raskin?

3010 Mr. Raskin. Thank you, Mr. Chairman.

3011 Attorney General Garland, thank you for your service to
3012 the United States of America, which is a point of special
3013 pride for those of us who live in Maryland's Eighth
3014 Congressional District.

3015 Right wing violence is now a lethal threat to American
3016 democracy. It came to the Capitol when QAnon followers,
3017 Three Percenters, Oath Keepers, Arian Nations, Militiamen
3018 stormed the Capitol of the United States in the worst assault
3019 on the Capitol since the War of 1812, injuring more than 140
3020 police officers, breaking their noses, breaking their necks,
3021 breaking their vertebrae, taking their fingers, causing
3022 traumatic brain injury, causing post-traumatic stress
3023 syndrome.

3024 And now with all of the whitewashing by Donald Trump,
3025 who lied and said that his mob was hugging and kissing the
3026 officers, and by his cult-like followers like Representative
3027 Clyde who said that this was more akin to a tourist visit,

3028 this permission for violence has given license to the darkest
3029 impulses in right wing politics and given rise to conspiracy
3030 theory-driven mob violence, not just at state capitals like
3031 we saw in Lansing, Michigan, which was a dress rehearsal for
3032 the January 6 attack, but also it is in schools and at school
3033 board across the country.

3034 Here are some headlines from across the country that
3035 tell the story: "School Boards Association Reaches Out to
3036 FBI for Help as Threats, Violence Hit Meetings." "Loudon
3037 County Board Members Have Faced Death Threats." "Prince
3038 William Meetings Have Broken Down With People Screaming."
3039 There has been violence across the country.

3040 Here is another one: "A California Teacher is
3041 Hospitalized After He is Allegedly Attacked by a Parent Over
3042 Face Masks on the First Day of School."

3043 Here is one: "An Angry Parent Allegedly Ripped Off a
3044 Teacher's Mask. It's Not the Only Physical Altercation Over
3045 Masks in Schools."

3046 I am limited by time here, but there are cases like this
3047 all across the country.

3048 Now I would like to ask you this question, Mr. Garland,
3049 because you have been vilified, you have been castigated by
3050 members of this committee for your responsiveness to the
3051 National School Boards Association, that as members of school

3052 boards across the country who are reporting this dramatic
3053 uptick in violence against school board members, education
3054 administrators, other parents who have the temerity to go to
3055 a school board meeting wearing a mask. Did you tell the
3056 School Boards Association to reach out to you? Did you coach
3057 them to reach out to the FBI?

3058 Attorney General Garland. No.

3059 Mr. Raskin. The letter signed by the NSBA president
3060 Viola Garcia and NSBA executive director and CEO Chip Slaven
3061 said, "America's public schools and its education leaders are
3062 under an immediate threat." Did you write those words or
3063 tell them to write those words?

3064 Attorney General Garland. No.

3065 Mr. Raskin. Okay. Did you violate any rule of ethics
3066 or any rule of law by responding to this clamor across the
3067 country to try to restore some calm and some peace to the
3068 schools of America?

3069 Attorney General Garland. No, I didn't. I followed my
3070 duty as I saw it.

3071 Mr. Raskin. I notice that not a single member of this
3072 committee has cited a single sentence in your memo as
3073 violating anyone's rights. Not one. They have not cited a
3074 single sentence from your memo because your memo scrupulously
3075 follows the difference between conduct and speech. Would you

3076 care to re-edify our colleagues about what the First
3077 Amendment protects and what it doesn't protect?

3078 Attorney General Garland. Well, the Supreme Court is
3079 quite clear that the First Amendment protects spirited,
3080 vigorous, argumentative, even vituperative speech. Perfectly
3081 acceptable for people to complain about what their school
3082 boards are doing or what their teachers are doing in the most
3083 aggressive terms. What they are not allowed to do is
3084 threaten people with death or serious bodily injury, the so-
3085 called true threats line of cases.

3086 Mr. Raskin. Okay. Do you think that it is going to be
3087 important for us to confront violence against public
3088 institutions, whether it is the United States Congress as we
3089 count electoral college votes, whether it is against state
3090 legislatures and governors who have been subject to
3091 assassination plots, or against school board members who
3092 maybe don't even get paid? Why is it important, if you agree
3093 that it is, for us to defend public institutions, public
3094 leaders, and public process against violent intimidation,
3095 threats, and attacks?

3096 Attorney General Garland. I do think it is--

3097 Mr. Johnson of Louisiana. Mr. Chairman? Mr. Chairman?
3098 Point of order. Mr. Raskin's words need to be taken down.
3099 He referred to one of our colleagues as being cult-like and

3100 we don't allow personal attacks under the rules.

3101 Mr. Raskin. I am sorry. Who did I refer to as cult-
3102 like?

3103 Mr. Johnson of Louisiana. Andrew Clyde.

3104 Mr. Raskin. I said that Andrew Clyde was in a religious
3105 cult?

3106 Mr. Johnson of Louisiana. Yes. Cult-like. That is a
3107 derogatory characterization; it is not allowed under the
3108 rules.

3109 Mr. Raskin. Well, I will wait for direction from the
3110 chair, but if he objects to the idea that--

3111 Chairman Nadler. It is not a timely--

3112 Mr. Johnson of Louisiana. We have regular order.

3113 Chairman Nadler. I would urge everyone to avoid
3114 engaging in personalities. And the time of the gentleman has
3115 expired.

3116 Mr. Johnson of Louisiana. Thank you.

3117 Chairman Nadler. Mr. McClintock?

3118 Mr. Johnson of Louisiana. Mr. Chairman, can you rule on
3119 my point of order? It is Rule 17, Clause 4. Standing Rules
3120 of the House.

3121 Chairman Nadler. It's not a timely point of order.

3122 Mr. Johnson of Louisiana. How could it not be timely?

3123 It was still--the gentleman--

3124 Chairman Nadler. You have to raise it at the time--
3125 Mr. Johnson of Louisiana. I did raise it at the time.
3126 Chairman Nadler. Mr. McClintock?
3127 Mr. Raskin. Look, in any event--look, I would be happy
3128 to resolve this right now.
3129 Chairman Nadler. No, no, no, no.
3130 Mr. Raskin. If any offense was given--
3131 Chairman Nadler. Mr. McClintock?
3132 Mr. Raskin. --I would be happy--
3133 Chairman Nadler. Mr.--
3134 Mr. Raskin. --very happy to withdraw the phrase cult-
3135 like as applied to Mr. Clyde of Georgia just so we can get on
3136 with our business. I am very happy to withdraw that. And we
3137 can talk about it in another context. It is interesting that
3138 our--the people--
3139 Chairman Nadler. As I said, people should--
3140 Mr. Raskin. --are interfering with my [inaudible], but
3141 I am quite fine with it, Mr. Chairman.
3142 Mr. Johnson of Louisiana. I am just trying to follow
3143 the rules, Mr. Raskin. I am told that is important around
3144 here.
3145 Mr. Raskin. [inaudible] the ACLU--
3146 Chairman Nadler. Mr. Raskin, you have said enough. We
3147 all have strong feelings; people should avoid engaging in

3148 personalities.

3149 Mr. McClintock?

3150 Mr. McClintock. Mr. Attorney General, I think the real
3151 concern of a lot of parents is they attend a school board
3152 meeting to exercise their First Amendment rights, a fight
3153 breaks out, and the next thing you know they are being
3154 tracked down by the FBI with a rap on the door, maybe a SWAT
3155 Team in the morning because they simply happened to be there.
3156 That is a serious form of intimidation. Whether it was
3157 intended or not, that's clearly the effect it is having and I
3158 think you need to be sensitive of that.

3159 But I want to talk about the news we received yesterday
3160 that we have seen the highest number of arrests of people
3161 illegally crossing our border in the history our country, 1.7
3162 million arrests this year. It is a federal crime to cross
3163 the border outside of a port of entry, is it not?

3164 Attorney General Garland. Yes, it's a misdemeanor.
3165 That's true.

3166 Mr. McClintock. Well, your job is prosecute federal
3167 crimes. How many have you actually prosecuted of that 1.7
3168 million?

3169 Attorney General Garland. So the Justice Department
3170 doesn't make those arrests. Those are made by Homeland--

3171 Mr. McClintock. No, no, but the Justice Department

3172 is responsible for prosecuting them. How many are you
3173 prosecuting?

3174 Attorney General Garland. I don't know the answer to
3175 that, but they--

3176 Mr. McClintock. A lot or a little?

3177 Attorney General Garland. --are being referred by the--

3178 Mr. McClintock. Wait. Wait a second. You know exactly
3179 how many people you're prosecuting from the riot on January
3180 6, but you can't even give me a ballpark guess of how many
3181 people--

3182 Attorney General Garland. I can't--

3183 Mr. McClintock. --you are prosecuting--

3184 Attorney General Garland. I can't--

3185 Mr. McClintock. --of the 1.7 million who have illegally
3186 crossed our border, committing a federal crime in doing so?

3187 Attorney General Garland. I don't have that number on
3188 the top of my head, but I would be happy to have our staff
3189 get back to you.

3190 Mr. McClintock. Do you think that the failure to
3191 prosecute illegal border crossings might have something to do
3192 with the fact that our border is now being overwhelmed by
3193 illegal immigrants who tell reporters they wouldn't have
3194 considered making that trip under the Donald Trump
3195 Administration?

3196 Attorney General Garland. I think there are a
3197 substantial number of issues driving migration towards the
3198 United States from the pandemic--

3199 Mr. McClintock. Well, if you ask the migrants--
3200 Attorney General Garland. --[inaudible] and the
3201 earthquakes and--

3202 Mr. McClintock. If you ask the migrants, they will tell
3203 you specifically what is driving it: They can do it now.
3204 They can get in and not fear prosecution from you. Gallup
3205 tells us there are about 42 million people living just in
3206 Latin America and the Caribbean who intend to come to the
3207 United States if they can based upon their polling. A lot of
3208 people come each year on temporary visas, but then they fail
3209 to leave when those visas expire, again in violation of
3210 federal law. Do you believe those who illegally overstay
3211 their visas should respect our laws and return to their home
3212 countries?

3213 Attorney General Garland. I think they should respect
3214 our laws. That is up to the Department of Homeland Security
3215 to make determinations about how we resolve these matters.

3216 Mr. McClintock. And yet the administration is proposing
3217 amnesty to most visa overstays who arrived before January of
3218 2021, including those whose visas have yet to expire. So
3219 what you are telling us and what you are you doing are two

3220 very different things.

3221 Let me go on. It is unlawful for an employer to
3222 knowingly hire an illegal alien. How many prosecutions are
3223 you pursuing under this law?

3224 Attorney General Garland. Again I don't know the number
3225 off the top of my head but I would be happy to have staff try
3226 to get back to you.

3227 Mr. McClintock. It shocks me. Given the fact that this
3228 is now an historic high on illegal border crossings, you are
3229 the chief law enforcement officer of our country, you come
3230 here before this committee, you devote not a word in your
3231 spoken remarks to this issue, you devote out of a 10-page
3232 written statement one paragraph simply saying we need to
3233 expedite the immigration proceedings for asylum claims. I
3234 find that astonishing.

3235 Let me ask you this: Do you agree that an alien who has
3236 received proper notice of his or her immigration court
3237 hearing who fails to appear at that hearing absent exception
3238 circumstances and is ordered removed in absentia should be
3239 removed from this country?

3240 Attorney General Garland. I am not really familiar with
3241 exactly the circumstance you are talking about. There are
3242 rules about removal and there are rules--

3243 Mr. McClintock. Well, when someone is ordered--

3244 Attorney General Garland. --that the Department of
3245 Homeland Security--

3246 Mr. McClintock. --deported by a court--

3247 Attorney General Garland. --has established. I am
3248 sorry.

3249 Mr. McClintock. If someone is ordered deported--

3250 Attorney General Garland. Yes.

3251 Mr. McClintock. --by a court, should they be removed?

3252 Attorney General Garland. If they are ordered deported
3253 by a court, then we have an obligation to follow the court's
3254 order.

3255 Mr. McClintock. And yet the President on his opening
3256 day in office instructed Customs and--or Immigration and
3257 Customs Enforcement not to conduct such deportations.

3258 Attorney General Garland. I am not familiar with the
3259 specific thing you are talking about. I am sorry.

3260 Mr. McClintock. What circumstances would justify an
3261 independent prosecutor?

3262 Attorney General Garland. So we have had some history
3263 with independent prosecutors. Neither the Democrats nor the
3264 Republicans seem to like the result regardless of who is--

3265 Mr. McClintock. No, but let me--there have been
3266 multiple reports that Hunter Biden made enormous sums of
3267 money, and he has admitted that is because of his family

3268 ties. Now that by itself might not be a crime, but there
3269 have also now been multiple reports that emails and other
3270 communications from Hunter Biden have indicated that his
3271 finances were intermingled with those of his father's,
3272 including a text to his daughter complaining that half of his
3273 earnings were going to his father.

3274 If that doesn't call for an independent investigation of
3275 the President, what would?

3276 Attorney General Garland. So I am not going to comment
3277 about this investigation, but as everyone knows there is an
3278 investigation going on in Delaware by the U.S. Attorney who
3279 was appointed by the previous administration. And I can't
3280 comment on it any further than that.

3281 Mr. McClintock. That is being done under the Justice
3282 Department, not independently and the Justice Department
3283 answers to the President who is implicated in these emails.

3284 Chairman Nadler. The time of the gentleman is expired.

3285 Ms. Jayapal?

3286 Ms. Jayapal. Thank you, Mr. Chairman.

3287 And, Attorney General Garland, thank you very much for
3288 being here and for your commitment to protecting our
3289 democracy.

3290 I would like to generally discuss the prosecutions of
3291 the January 6 insurrectionists. The prosecutors handling

3292 these cases believe that jail time is the appropriate
3293 sentence for misdemeanor charges, however the first
3294 misdemeanor defendants to receive jail time were only
3295 sentenced last month, nine months after the worst assault on
3296 the United States Capitol since the War of 1812.

3297 I am trying to understand what the process is for these
3298 prosecutions and why there are delays. Does DOJ Headquarters
3299 have final approval on all plea agreements before they are
3300 offered to a defendant?

3301 Attorney General Garland. So I don't want to discuss
3302 these investigations in that respect. I would say that the
3303 Justice Department and the U.S. Attorney's Office working
3304 together have guidelines for the kinds of pleas that can be
3305 accepted so that there are not--I don't want to use the word
3306 discrimination in the racial sense, but that there is no
3307 unequal treatment between people who did the same thing.
3308 Now we can't have every individual prosecutor following a
3309 different set of plea arguments, so that is the extent to
3310 which that is being organized.

3311 The question you asked, which is why this would take so
3312 long, this is really not long at all. I have been in lots of
3313 criminal investigations that took way longer. We have
3314 arrested 650 people already. And keep in mind that most of
3315 them were not investigated on the--arrested on the spot

3316 because the Capitol Police were overwhelmed.

3317 So they were people who had be found. And they had to
3318 be found by sometimes our--looking at our own video data;
3319 sometimes from citizen sleuths around the country identifying
3320 people. Then they have to be brought back to Washington,
3321 D.C. Then discovery of terabytes of information has to be
3322 provided. And then all of this was occurring while there was
3323 a pandemic and some of the grand juries were not fully
3324 operating and some of the courtrooms were not fully
3325 operating.

3326 So I am extremely proud of the work that the prosecutors
3327 are doing in this case and the agents are doing in this case.
3328 They are working 24/7 on this.

3329 Ms. Jayapal. Okay. Thank you, General Garland. That
3330 is helpful.

3331 I do want to talk about disparity actually of
3332 prosecutions. Federal judges have criticized the
3333 department's approach to letting many defendants stay at home
3334 or travel for vacation. One judge said, quote, "There have
3335 to be consequences for participating in an attempted violent
3336 overthrow of the government beyond sitting at home." And yet
3337 the Wall Street Journal reports that you have told DOJ
3338 officials that jailing rioters who weren't hardcore
3339 extremists could further radicalize them.

3340 General Garland, do you believe that such statements are
3341 appropriate to make as the person overseeing these
3342 prosecutions?

3343 Attorney General Garland. I don't know where that
3344 report comes from. My recollection of this is in a
3345 completely different context. That is, I worry that there
3346 will be radicalization in the Bureau of Prisons when people
3347 are--and this is radicalization that has occurred with prison
3348 gangs, with white supremacist groups in prisons, and with
3349 radical Middle Eastern groups in prisons. And I was
3350 concerned that the Bureau of Prisons have a procedures for
3351 ensuring that that radicalization doesn't spread across
3352 prison populations. I believe--

3353 Ms. Jayapal. General Garland--

3354 Attorney General Garland. --that is what I was
3355 referring to.

3356 Ms. Jayapal. --I don't know how you could further
3357 radicalize people who have attempted to overthrow the
3358 government.

3359 Let's just contrast the department's approach to the
3360 George Floyd protests. A participant at a George Floyd
3361 protest faced up to five years in felony charges for inciting
3362 a riot via social media. In contrast, three white
3363 supremacists at the 2017 Charlottesville rally received

3364 prison sentences between two and three years for their
3365 violence, assault of protestors and conspiracy to riot. And
3366 despite a series of social media posts and videos on January
3367 6 only one person was ever charged with a felony.

3368 I understand all of the challenges that you are facing
3369 with what you have mentioned, and I do appreciate that, but I
3370 am concerned about the disparity of the way sentencing is
3371 occurring. Is it fair to say that the department does and
3372 should consider deterrence in the gravity of crimes when
3373 pursuing both sentencing and pretrial confinement or
3374 detention?

3375 Attorney General Garland. The answer to that is yes,
3376 but the ultimate determination on both sentencing and
3377 pretrial detention is up to the judge and not to the
3378 department. There are some judges that are criticizing the
3379 kind of charge we are bringing being not harsh enough, but
3380 there are other judges who are criticizing the same charges
3381 as being too harsh. As I mentioned before, this comes with
3382 the territory of being a prosecutor.

3383 Ms. Jayapal. I understand. General Garland, I just
3384 want to say that I think if we are to restore faith in the
3385 Department of Justice under your leadership and a new
3386 administration, we have to make sure that the disparity of
3387 sentencing that we have continued to see under the last

3388 administration and with this administration has to be
3389 addressed. And I hope that you will do that and I thank you
3390 for your efforts.

3391 I yield back, Mr. Chairman.

3392 Chairman Nadler. The gentlelady yields back.

3393 Mr. Issa?

3394 Mr. Issa. Thank you, Mr. Chairman.

3395 General Garland, it is good to see you and it is good to
3396 have you before this committee. I appreciate your giving us
3397 so much time.

3398 As you know, your reach is global when it comes to
3399 overseas activities such as the bombing that occurred in
3400 Kabul. So the killing of 26 August of 13 U.S. troops falls
3401 under your jurisdiction, correct? Or at least the FBI is
3402 charged--

3403 Attorney General Garland. Well, the FBI can--

3404 Mr. Issa. --with investigating.

3405 Attorney General Garland. --participate. It is likely
3406 also DOD. But it is some combination, yes.

3407 Mr. Issa. Well the areas of concern -- media reports,
3408 both -- and public and private statements -- indicate that
3409 the bomber was in fact an individual who had been released
3410 from the -- the detention center there are Kabul. Can you
3411 confirm that?

3412 Attorney General. Garland. I'm sorry, I don't -- I
3413 don't know the answer to that. I don't know the answer to
3414 that.

3415 Mr. Issa. Can you respond, for the record, from the --
3416 I mean, obviously the FBI does know -- it's leaked out enough
3417 that I think it needs to be made official.

3418 Attorney General. Garland. To the extent that it would
3419 be permissible -- it's not classified information -- then of
3420 course we'll get back to you and I'll ask my staff to -- to
3421 look into this.

3422 Mr. Issa. Well the -- the records of those incarcerated
3423 at the -- at the detention center were public and certainly
3424 somebody who has blown themselves to bits would enjoy very
3425 few residual privacy rights, I would assume.

3426 Attorney General. Garland. I don't think it would be a
3427 question of privacy rights --

3428 (Laughter.)

3429 Mr. Issa. Okay, just wanted to make sure we had that.
3430 The important point, though is -- in my view is that there
3431 are 4,999 or more other individuals who were released who
3432 were free to roam the streets of Kabul on the very days that
3433 were evacuating. I was in Qatar last week and it was
3434 reported to us in unclassified sessions that more than 20
3435 percent of the individuals who boarded the aircraft in Doha

3436 for the United States -- more than 20 percent who came into
3437 there came in with no papers whatsoever. No Afghan papers,
3438 no U.S. papers, no other documentations -- and that the
3439 documentation was produced based on oral testimony. They
3440 called it a paper passport.

3441 Based on the fact that of the 60,000-plus people that
3442 passed through Doha or Qatar, 20 percent of them or more did
3443 not have any paperwork, of the remaining ones, at least 40
3444 percent had only documentation that it was produced in
3445 Afghanistan. How do we know how many -- we know some,
3446 undoubtedly, but how many in fact made the way to the United
3447 States of the 5,000-plus people who were incarcerated for
3448 being ISIS terrorists and the like -- how do we know who they
3449 are, where they are, and how many of them in the United
3450 States? And what are you doing to discover further?

3451 Attorney General Garland. Congressman, you've
3452 identified a very serious problem. There was a massive
3453 airlift of refugees out of Afghanistan at the very last
3454 moment. And that required vetting at -- not only at Qatar,
3455 but also at Ramstein and the other bases where people were
3456 moved to, and then when they're moved to the United States.
3457 The --

3458 (Simultaneous speaking.)

3459 Mr. Issa. And I don't mean to interrupt you, but in the

3460 remaining time, if you could respond for the record about how
3461 many -- how many you know who -- how many you've apprehended,
3462 how many you're following? Because once we know that tens of
3463 thousands of people left Afghanistan who had no evidence of a
3464 nexus to the United States and were transported to the United
3465 States -- and knowing that there were 5,000 terrorists that
3466 had been recently released -- we do have an obligation to
3467 figure out what the steps that are being taken to find them
3468 and to incarcerate them. And I recognize that there are a
3469 number of people in Kosovo who were identified, so we would
3470 certainly include that.

3471 My last round of questioning really goes to the terrible
3472 attacks that occurred at Fort McCoy and other places. We
3473 have a significant number of -- of Afghan, slash, American-
3474 bound individuals who are currently committing crimes -- and
3475 who have committed crimes. And so I'd like to know, one, to
3476 the best of your ability, how many cases you're following --
3477 not what the cases specifically are about. And what
3478 authorities you've been given -- or need to be given -- to --
3479 to deal with these individuals, including revocation of their
3480 paroles, which of course is an executive prerogative, but one
3481 that we would like to know will -- will the individuals who
3482 have committed crimes have their paroles pulled? And if so,
3483 can they then be deported, or at least begin the deportation

3484 process?

3485 Attorney General Garland. All right, we'll try to get
3486 back to you on what we are able to tell you on -- on the
3487 questions of the crimes that you're talking about.

3488 Mr. Issa. And we're happy to accept it in a -- in an
3489 environment where it's not disclosed, but I really think that
3490 this committee has an obligation to have a good feel for the
3491 nature of the individuals, the nature of the crimes and --
3492 and how we're going to deal with them. This is an awful lot
3493 of people who are requesting special entry to the United
3494 States and -- and as we know, many of them did not do
3495 anything for the United States but simply were able to get on
3496 an aircraft in the rush at the end. Mr. Chairman, thank you
3497 for your excess time indulgence, and I yield back.

3498 Chairman Nadler. The gentleman yields back. Mrs.
3499 Demings?

3500 Mrs. Demings. Thank you so much, Mr. Chairman.
3501 Attorney General Garland, it is great to see you again. We
3502 were together last week as the nation recognized 701 law
3503 enforcement officers who died in the line of duty whose names
3504 will be added -- or were added to the wall. Here we are,
3505 just a few yards away from law enforcement officers who were
3506 beat down in this very sacred place. We've been asked to
3507 move on. But Attorney General Garland, some of us just

3508 cannot -- not yet.

3509 In your opening statement you said that the Department's
3510 core values are upholding the rule of law, keeping our
3511 country safe, and protecting civil rights. As I sit here
3512 today as a member of the House of Representatives, I see my
3513 job -- and also the job of every member of the House on both
3514 sides of the aisle -- Attorney General is, guess what, to
3515 uphold the rule of law, keep our country safe, and protect
3516 civil rights. As you know, I served as a law enforcement
3517 officer for almost three decades. It was an honor. And at
3518 all levels of government, whether local, state or federal,
3519 law enforcement officers take an oath to uphold the
3520 Constitution -- defend the Constitution against all enemies
3521 foreign and domestic; enforce the laws of the land; and
3522 protect and serve their communities -- or at least that's
3523 what the responsibility is about. It is about keeping the
3524 American people safe.

3525 Effective policing, though, requires resources and
3526 investment. We cannot sit here as policy makers and demand
3527 better policing, better training without providing the
3528 resources to achieve it. Attorney General Garland, I know
3529 you know -- very familiar with the COPS Grant Program. As
3530 you know, it provides resources and assistance to state and
3531 local enforcement for things such as community policing. The

3532 Byrne JAG Grant provides several initiatives for state and
3533 local jurisdiction including technical assistant training;
3534 personnel equipment; supplies for law enforcement; prevention
3535 and education; crime, victim, and witness assistance; mental
3536 health and related law enforcement assistance programs.
3537 Attorney General Garland, if you would just take just a
3538 moment -- I know you mentioned earlier that your commitment
3539 in terms of funding to this very important initiative. But
3540 if you would just take a moment to talk about the
3541 effectiveness of the DOJ grant programs and talk a little bit
3542 about the future of those resources.

3543 Attorney General Garland. I thank you for that
3544 opportunity. This is part of our commitment both to keep the
3545 country safe, and therefore to help state and local
3546 communities fight violence in their communities. And second,
3547 part of our obligation to uphold civil rights and so ensure
3548 that this be done with Constitutional policing. And also
3549 with respect to our first priority -- that is ensuring
3550 adherence to the rule of law.

3551 So we have asked for in the 2022 budget more than \$1
3552 billion in grants for state and local police organizations.
3553 That's \$537 million for COPS hiring, and \$513 million for
3554 Byrne JAG. Each of those are an increase for COPS -- it's an
3555 increase of \$300 million over the previous year. For Byrne

3556 JAG it's about \$30 million increase over the previous year.

3557 But there are other grant programs that we've asked for
3558 money as well. One of them is quite important -- it's \$100
3559 million for a new community violence intervention
3560 initiatives. And I met with community violence intervention
3561 experts in the Chicago earlier in the summer. I was
3562 extremely impressed by the results that they've had in taking
3563 people who might otherwise end up with -- in crime, and
3564 setting them on the straight path. That particular program
3565 was actually a well-controlled study done by the University
3566 of Chicago, and it showed that these things actually work
3567 quite well.

3568 Mrs. Demings. Attorney General, if we could just switch
3569 gears for just a second --

3570 Attorney General Garland. Of course.

3571 Mrs. Demings. I want to talk about election security
3572 and threats that have been going on against election worker -
3573 - poll workers. And I know that there was a task force
3574 established in June of last year as a result of the rise in
3575 threats, including death threats. How does the task force
3576 plan to coordinate with local and state enforcement, and
3577 prosecutors, to pursue cases against those who seek to
3578 intimidate election workers?

3579 Attorney General Garland. So like all of our anti-

3580 violence initiatives, from the violence initiatives we were
3581 just talking about, to Project Safe Neighborhoods, to the
3582 memorandum that we've been discussing earlier today -- all of
3583 our activity in this regard involves partnership with and
3584 meetings with state and local law enforcement. And with
3585 respect to election workers, we have -- as part of our normal
3586 sets of meetings with respect to state and local law
3587 enforcement -- we are meeting with them to identify threats,
3588 to find out where federal tools would be helpful; to find out
3589 where assistance to state and locals would be effective.
3590 There is a FBI tip line for threats to election workers,
3591 which are then funneled to the appropriate FBI office in the
3592 locality where the threats are occurring.

3593 This is similar to our work with respect to threats
3594 against members of the Congress, with threats against judges,
3595 threats against prosecutors, threats against police officers
3596 -- all of these things are done with tight coordination with
3597 state and local law enforcement.

3598 (Simultaneous speaking.)

3599 Mrs. Demings. Attorney General, thank you so much. I
3600 yield back.

3601 Chairman Nadler. I understand Mr. Roy has a UC request?

3602 Mr. Roy. I do, Mr. Chairman. I ask unanimous consent
3603 to insert into the record the memorandum from the National

3604 School Boards Association to President Joe Biden,
3605 specifically noting in there that this is talking about
3606 domestic terrorism and footnote 13 directly references the
3607 incidents that occurred in Loudoun County, Virginia. I'd
3608 like unanimous consent to insert that into the record.

3609 Chairman Nadler. Without objection.

3610 Mr. Roy. And then second item to insert in the record
3611 is the memorandum issued by the -- the Attorney General
3612 regarding what the federal review of investigation is
3613 supposed to do with respect to targeting parents and school
3614 boards throughout the United States.

3615 Chairman Nadler. Without objection. Mr. Biggs?

3616 Mr. Roy. Thank you, Mr. Chairman.

3617 Mr. Biggs. Thank you, Mr. Chairman. Mr. Garland,
3618 Facebook has admitted in a letter to the Arizona Attorney
3619 General that it, quote, allows people to share information
3620 about how to enter a country illegally, or request
3621 information about how to be smuggled -- close quote. 8 USC
3622 1324 criminalizes aiding and abetting entry into the U.S. by
3623 illegal aliens. Have you sent a letter or issued a
3624 memorandum similar to the 10/4/21 memorandum, directing
3625 department resources to be dedicated to investigating the
3626 apparent violation of law similar to the one -- have you done
3627 that?

3628 Attorney General Garland. I haven't seen the letter or
3629 information that you're talking about. But if it was sent to
3630 the Department, I will make sure that we look at it.

3631 Mr. Biggs. It has been reported that Mark Zuckerberg
3632 also spent over \$400 million in a, quote, carefully
3633 orchestrated attempt, closed quote, to influence the 2020
3634 election. Those efforts have been referred to as a, quote,
3635 private takeover of government election operations, closed
3636 quote. Have you sent a letter or issued a memorandum
3637 directing departmental resources be dedicated to investigate
3638 these claims?

3639 Attorney General Garland. I don't know what was done in
3640 2020 in previous -- administration of the Justice Department.
3641 I don't know --

3642 (Simultaneous speaking.)

3643 Mr. Biggs. We're talking about the election of 2020.
3644 All of this has come out since then, and you've not --

3645 (Simultaneous speaking.)

3646 Attorney General Garland. I don't -- I don't know --

3647 Mr. Biggs. You're totally unaware of that?

3648 Attorney General Garland. I'm not aware of what you're
3649 talking about, I'm sorry.

3650 Mr. Biggs. So you have not sent a memo? Or you're not
3651 investigating that either. Last Sunday, more than 300

3652 churches in Virginia aired a video featuring Vice President
3653 Harris advocating the election of Terry McAuliffe as Governor
3654 of Virginia. This appears to violate Section 501(c)(3) the
3655 IRS code, as well as other election laws -- and seems to be
3656 an orchestrated effort by the V.P. and McAuliffe to violate
3657 the law. Have you sent a letter or issued a memorandum
3658 directing departmental resources be dedicated to
3659 investigating this apparent violation of law, similar to the
3660 letter you issued -- or excuse me, the memorandum you issued
3661 on October 4 targeting parents to who exercised their First
3662 Amendment rights at local school boards?

3663 Attorney General Garland. No.

3664 Mr. Biggs. On May 24, 2021 under oath before
3665 Congressional Committee, Dr. Anthony Fauci denied the
3666 National Institute of health provided any funding for gain of
3667 function research saying, quote, that categorically was not
3668 done, closed quote. Today, this very day, the NIH issued a
3669 statement contradicting that testimony which suggested Dr.
3670 Fauci may have committed perjury. This is a criminal offense
3671 and I am left to wonder if you intend to look into that and
3672 send a communication such as a letter or a memo -- similar to
3673 the October 4 memo that you issued regarding parents going to
3674 school board meetings -- to investigate Dr. Fauci's potential
3675 perjury?

3676 Attorney General Garland. Again, I'll refer to the
3677 long-standing departmental norm that we don't comment about
3678 investigations pending or un-pending. The -- the general
3679 point that you're making normally comes with -- would come
3680 with a referral from the relevant committee. But other than
3681 that --

3682 Mr. Biggs. So the point I'm -- the actual point I'm
3683 making is, you chose as a response to a letter from the
3684 National School Board Association -- and as you said earlier
3685 today, newspaper accounts -- to issue a memorandum to
3686 organize task force and investigate and put a chill on
3687 parents participation before school boards. Now you say, I
3688 didn't mean to provide a chill. But that's exactly what any
3689 sentient being would have assumed would happen when you asked
3690 the federal government to begin looking into this. Of course
3691 parents are going to be nervous now. Of course people will
3692 step back. That's the purpose of my questioning.

3693 So when we get to these things like Zuckerberg,
3694 Facebook, Kamala Harris, we get to -- and Dr. Fauci's
3695 purported perjury -- there's no indication -- you didn't hold
3696 back. You issued a press release. Do you see the
3697 distinction? How about this one? Since January 20 of 2021,
3698 Border Patrol has encountered more than 1.3 million aliens at
3699 the southern border trying to illegally enter the country.

3700 You yourself -- you have acknowledged today that that remains
3701 a crime. Have you sent a letter or issued a memorandum to
3702 U.S. attorneys directing prosecution of these cases?

3703 Attorney General Garland. No, and the reference of
3704 cases comes from the Department of Homeland Security, as I
3705 mentioned before.

3706 Mr. Biggs. Look, you managed to issue a memorandum
3707 about parents showing up at school boards. Why can't you
3708 issue a memorandum regarding the million-plus people who
3709 illegally enter the country and encouraging your U.S.
3710 attorneys to prosecute those cases? They are there
3711 constantly.

3712 Chairman Nadler. The time of the Member -- the time of
3713 the gentleman has expired. Mr. Correa?

3714 (Simultaneous speaking.)

3715 Mr. Correa. Thank you very much, Mr. Chairman. Mr.
3716 Attorney General, welcome and thank you for your good work.
3717 I wanted to turn back to the issue of safety of elected
3718 officials -- federal and local. You mention a couple of
3719 words a few minutes ago -- true threats and serious bodily
3720 injury. And I would say that's within the context of -- as
3721 what's said already -- which is the First Amendment. And
3722 that all of us are public officials. We chose to run for
3723 office -- to be in elected office. Yet recently -- not

3724 recently, but throughout the years, we have been confronted
3725 with people in our faces, serious bodily harm, us being
3726 threatened. A dozen years ago, that happened to me in
3727 California. Called my local attorney general -- State
3728 Attorney General Bill Lockyer then. Bill told me, he said,
3729 Lou, never swing first. You will be criminally liable. I'll
3730 put you in jail myself and you'll have tort issues as well.

3731 On January 7, the day after the insurrection, I was at
3732 Dulles Airport surrounded by -- it was probably about 20
3733 people in my face. I remembered Bill Lockyer's words -- I
3734 didn't want to swing first. I had people in my face,
3735 surrounding me. My only thought was, you better make sure
3736 this guy, if he does swing, doesn't connect, otherwise I'm
3737 going down. So sir, what are we left with today? The nice
3738 Corporal that responded to that incident accused me of
3739 starting the fight. Number two, I asked for an
3740 investigation, the nice people at the airport said, no laws
3741 were broken. Yet, we talk about true threats, serious bodily
3742 injury. At what point do we essentially -- at what point
3743 would you draw the line in terms of us protecting ourselves?
3744 And the sad thing about January 7 for me is, that's nothing
3745 new. That happens in my district for the last few years
3746 over, and over again. Police officers show up, First
3747 Amendment. And we're left to essentially handle the

3748 situation -- many times on our own.

3749 So Mr. Attorney General, I'm trying to figure out some
3750 clear lines here. How do we as elected officials protect
3751 ourselves? Are we left to concealed weapons? What is it
3752 exactly that we need to do? You know, I'll take the heat.
3753 I'm an elected official. But where does that First Amendment
3754 stop and that serious bodily injury concept come into play?
3755 Thank you.

3756 Attorney General Garland. Well, the courts have been
3757 quite clear that threats that intend to commit an unlawful
3758 act of death or of threat of serious bodily injury are not
3759 protected by the First Amendment. Anger, getting up in your
3760 face, those things are protected unless there are some local
3761 provisions one way or the other.

3762 Mr. Correa. They are protected?

3763 Attorney General Garland. Yes, sir -- people can argue
3764 with you. People can say vile things to you. People can
3765 insult you. I'm sorry to say this, doesn't mean I like that
3766 idea. Doesn't mean that that's where we should be in a civil
3767 society. But the First Amendment protects vigorous argument.

3768 I -- with respect to self-protection, I am going to have
3769 to leave that to the Capitol Police and other protective
3770 organizations to give those kind of -- that kind of advice to
3771 you. If you think you have a threat -- if you've received a

3772 threat of violence, or -- threat of serious bodily injury,
3773 you should report it. Many other members of Congress have
3774 done that. We just arrested somebody in Alaska for
3775 threatening the two Alaskan Senators. This happens --

3776 (Simultaneous speaking.)

3777 Mr. Correa. Mr. Attorney General, I only have 54
3778 seconds left and I guess what I'm looking for is some kind of
3779 a message from your office at the federal level that there
3780 are certain things that are tolerated under the First
3781 Amendment and some that are not. And those that, you know,
3782 cross that line will be prosecuted. And it also spills over
3783 to protection of poll workers at elections. I'm out of
3784 Orange Country, California. We've had private poll workers
3785 threatening voters. We've had letter focused threatening
3786 certain voters, keeping them from the polls. And yes, you
3787 can come back in retrospect and prosecute, but you've already
3788 affected the outcome of an election.

3789 So I am hoping somehow to figure out a way to really
3790 send a clear message to these individuals that, you know,
3791 violations of our democracy -- messing with our elections --
3792 is not going to be tolerated so they know that going into the
3793 -- into their actions. Thank you. With that, I yield.

3794 (Simultaneous speaking.)

3795 Chairman Nadler. The gentleman yields back. Mr. Gaetz?

3796 Mr. Gaetz. Thank you, Mr. Chairman. I'm very concerned
3797 about the influence of lobbyists in Washington, D.C. There's
3798 no prohibition against the Department of Justice hiring
3799 lobbyists to be prosecutors, is there?

3800 Attorney General Garland. You mean former lobbyists --
3801 I hope you mean?

3802 Mr. Gaetz. Yes, that's correct.

3803 Attorney General Garland. No, there's no prohibition.

3804 Mr. Gaetz. And can you describe for us the specific
3805 vetting that the Department does when professional influence
3806 peddlers are hired and given prosecuting authorities?

3807 Attorney General Garland. Well a hiring of assistant
3808 U.S. attorneys is a -- this is a career hire made in the
3809 different U.S. Attorneys offices. There is a --

3810 (Simultaneous speaking.)

3811 Mr. Gaetz. I mean for the Washington. I mean, in
3812 Washington at DOJ, are there any special procedures that vet
3813 lobbying contracts or maybe who a lobbyist worked for before
3814 they're giving -- given prosecutorial authority?

3815 Attorney General Garland. So again, I'm -- I'm not sure
3816 what kind of person you're speaking with. If you're talking
3817 about front-line prosecutors, there is a background check.
3818 Everybody, I'm sure, here is familiar with the SF-86. It has
3819 to be filled out. It includes all the people that you worked

3820 for. The same is true is in main Justice.

3821 Mr. Gaetz. But there's no special review for lobbyists
3822 as opposed to people who have been engineers? Or had any
3823 other career?

3824 Attorney General Garland. I don't know. But I don't
3825 believe there's a difference. But obviously, lobbying may
3826 raise conflicts --

3827 (Simultaneous speaking.)

3828 Mr. Gaetz. Let's talk about political consultants.
3829 Political consultants are people who get paid to ensure that
3830 a candidate wins or loses an election, that a political
3831 movement is successful or unsuccessful. Is there any
3832 prohibition against hiring political consultants as
3833 prosecutors at the Department?

3834 Attorney General Garland. Again, I don't think that
3835 we're allowed to even look at people's politics. The
3836 question --

3837 Mr. Gaetz. No, no, no, no, no -- it's not their
3838 politics. It's the profession of being a political
3839 consultant. There's no special vetting for that, is there?

3840 Attorney General Garland. I don't think that there's a
3841 specific prohibition. There is a requirement that once
3842 somebody becomes a prosecutor -- just like when somebody
3843 becomes a judge -- that they get rid of whatever

3844 preconceptions they had before and that they go forward under
3845 their new responsibilities and are subject to the ethics
3846 rules of their new --

3847 (Simultaneous speaking.)

3848 Mr. Gaetz. We would hope that would be the case, Mr.
3849 Attorney General. But I tend to think that if people are in
3850 the influence-peddling game, or they're prosecutors, it can
3851 be kind of dangerous to mix those -- to be an influence
3852 peddler for hire one day, to be a prosecutor the next. Maybe
3853 to rotate back and forth among those careers. And it sounds
3854 like there's no special vetting for lobbyists or political
3855 consultants. Let me ask the question about partisan
3856 committee staff. We have partisan committee staff that you
3857 see here. Their job is to ensure that one party or another
3858 preserves or, you know, captures the majority that
3859 legislative proposals are successful or not successful. No
3860 prohibition against the Department hiring partisan committee
3861 staff as prosecutors, is there?

3862 Attorney General Garland. As I understand it, every
3863 administration including the one preceding this one has hired
3864 people who have been committee staff. I don't think there's
3865 a statutory limitation. If the House of Representatives and
3866 the Senate think that partisan or -- I'm not --

3867 (Simultaneous speaking.)

3868 Mr. Gaetz. That's how Preet Bharara got his job. He
3869 worked for Schumer and then he ended up in the Southern
3870 District. So we have people who can be lobbyists and then
3871 prosecutors. We have people who can be political consultants
3872 and then prosecutors. We have people who can be partisan
3873 committee staff and then prosecutors. The public integrity
3874 section has jurisdiction over election integrity, correct?

3875 Attorney General Garland. It has jurisdiction over
3876 election crimes, yes.

3877 Mr. Gaetz. So is there any prohibition against people
3878 who have been lobbyists, partisan committee staff, or
3879 political consultants actually going in and serving in the
3880 public integrity section? Or is that allowed?

3881 Attorney General Garland. I will just say again -- the
3882 hiring in the public integrity sector is a career hire made
3883 under the civil service. It's not made --

3884 Mr. Gaetz. I know. I'm worried about their prior
3885 career, though. See, what I think is that if someone has
3886 been a -- a political operative, to then put them in charge
3887 of election crimes, it's kind of like having the fox guard
3888 the henhouse, don't you think?

3889 Attorney General Garland. Well if you think that, that
3890 would be a perfect example of something the House should pass
3891 a statute barring people from particular professions from

3892 working in the Justice Department.

3893 Mr. Gaetz. And would you support that legislation?

3894 Attorney General Garland. I'd have to look at what it
3895 is and I'd have to look at whether it itself violates the
3896 First Amendment, but I don't think there --

3897 (Simultaneous speaking.)

3898 Mr. Gaetz. Well I appreciate --

3899 Attorney General Garland. -- there have ever been any
3900 restrictions like that before.

3901 Mr. Gaetz. Well I appreciate your open-mindedness and I
3902 hope that persists during your time at the Department. Would
3903 you provide the Committee a list of lobbyists -- former
3904 lobbyists or just former political consultants who work in
3905 the public integrity section so that we might inform on the
3906 legislation that you've suggested we might consider?

3907 Attorney General Garland. Well I don't intend to create
3908 a list of career officials and what their previous jobs were.
3909 I think that's highly --

3910 Mr. Gaetz. So if there are people -- who literally were
3911 political operatives, who have prosecuting authority in the
3912 area that oversees elections, you won't give us the list?
3913 That is --

3914 (Simultaneous speaking.)

3915 Attorney General Garland. I don't have any idea whether

3916 there is any such --

3917 Chairman Nadler. Time of the gentleman has expired.

3918 Ms. Scanlon.

3919 Ms. Scanlon. Thank you, Mr. Chairman. And thank you,
3920 Attorney General Garland, for appearing here today in a
3921 timely manner and responding to our questions, as well as for
3922 your efforts to be responsive to the issues facing America
3923 today. Thank you.

3924 I want to address two primary areas in my limited time,
3925 attacks on elected officials and attacks on elections. As
3926 several of my colleagues have pointed out, the far right's
3927 lies about election integrity have led to intimidation and
3928 threats of violence and death being made against elected
3929 officials and their families.

3930 In Pennsylvania, we saw armed extremists come across
3931 state lines to try to disrupt the counting of votes in
3932 Philadelphia. And an election commissioner had to put his
3933 children in hiding after death threats were made against him
3934 and his family.

3935 With the reopening of schools this fall, we've now
3936 similar criminal conduct being directed at teachers and
3937 school board members with the encouragement of far right
3938 extremists, including some elected officials.

3939 I take this personally because I was a school board for

3940 ten years, almost a decade, until 2015. And during that
3941 time, I had thousands of hours of conversations with involved
3942 parents and constituents in grocery stores, on baseball
3943 fields, and in courtrooms and school board meetings.

3944 Sometimes the discussions were passionate, but everyone
3945 always respected the boundaries of protected speech. And
3946 those exchanges of opinions and information were always
3947 conducted with the goal of exchanging information, reaching
3948 solutions for the community.

3949 We never, ever experienced any threats to the personal
3950 safety of board members, educators, or their families, and
3951 that has changed. The personal and physical attacks that
3952 have been directed against school leaders in recent months
3953 have crossed well over the line of protected free speech or
3954 parental involvement and have become criminal conduct, and
3955 that's what we're talking about here.

3956 As you noted, parents have a right be heard and to
3957 complain and to argue. But parents and outside agitators do
3958 not have the right to criminally harass or threaten or
3959 assault school leaders and their families. We've heard some
3960 of the incidents that have occurred elsewhere around the
3961 country.

3962 In my district, police had to be called to several
3963 meetings after agitators disrupted the meetings. And

3964 elsewhere in Pennsylvania, a candidate for office urged
3965 community members at a public rally to, and I quote, Forget
3966 going into school boards with freaking data. You go into
3967 those school boards to remove them. I'm going in with 20
3968 strong men, and I'm going to give them an option. They can
3969 leave, or they can be removed.

3970 I mean, that's not ordinary speech. I mean, it's the
3971 type of conduct that has led school boards and school
3972 officials to request help from law enforcement.

3973 It's shocking, but perhaps not surprising that some of
3974 our colleagues have tried to frame these criminal acts as
3975 free speech by involved parents. It appears to be part of a
3976 pattern by far right politicians of fanning the flames of
3977 chaos and turning a blind eye to domestic extremism and
3978 violence.

3979 The conduct that terrorizes educators now across the
3980 country is no more like that of ordinary parents showing up
3981 at school board meetings than the conduct of the violent mob
3982 that showed up at the Capitol on January 6 was that of
3983 ordinary tourists. I think there's a profound distinction
3984 here, and one that warrants the attention of law enforcement.

3985 Would you agree that allowing threats of violence and
3986 intimidation against elected officials to go unreported or
3987 unpunished could not only lead to greater violence against

3988 elected officials, but also contribute to an atmosphere
3989 that's harmful to free speech and the free exchange of ideas?

3990 Attorney General Garland. Yes, I do agree.

3991 Ms. Scanlon. Moving on to election, attacks on
3992 elections, from almost two years, the former President and
3993 his supporters have attacked and spread lies about election
3994 security in the Commonwealth of Pennsylvania. Almost a year
3995 after President Biden's victory, attacks on Pennsylvania
3996 elections occur today.

3997 Last month, Republican members of the PA legislature
3998 launched another attack on Pennsylvania voters. They sent a
3999 subpoena to the Pennsylvania Department of State demanding
4000 that the state turn over the 2020 voting records of every
4001 voter in the state, along with their driver's licenses and
4002 their Social Security numbers so that information could be
4003 turned over to an unidentified private contractor.

4004 Pennsylvania voters of every party and independents were
4005 outraged about this invasion of privacy and the possibility
4006 that sensitive personal information was being put at risk.

4007 Can you address how this kind of sweeping intrusion into
4008 election and personal data under the guise of an election
4009 audit might violate federal election laws?

4010 Attorney General Garland. Yes, I can't -- let me just
4011 say on the previous point that you made, I gave you a quick

4012 answer. A full answer is we have an election threats task
4013 force, and we've had that for quite some time.

4014 I've met with the National Association of Election
4015 Administrators and the National Association of Secretaries of
4016 State for every state. And that's what prompted us to
4017 establish this task force.

4018 Now, on the second question, I can't -- I don't want
4019 to discuss any particular circumstances, certainly not that
4020 one. But there are provisions of the Voting Rights Act that
4021 require state election officials to keep control, custody of
4022 voting records and voting equipment and materials relating to
4023 the last election, I think for 18 months.

4024 And similarly, there are provisions of the same statute
4025 which prohibit intimidation of, or acts leading to the
4026 intimidating of, voters, both of which are sort of a core of
4027 the federal government's concern with respect to post-
4028 election audits.

4029 Ms. Dean. I think the gentlelady's time has expired.

4030 Ms. Scanlon. I yield back.

4031 Ms. Dean. The gentlelady yields back. The Chair now
4032 recognizes Mr. Steube from Florida for five minutes.

4033 Mr. Steube. Thank you, Madam Chairman.

4034 Attorney General Garland, in your Senate confirmation
4035 hearing you referred to the January 6 protests as the, and I

4036 quote, Most dangerous threat to democracy in your law
4037 enforcement and judicial career. In that same hearing, you
4038 even compared January 6 to the Oklahoma City bombing case you
4039 worked on where 168 people were killed.

4040 In June 15, a speech announcing a new enhanced domestic
4041 terrorism policy, you cited January 6 as a motivation for
4042 that new policy. You went on to describe January 6, and I
4043 quote, As an assault on a mainstay of our democratic system.
4044 You have said that prosecuting extremist attacks on our
4045 democratic institution remain central to the mission of the
4046 Department of Justice.

4047 So suffice it to say, it's clear that you feel very
4048 strongly about using the full force of your position to
4049 prosecute those involved in the January 6 protest. What is
4050 not clear, however, is if you will use the same force against
4051 violent left-wing domestic terrorists.

4052 Just last week, on October 14, a group of extremist
4053 environmental and indigenous protesters forced their way into
4054 the Department of Interior. They fought with and injured
4055 security and police officers, sending some of those officers
4056 to the hospital.

4057 The extremists violently pushed their way into a
4058 restricted government building in an attempt to thwart the
4059 work of the Department of Interior. Police arrested at least

4060 55 protesters on site, but others got away.

4061 Mr. Garland, do you believe that these environmental
4062 extremists who forced their way into the Department of
4063 Interior are also domestic terrorists?

4064 Attorney General Garland. So with -- I'm not going to
4065 be able to reference that specific incident, since this is
4066 the first I know about it. But I will say that the
4067 Department does not care --

4068 Mr. Steube. This is the first that you know about an
4069 incident where protesters forced themselves into a federal
4070 government building right here in DC, like you didn't hear
4071 about this at all.

4072 Attorney General Garland. This particular example, it
4073 doesn't mean the Justice Department doesn't know about it,
4074 but I personally haven't heard about it before what you're
4075 saying right now. But I want to be clear, we don't care
4076 whether the violence comes from the left or from the right,
4077 or from the middle or from up or from down.

4078 We will prosecute violations of the law according to the
4079 statutes and facts that we have. This is a non-partisan
4080 determination of how to do that.

4081 Mr. Steube. All right, I'll make it a little clearer
4082 for you. And we're all, most of us are lawyers here, so we
4083 use evidence in court. So you got two pictures here. One

4084 picture is from January 6 of individuals forcing themselves
4085 into the Capitol. This other picture is extremists forcing
4086 themselves into the Interior Department.

4087 So looking at these pictures, and I know you say you're
4088 not aware of this, which blows my mind that you're not aware
4089 of violent extremists forcing their way into a department
4090 right here in Washington, DC into a federal building. But
4091 just with these evidence, with these two pictures that you
4092 see here of people forcing themselves into a federal
4093 building, would you call both of these acts domestic
4094 terrorism?

4095 Attorney General Garland. Look, I'm not going to
4096 comment about particular matters. This is a matter that --

4097 Mr. Steube. I'm not asking you to comment on a
4098 particular --

4099 Attorney General Garland. Well, you are --

4100 Mr. Steube. I'm asking you to comment on these two
4101 photos. You have two pictures of individuals forcing
4102 themselves into a government building right here in
4103 Washington, DC. In one, you very, as I laid out, very
4104 [inaudible] called them domestic terrorists, but you're
4105 refusing to call groups like this who commit the same
4106 atrocities here in Washington, DC domestic terrorists.

4107 Attorney General Garland. One I know the facts of, the

4108 other I don't know the facts of.

4109 Mr. Steube. Well, I'm showing you pictures. Here's
4110 facts, right here. If you want, we'll act like we're in a
4111 court room. Exhibit A, Exhibit B. January 6, Department of
4112 Interior.

4113 Attorney General Garland. Well, as you know --

4114 Mr. Steube. Based on these pictures of people forcing
4115 themselves into the --

4116 Attorney General Garland. One -- one picture is not
4117 going to be able -- I'm not going to be able to resolve a
4118 legal determination based on one picture. In the January 6
4119 case, we have terabytes of video which disclose exactly what
4120 happened then.

4121 Mr. Steube. Speaker Pelosi, mind you, still hasn't
4122 released to the American public to view all the video that
4123 has been captured here in Washington and in the Capitol
4124 complex.

4125 But that's the problem that everyday Americans are
4126 facing right now, is they see these type of comments that
4127 you've made about January 6, yet you're completely -- and
4128 you're not answering my question now, and you're saying,
4129 well, that's an ongoing investigation and I don't know about
4130 it.

4131 But clearly, based on the pictures, clearly what has

4132 occurred, factually what's been widely reported in all sorts
4133 of different American outlets, that these individuals forced
4134 themselves into a building here in the Department of
4135 Interior.

4136 And you're refusing, right here today before the
4137 American people to say yes, that's the same type of activity
4138 that I'm going to bring the full force of the Department of
4139 Justice to come against, regardless of the ideology, which
4140 you have said in the past.

4141 But you're refusing to do that today, and that's the
4142 problem with the challenges that your -- that this
4143 Administration your Department is facing is everyday
4144 Americans who are seeing this on TV.

4145 And now you have the opportunity to set the record
4146 straight and say both of those actions regardless of ideology
4147 are against federal law and will be prosecuted with the full
4148 faith and credit of the Department of Justice, and you're
4149 refusing to do that.

4150 And that's the challenge that everyday Americans are
4151 having right now. It's because they're seeing what you guys
4152 are doing to the people on January 6, to the point where even
4153 a judge is saying --

4154 Ms. Dean. The gentleman's time has expired.

4155 Mr. Steube. There's -- the speaker before me had 30

4156 extra seconds. I ask the same deference that you gave to the
4157 previous speaker.

4158 That you have even judges who recently even held the
4159 Department of Corrections in contempt related to the way that
4160 the January 6 suspects have been treated. And you're
4161 refusing to even comment on the very acts that have just
4162 occurred here. And that's -- that's what is horribly wrong
4163 --

4164 Ms. Dean. Time has expired.

4165 Mr. Steube. And is happening in our country that the
4166 American people --

4167 Ms. Dean. The gentleman's time has expired.

4168 Mr. Steube. Are seeing your refusal to answer those
4169 questions.

4170 Ms. Dean. Mr. Attorney General, members, votes have
4171 been called on the House floor, so the Committee will stand
4172 in recess until immediately after the conclusion of those
4173 votes.

4174 [Recess.]

4175 Mr. Neguse. Thank you, Mr. Chairman.

4176 Good afternoon, Attorney General. Thank you for being
4177 here and thank you for your leadership at the Department of
4178 Justice.

4179 I also want to thank my colleague Representative Bass.

4180 I know she engaged in a line of questioning earlier about the
4181 tragic death of Elijah McClain in my home state of Colorado.
4182 I was heartened to hear that the Department is engaged in a
4183 review of its use of force policies.

4184 We have introduced a bill to ban the use of ketamine in
4185 custodial settings. That bill has earned the support of
4186 Chairman Nadler and subcommittee Chairwoman Sheila Jackson
4187 Lee, which I am both grateful and certainly welcome the
4188 opportunity to work with your department on that particular
4189 legislation in honor of Elijah's memory.

4190 On March 22nd of this year, as you know, my community of
4191 Boulder, Colorado, experienced a horrific tragedy as a gunman
4192 killed 10 people at our local grocery store using an AR15-
4193 style pistol, which fired rifled rounds with a modified arm
4194 brace. The AR pistol brace attachment used by the gunman
4195 allowed the shooter to fire an easily-concealable pistol with
4196 rifle-like accuracy and fire power.

4197 In the immediate aftermath of this tragedy, as you know,
4198 I sent a letter to the President and to the Department of
4199 Justice, along with 100 of my colleagues, requesting the
4200 Administration use its authority to regulate concealable
4201 assault-style firearms that fire rifle rounds.

4202 And as I mentioned to you when we last met at the White
4203 House in April, I was very pleased with the Administration's

4204 announcement that DOJ would be issuing a proposed rule within
4205 60 days to tighten regulations on pistol-stabilizing braces,
4206 as I requested in my letter. And, so, I want to thank the
4207 Department, and wonder if you might be able to opine as to
4208 the status of the rule or where you are in the rulemaking
4209 process.

4210 Attorney General Garland. Well, I believe that we are
4211 still in the rulemaking process. I can't remember whether
4212 the comment period has closed or not. But that is part of
4213 the Administrative Procedure Act, as you know, we have to go
4214 through our rulemaking procedure, and that is what is going
4215 on here to prevent the pistols from being used as short-
4216 barreled rifles, which are prohibited.

4217 Mr. Neguse. Well, again, I appreciate the Department
4218 taking that proposed rule seriously. We certainly look
4219 forward to the results of that rulemaking process, as do my
4220 constituents in Boulder who are still very much grieving the
4221 loss of so many in our community.

4222 Two other subjects I wanted to address in my limited
4223 time; first around grand jury material.

4224 Now, I know Attorney General Garland, I think you would
4225 agree with me, so, current law allows for grand jury
4226 material, known as Rule 6(e) material, to be released
4227 publicly after 30 years. That is current law. Is that

4228 right?

4229 Mr. Neguse. Actually, I am embarrassed to say this, but
4230 I don't think that is correct. We have made a recommendation
4231 to the Federal Rules Committee that it be released. I think
4232 30 years is the time. But the Rules Committee has not yet
4233 decided whether that, that will be the case.

4234 But that is I think 30 years was the number that we
4235 recommended.

4236 Mr. Neguse. So, we think. That is the subject I was
4237 sort of wanting to dig in on.

4238 My understanding is that current law provides for 30
4239 years. The Trump administration, in 2020 a senior Trump
4240 administration official, or lawyer rather, at DOJ proposed
4241 the time period be extended to 50 years. My understanding is
4242 the Department of Justice has continued that request and made
4243 that request for the time period to be extended to 50 years.

4244 As you can imagine, there are a lot of concerns, many of
4245 which I hold and many of my colleagues hold around judicial
4246 secrecy, and the extension of the time period to 50 years
4247 would seem a bit much. Were that to be adopted, many of the
4248 materials released post-Watergate would still be secret
4249 today. So, I would certainly --

4250 Attorney General Garland. We have sent another letter
4251 post the letter that you are speaking about to the Rules

4252 Committee. There is no reason why we can't share it. It is
4253 not a private letter or anything. And it went back I believe
4254 in a shorter period than the Holder letter originally was.

4255 So I will ask my staff to get that for you.

4256 Mr. Neguse. Well, that is terrific to hear. So, thank
4257 you, Attorney General, thank you to the Department for making
4258 that change. And I think that that is going to allay many of
4259 the concerns that folks had, certainly mine. So, I
4260 appreciate the Department of Justice doing that.

4261 Finally, last question. National substance abuse
4262 prevention is this month. I know my colleague from Florida,
4263 Representative Deutch, asked you a couple of questions with
4264 respect to the opioid epidemic that is pervasive across our
4265 country, including in my state in Colorado where on average
4266 two Coloradans are dying a day from opioid overdoses.

4267 The Department has worked with us on a bill that we
4268 introduced, the Preventing Youth Substance Abuse Act. And I
4269 want to thank DOJ for their partnership in that regard. And
4270 just wanted to give you an opportunity before the hearing
4271 concludes here this afternoon to add anything else further
4272 you'd like to add with respect to your answer to
4273 Representative Deutch about the Department's work to address
4274 this epidemic.

4275 And I think there is bipartisan interest in the Congress

4276 in partnering with your department to ensure that those
4277 solutions are applied broadly across the country, including
4278 my state of Colorado.

4279 Attorney General Garland. Well, this is a terrible
4280 epidemic. I, you know, went to the U.S. Attorneys offices
4281 all across California, also in Tucson, to find out what is
4282 happening with respect to the importation of this fentanyl.
4283 It is, I would say, our most number one concern now because
4284 these pills are, something like four out of ten pills here,
4285 it is like playing Russian roulette, if you take one of those
4286 you die.

4287 And the kids who are taking those have no idea that that
4288 is what is happening. Sometimes they think they are
4289 something else that they are buying other than those. These
4290 are, you know, they use precursors coming from the People's
4291 Republic of China coming into Mexico. Then they are pressed
4292 into pill form in Mexico and then transmitted across the
4293 border.

4294 Our CBP is doing an extremely good job of checking the
4295 trucks and checking the cars for this material. But it is an
4296 overwhelming problem run by the cartels. And the DEA is
4297 working extremely hard on this matter.

4298 When I was in Mexico City I raised it with respect to
4299 the high level security talks that we recently had with their

4300 security minister, secretaries. I raised precisely this
4301 issue.

4302 Chairman Nadler. The gentleman's time is expired.

4303 Ms. Spartz.

4304 Mrs. Spartz. Thank you, Mr. Chairman.

4305 Mr. Attorney General, as someone who was born in the
4306 Soviet Union, I am disturbed, very disturbed by the use of
4307 the Department of Justice as a political tool in its power as
4308 a police state to suppress local public discourse. The FBI
4309 has started to resemble old KGB with secret words like
4310 surveillance, surveillance, wire tapping, and intimidation of
4311 citizens, overt related examples.

4312 It is interesting that during the Soviet era the United
4313 States criticized use of the domestic terrorism concept in
4314 the U.S.S.R. as a tool to suppress free speech and political
4315 dissent. In your recent statement opposing the Texas anti-
4316 abortion law you said, it is the foremost responsibility of
4317 the Department of Justice to defend the Constitution.

4318 Do you plan to defend the Second Amendment rights which
4319 are explicitly protected by our Constitution as vigorously as
4320 you do abortion rights? Just yes or no.

4321 Attorney General Garland. Yes.

4322 Mrs. Spartz. Do you believe recent inspector general
4323 FISA report citing widespread and material noncompliance by

4324 the FBI with proper due process for surveillance of U.S.
4325 citizens is a violation of the Fourth Amendment?

4326 Attorney General Garland. I think it is a violation of
4327 the FISA Act by itself, without even having to get to the
4328 Constitution. And we take this extraordinarily seriously.
4329 That is why we have an inspector general. That is why our
4330 National Security Division reviews what the FBI does with
4331 respect to FISA.

4332 And I know that the FBI director takes this very
4333 seriously as well. And they have made major fixes to their
4334 practices so this won't occur again. And this is constantly
4335 being audited and reviewed by our National Security Division.

4336 I take this very seriously. And I agree we have to be
4337 extremely careful about surveillance of American citizens,
4338 only as appropriate under the statute.

4339 Mrs. Spartz. Potentially, of course, the Fifth
4340 Amendment could be violated if you have --

4341 Attorney General Garland. Of course.

4342 Mrs. Spartz. -- material and widespread, as the report
4343 says, sir.

4344 In your June 15th remarks on domestic terrorism you said
4345 that nearly every day you get a briefing from the FBI
4346 director and his team. How often do you discuss FISA
4347 relations in your briefings?

4348 Attorney General Garland. Sorry, I didn't hear the
4349 last.

4350 Mrs. Spartz. How often do you discuss the FISA
4351 violations when you get your nearly daily briefings with the
4352 FBI?

4353 Attorney General Garland. Well, there is a quarterly
4354 review that the intelligence community and the National
4355 Security Division submits to the intelligence committees with
4356 respect to FISA reviews. And I always review those.

4357 I meet with the National Security Division relatively
4358 routinely to discuss how that's going. So, it is not every
4359 morning, but this review of violations of FISA and our
4360 efforts to make sure that it doesn't happen again is pretty
4361 frequent.

4362 Mrs. Spartz. It seems like we still get material and
4363 widespread. Every report we have material -- material, not
4364 non-material -- and widespread violations.

4365 But talking about another topic. I went to the border
4366 three times and recently visited the air base in Qatar, and
4367 Camp Atterbury in India, and housing of Afghanistan evacuees.
4368 And based on what I have seen, I have some questions and
4369 significant national security concerns.

4370 Former Border Patrol Chief Rodney Scott recently said
4371 that the open border poses a real terror threat. Do you

4372 agree with the Border Patrol chief or Secretary Mayorkas who
4373 recently said that the border is no less secure than before?

4374 Attorney General Garland. If you are asking about
4375 terrorism traveling across the border, I am concerned about
4376 that across all of our borders. This has been a continuing
4377 concern.

4378 Mrs. Spartz. But do you agree with, you know, Border
4379 Patrol chief that what is happening right now makes us less
4380 secure and have a real, you know, increased terror threat?

4381 Attorney General Garland. I believe that the
4382 combination of the intelligence community and the FBI are
4383 working very hard to make sure that people crossing the
4384 border do not constitute a terrorist threat. But we have to
4385 always be worried about the possibility, and we are ever
4386 vigilant on that subject.

4387 Mrs. Spartz. Can you assure the American people that
4388 you will be able to protect our country from a terrorist
4389 attack that may result from this lawlessness at the border or
4390 the Afghanistan debacle?

4391 Attorney General Garland. I can assure the American
4392 people that the FBI is working every day to the best they
4393 possibly can to protect the American people from terrorism
4394 from whatever direction it comes, whether it comes from
4395 Afghanistan or any other direction.

4396 Mrs. Spartz. Do you have any specific actions or plans
4397 that you are doing in light of what is happening right now on
4398 the border? Do you have a specific strategy that you are
4399 working directly with the critical --

4400 Attorney General Garland. The FBI --

4401 Mrs. Spartz. -- current situation.

4402 Attorney General Garland. I am sorry, I didn't mean to
4403 talk over.

4404 Mrs. Spartz. Yes. Considering current situation of the
4405 border do you take any specific actions at the border?

4406 Attorney General Garland. Well, with respect to the
4407 first part of your question about Afghanistan, the FBI is
4408 participating along with Homeland Security in vetting the
4409 refugees who have landed in various locations, Qatar, Kosovo,
4410 Ramstein Air Base, and then in bases in the United States.
4411 So, they are doing everything they can to vet for those
4412 purposes.

4413 With respect to crossing of the border, this is a
4414 combination of the intelligence community, outside of our
4415 intelligence community, getting information about who might
4416 be trying to cross the border.

4417 Mrs. Spartz. So, you can assure the American --

4418 Chairman Nadler. The gentlelady's time --

4419 Mrs. Spartz. -- people; the answer is yes?

4420 Chairman Nadler. The gentlelady's time has expired.

4421 Ms. McBath.

4422 Mrs. Spartz. Yield back.

4423 Mrs. McBath. Thank you so much, Mr. Chairman.

4424 And, Attorney General Garland, there are many others in
4425 this room outside of myself that want to thank you so much
4426 for such a long career of public service.

4427 And as you may know, I lost my son Jordan almost 9 years
4428 ago now. He was simply sitting in the car with three of his
4429 friends playing loud music when a stranger complained about
4430 the volume of the music, called them gang -- called the boys
4431 gangbangers and thugs, and he took my son's life.

4432 And I am very pleased that President has committed to
4433 preventing gun violence and that he has tasked you with the
4434 role of being supportive in gun violence prevention in
4435 America.

4436 Extremist protection orders, also known as red flag
4437 orders, allow courts to temporarily remove firearms from
4438 those who pose imminent danger to themselves or risk of
4439 harming others. In April 7th, 2021, an announcement of
4440 initial actions to curb violence, the Biden White House
4441 encouraged Congress to pass a national red flag law.

4442 How would the national red flag law work with other
4443 federal protections to prevent gun violence?

4444 Attorney General Garland. We are in favor of a national
4445 red flag law. What we are doing now is making model red flag
4446 laws for the states. These models provide that guns can be
4447 taken away for a person -- from a person in distress,
4448 normally from a mental crisis of some kind when requested by
4449 someone close to them, or if there is already a court
4450 violation of some kind. But it provides due process
4451 protections for those people to ensure there is not -- they
4452 haven't been inappropriately taken.

4453 The, you know, the risk here is that people in distress
4454 can commit violent acts when they have easy access to a
4455 firearm. The risk is that that violent act ends in a death.

4456 So, I think the red flag laws are very important in that
4457 respect.

4458 Mrs. McBath. Thank you. As do I.

4459 Attorney General Garland, we lost 49 people, including
4460 many young people, at the mass shooting at Pulse Night Club
4461 in Orlando, Florida. And the shooter was previously the
4462 subject of a 10-month FBI investigation. And during this
4463 investigation the FBI interviewed the shooters wife, who
4464 later said that he strangled her, he raped her, beat her, and
4465 even while she was pregnant he threatened to kill her.

4466 Fifty-three percent of mass shootings involve a shooter
4467 killing an intimate partner or family member, among other

4468 victims. And even among those mass shooters who do not kill
4469 an intimate partner, as in the Pulse shooting, there is often
4470 a history of domestic violence.

4471 Since the Pulse shooting has the Department updated its
4472 domestic investigations and operations guide or U.S.
4473 Attorneys' manual to ensure that it is examining whether a
4474 person has a history of domestic violence?

4475 Attorney General Garland. So, I don't know the exact
4476 answer into the past. I know that right now the deputy
4477 attorney general is doing a review with respect to the way in
4478 which the Department treats victims, including victims in the
4479 circumstance that you talked about, and creates warning
4480 systems for those sorts of things.

4481 So, I don't, I can't give you any fuller information
4482 than that. But I can ask my staff to get back to you.

4483 Mrs. McBath. Thank you very much. If you would do so,
4484 we would appreciate it.

4485 Attorney General Garland. Of course.

4486 Mrs. McBath. Also, can you assure me that you will take
4487 action to make sure that we are not missing any opportunities
4488 to save American lives?

4489 Attorney General Garland. That is our, this is our
4490 number one goal.

4491 Mrs. McBath. Thank you.

4492 And on May 7th -- I am going to switch gears a little
4493 bit -- May 7th, 2021, you signed a proposed ATF rule to
4494 ensure the proper marking, record keeping, and traceability
4495 of all firearms manufactured, imported, acquired, and
4496 disposed by federal firearms licenses -- licensees by
4497 clarifying the definition of firearm and gunsmith among all
4498 other small changes. How will this new definition help
4499 reduce the sale of ghost guns and increase background checks
4500 prior to their purchases?

4501 Attorney General Garland. Well, ghost guns, which are
4502 ready, sometimes ready-build shoot they are called, are kits
4503 that you can buy in pieces and put them together, right now
4504 there is some, some lack of clarity or dispute about whether
4505 serial numbers have to be on them, and then whether you need
4506 a license -- I am sorry, whether a check has to be made in
4507 order to determine whether the person is appropriately a
4508 purchaser.

4509 This rule will require that serial numbers be put on the
4510 pieces and that a fully licensed firearms dealer has to do
4511 the background check. This does two things: one, it will
4512 enable us to trace these guns, and; second, it will make sure
4513 that people who are prohibited because they are a felon or
4514 whatever other reason shouldn't -- won't be able to get the
4515 gun.

4516 I have been in both Chicago and New York and been quite
4517 stunned to learn the high percentage of guns at murder scenes
4518 were -- that a high percentage, much higher than I would have
4519 expected, were ghost guns. I had not realized how
4520 significant the problem is. But the police on the street are
4521 reporting that those guns are becoming more and more of a
4522 problem.

4523 So, I am hopeful that this regulation will give us some
4524 chance to beat that back.

4525 Chairman Nadler. The time of the gentlelady has
4526 expired.

4527 Ms. Fischbach.

4528 Mrs. Fischbach. Thank you, Mr. Chair.

4529 Attorney General Garland, in a press release announcing
4530 the investigation -- and I will just preface, I am from
4531 Minnesota, so you can guess where some of the questions are
4532 going -- but in a press release announcing the investigation,
4533 you said that the DOJ's investigation into the Minneapolis
4534 Police Department will examine the use of excessive force by
4535 the police, including during most protests.

4536 Will you also be investigating the origins of the deadly
4537 and destructive riots that ravaged large parts of
4538 Minneapolis?

4539 Attorney General Garland. So, I think these are two

4540 separate kinds of investigations. The one of the Police
4541 Department is one under the statute that authorizes us to do
4542 pattern or practice of unconstitutional policing. It is done
4543 by the Civil Rights Division. I was welcomed, I understand,
4544 by the chief and by the mayor. And that is a one, a separate
4545 one.

4546 The investigations of the riots, which are undertaken by
4547 the U.S. Attorney's Office, as well as by the State's
4548 Attorney -- I think it is called State's Attorney, maybe it
4549 is the county, State's Attorney of Minneapolis, I guess --
4550 and those are two separate sets of investigations.

4551 Mrs. Fischbach. So, you will not be, so your, your
4552 department DOJ will not be investigating that?

4553 Attorney General Garland. Well, the U.S. Attorney's
4554 Office, to the extent there were federal crimes, has been
4555 investigating those crimes. I don't know, I have no idea
4556 where the --

4557 Mrs. Fischbach. DOJ will not be investigating?

4558 Attorney General Garland. Department of Justice, I
4559 don't believe so, no.

4560 Mrs. Fischbach. Okay. But during the riots following
4561 the George Floyd, the death of George Floyd, dozens of people
4562 were injured, countless small businesses, churches were
4563 damaged, a police station was burnt down, a post office was

4564 burnt down, looted and damaged all over, and thousands of
4565 people had to flee Minneapolis to avoid the violence. Is the
4566 Department of Justice investigating these riots as an act of
4567 domestic terrorism at all?

4568 Attorney General Garland. So, now I think, if I am
4569 understanding correctly, we are talking about 2020.

4570 Mrs. Fischbach. After the death of George Floyd.

4571 Attorney General Garland. Yes. And that investigation
4572 I think, you know, that was ordered by the previous attorney
4573 general. And I don't know whether there, whether that is
4574 concluding. I believe -- I don't know whether there are any
4575 ongoing investigations anymore from that, from that
4576 investigation except for the charges that were made at the
4577 time. And those cases are being followed, obviously.

4578 Mrs. Fischbach. Well, and, Attorney General Garland,
4579 maybe you could get back me in particular or the committee on
4580 the status of those and what is happening with that.

4581 Attorney General Garland. Be happy to have my staff get
4582 back to you with it.

4583 Mrs. Fischbach. Appreciate that.

4584 And I wanted to focus a little bit on the Third Police
4585 Precinct that was burnt down and still has not been rebuilt.
4586 Police officers don't even know if they are going to have a
4587 job in a few weeks given the resolution that is in front of

4588 the, in front of the body they have a resolution. And you
4589 are probably not familiar with it. But they don't even know
4590 if they are going to have a job because they may be defunding
4591 the police in Minneapolis.

4592 You know, the city is down over 200 officers since pre-
4593 COVID. If you talk to police officers, they are demoralized,
4594 they are struggling. They don't feel supported at all. They
4595 are having a very hard time.

4596 And you are the one initiating investigation of the
4597 Minneapolis Police Department. Considering all the scrutiny
4598 that they are under, how do you propose Minneapolis can keep
4599 up police officer morale now that they are under
4600 investigation and criticism, all of the criticism they are
4601 taking as well?

4602 Attorney General Garland. Let me say first of all on
4603 the defund the police issue the Department does not support
4604 defunding the police, nor does the President. So, we have
4605 asked for more than a billion dollars, a major increase in
4606 funds for local police departments.

4607 Mrs. Fischbach. And, sir, I didn't imply you did. I
4608 just wanted you to know, understand the context of the
4609 question because it is in front of the Minneapolis residents
4610 right now.

4611 Attorney General Garland. I do.

4612 With respect to the pattern or practice investigation,
4613 where were a large number of serious incidents that were
4614 well-reflected in the press, and I think there was general
4615 agreement that there were problems.

4616 This does not mean that every police officer. Quite the
4617 contrary. This means that, and I believe it is, and from
4618 talking to many police officers, that they believe that it is
4619 important that there be accountability, and that officers who
4620 break the law are held accountable so that the community
4621 retains its trust in the good police officers who do not
4622 break the law. And those are, you know, the very large
4623 majority.

4624 They need that trust in order to have the cooperation of
4625 the community. And that is the only way they can be safe,
4626 and that is the only way the community can be safe.

4627 So, I think police officers should look at these
4628 investigations in a positive way. And we are trying to
4629 present them in a positive way.

4630 Mrs. Fischbach. And, Attorney General, I think that the
4631 problem is that they are being -- it is piling on. It is
4632 continuing to pile on, in particular in Minneapolis with
4633 these police officers who are there. They have, many of them
4634 have grown up there. They are doing their job.

4635 Chairman Nadler. The time of the gentlelady has

4636 expired.

4637 Mrs. Fischbach. I yield back.

4638 Chairman Nadler. Mr. Stanton.

4639 Mr. Stanton. Attorney General, I want to discuss with
4640 you missing and murdered indigenous women and girls. It is a
4641 national shame that when native women are murdered or when
4642 they disappear the cases do not receive the resources or the
4643 investigations they deserve, and their loved ones are left
4644 without answers.

4645 President Biden made significant and specific
4646 commitments to tribal communities to support MMIWG
4647 investigations. But I am not convinced that those
4648 commitments have been kept, particularly by the Department of
4649 Justice.

4650 Mr. Attorney General, I read your very brief statement
4651 on May 5th, marking Missing and Murdered Indigenous Persons
4652 Awareness Day. But I am not aware of you speaking publicly
4653 about this issue since you were confirmed to lead the
4654 Department. It does not appear that you have used your
4655 platform to help make this a top priority, nor has DOJ really
4656 moved the needle on this issue since your confirmation.

4657 As Attorney General you serve on the Operation Lady
4658 Justice Task Force. But that was a task force created under
4659 the last attorney general, not you.

4660 Do you agree that our tribal communities deserve more
4661 from the nation's top law enforcement official?

4662 Attorney General Garland. I think this is a terrible
4663 tragedy, this circumstance, almost inexplicable tragedy. If
4664 I haven't spoken on it yet, I soon will be because under the
4665 President's executive order I will be co-chairing a
4666 commission, along with the Secretary of the Interior.

4667 I have been to the U.S. Attorney's offices in Oklahoma
4668 which has significant tribal responsibilities. And we have
4669 spoken about those matters. But you shouldn't mistake lack
4670 of public statements to be a lack of concern or passion about
4671 this issue.

4672 Mr. Stanton. There are 574 federally recognized tribes
4673 in the United States. Of those, 326 have reservations, and
4674 more than 1 million Native Americans live on or near
4675 reservations. That is not counting the many who live in
4676 urban areas. Yet, there are fewer than 200 special agents
4677 and victim specialists in the FBI's Indian Country Program.

4678 Do you believe the FBI's Indian Country Program is
4679 sufficiently staffed?

4680 Attorney General Garland. Well, I think the FBI could
4681 always use additional resources. I have to look into that
4682 specific question, which I haven't evaluated whether there is
4683 sufficient staff.

4684 Mr. Stanton. In light of the facts I just laid out,
4685 will you commit today to adding staff to the Indian Country
4686 Program?

4687 Attorney General Garland. Well, I am very interested.
4688 And, you know, our normal approach on this is cooperation
4689 with tribal offices and cooperation with the sovereign tribes
4690 so that we are in sync on this rather than the Federal
4691 Government invading tribal prerogatives. But I do think that
4692 we need to look at this more closely. And this is one of the
4693 things I will be speaking with the Interior Secretary about.

4694 Mr. Stanton. As you know, there is great frustration by
4695 many of our tribal leaders that when they ask for additional
4696 federal support to investigate these cases they feel like
4697 they don't receive that support

4698 Our nation knows the tragic story of Gabby Petito
4699 because of the tremendous media coverage and law enforcement
4700 involvement her case garnered. All of us grieve for Gabby's
4701 family and friends. While at the same time, I wish that
4702 every missing person's case earned the same level of media
4703 attention.

4704 The FBI committed significant resources to that case,
4705 which I appreciate. But, Mr. Attorney General, when a native
4706 woman goes missing, or any woman of color for that matter,
4707 they don't get the same level of attention from the

4708 Department of Justice and FBI.

4709 What would you say to the families to explain why?

4710 Attorney General Garland. I don't think there is any
4711 excuse for not giving equal treatment to native and
4712 indigenous missing persons. And I don't believe there is any
4713 effort to not do that.

4714 I know that both the FBI and the Marshals Service are
4715 involved in this, along with their partners, their tribal
4716 partners. And I am not sure what else I can say about that.

4717 Mr. Stanton. Just two weeks ago the chairman of the
4718 Blackfeet Nation in Montana sent you a letter about the case
4719 of Ashley Loring Heavyrunner, a 20-year-old woman who went
4720 missing under suspicious circumstances 3 years ago. Her
4721 family and the tribal community are incredibly frustrated at
4722 the Federal Government's response to the case. And in his
4723 letter to you he asked why the Federal Government continues
4724 to make Ashley's family "suffer and feel like Ashley's life
4725 doesn't matter."

4726 That breaks my heart, sir, because I can see why so many
4727 Native American families feel like their missing or murdered
4728 loved ones do not matter to the Federal Government. We have
4729 a unique trust responsibility to our tribal nations. And
4730 rarely, if ever, has our Federal Government delivered.

4731 This is an opportunity to finally deliver. It offers

4732 you the opportunity to deliver. So, let's not fail our
4733 native communities again. What I hope and expect from
4734 President Biden and yourself, Mr. Attorney General, is more
4735 than lip service or empty statements on this issue, --
4736 Chairman Nadler. The gentleman's --
4737 Mr. Stanton. -- more than sharing task force
4738 recommendations that will be left to sit on the shelf. I
4739 look forward to your words in the near future.

4740 Thank you, Mr. Attorney General.

4741 Chairman Nadler. The gentleman yields back.

4742 Mr. Massie.

4743 Mr. Massie. Thank you, Mr. Chairman.

4744 Mr. Attorney General, you announced that the DOJ would
4745 use its authority and resources, along with the FBI, to
4746 police speech at school board meetings. In your opinion,
4747 what limitations does the Tenth Amendment bring to your
4748 effort to police those school board meetings and speech
4749 therein?

4750 Attorney General Garland. Let me be clear, we have no
4751 intention of policing school board meetings, nor does any
4752 memorandum from me suggest that we would do that.

4753 The memorandum that you are referring to is about
4754 threats of violence and violence, and that is all it is
4755 about. We greatly respect the First Amendment right of

4756 parents to appear before school boards and challenge and
4757 argue against positions that the school boards are doing.
4758 This memorandum has absolutely nothing to do with that.

4759 Mr. Massie. So, you believe the sheriffs and the local
4760 police should police these school board meetings and
4761 investigate the threats of violence?

4762 Attorney General Garland. Yes, sir. Obviously, the
4763 first step is for state and local authorities to do that.
4764 This memorandum is about cooperating with state and local
4765 authorities.

4766 Now, there are some federal statutes that cover threats,
4767 and intimidation, and harassment. And we have the obligation
4768 to enforce those. But those do not, those do not apply at
4769 school board meetings.

4770 Mr. Massie. Thank you. I was hoping that you would
4771 articulate the Tenth Amendment or some argument that comes
4772 from that because I am concerned that the announcement was an
4773 effort to, to basically, you know, freeze the speech or to
4774 suppress the speech of school board members.

4775 But I need to move on. And I want to ask you about
4776 something.

4777 There is a concern that there were agents of the
4778 government, or assets of the government present on January
4779 5th and January 6th during the protests. And I have got some

4780 pictures that I want to show you, if the staff could bring
4781 those to you.

4782 [Video plays.]

4783 Attorney General Garland. I'm afraid I can't see that
4784 at all.

4785 [Video plays.]

4786 Chairman Nadler. Is that an approved video?

4787 Mr. Massie. All right. You have, you have those images
4788 there, and they are captioned. They were from January 5th
4789 and January 6th.

4790 As far as we can determine, the individual who was
4791 saying he will probably go to jail, he will probably be
4792 arrested, but he wants every -- that they need to go into the
4793 Capitol the next day.

4794 We see him the next day directing people to the Capitol.

4795 And as far as we can find, this individual has not been
4796 charged with anything. You said this is one of the most
4797 sweeping investigations in history.

4798 Have you seen that video or those frames from that
4799 video?

4800 Attorney General Garland. So, as I said at the outset,
4801 one of the norms of the Justice Department is to not comment
4802 on impending investigations, and particularly not to comment
4803 about the particular scenes or particular individuals.

4804 This --

4805 Mr. Massie. I was hoping today to give you an
4806 opportunity to put to rest the concerns that people have that
4807 there were federal agents or assets of the Federal Government
4808 present on January 5th and January 6th.

4809 Can you tell us without talking about particular
4810 incidents or particular videos, how many agents or assets of
4811 the Federal Government were present on January 6th, whether
4812 they agitated to go into the Capitol, and if any of them did?

4813 Attorney General Garland. So, I am not going to violate
4814 this norm of the rule of law. I am not going to comment on
4815 an investigation that is ongoing.

4816 Mr. Massie. Let me ask you about the vaccine mandate at
4817 the DOJ. Is it true that people, employees of the DOJ can
4818 apply for religious exemptions?

4819 Attorney General Garland. The mandate, as I understand
4820 it, is a mandate which allows exceptions provided by law.

4821 Mr. Massie. So, --

4822 Attorney General Garland. Religious Freedom Restoration
4823 Act is a provision of law.

4824 Mr. Massie. So, the religious exemption has a basis in
4825 the Constitution. So, that is required to be constitutional.

4826 Can you tell me if anybody has been granted a religious
4827 exemption?

4828 Attorney General Garland. I don't know.

4829 Mr. Massie. So, I believe that it is fraud, in fact
4830 fraud to tell people that you are going to preserve their
4831 constitutional religious accommodations by telling them they
4832 can apply for an exemption and then not allowing any of those
4833 exemptions. And I am sad to see that you can't tell us that
4834 anybody has been granted an exemption.

4835 Chairman Nadler. The gentleman's time has expired.

4836 Ms. Dean.

4837 Ms. Dean. Thank you, Mr. Chairman.

4838 Welcome, Attorney General Garland. Thank you for your
4839 service to our country. I would like to get to three
4840 important areas.

4841 Number one, let me follow up on some of the questions we
4842 have had around guns, in particular ghost guns. They are
4843 often obtained without a background check. And most ghost
4844 guns are untraceable. These weapons are incredibly
4845 attractive to criminals, increasingly common, and should
4846 concern us all.

4847 This March, Pennsylvania investigators uncovered a
4848 trafficking ring suspected of frequenting gun shows to sell
4849 ghost guns, spreading them in my district and across our
4850 commonwealth. Access to ghost guns impacts regular Americans
4851 like Heather Sue Campbell and Matthew Bowersox of Snyder

4852 County, Pennsylvania, who were shot and killed last year by
4853 Heather's ex-husband, the subject of a protection order. He
4854 took her life with a ghost gun, a homemade P80 polymer nine-
4855 millimeter pistol.

4856 Could you continue to talk about how the proliferation
4857 of ghost guns hinders the ability of law enforcement? And
4858 what is DOJ's strategy to protect us from ghost guns? This
4859 is in follow-up to my colleague, Representative McBath.

4860 Attorney General Garland. Yes.

4861 So, we are finding more and more ghost guns at violent
4862 crime scenes. I don't remember the statistics exactly, but I
4863 believe in both New York and in Chicago I was told that at
4864 least 20 percent of the crime scenes, particularly the
4865 violent crime and murder scenes, were finding that they were
4866 done by ghost guns.

4867 Ghost guns have two problems, one of which is they are
4868 untraceable because they don't have serial numbers, and;
4869 second, they are not subject, or at least can say there has
4870 been some dispute about whether they are subject to requiring
4871 background checks.

4872 That is the reason that we initiated a rulemaking to
4873 require that the parts of the gun, which are sold as kits in
4874 parts, are stamped with serial numbers by the manufacturer;
4875 and that when they are sold they must have serial numbers on

4876 them as a kit, and they must run the background checks that
4877 you are talking about.

4878 Ms. Dean. I thank you for that rulemaking. And I hope
4879 that we here in the legislature will do more to protect us
4880 and our safety from this proliferation.

4881 On the issue of opioids, as you pointed out, last year
4882 was particularly deadly. The total number of people who died
4883 of overdose was 93,331 people. And you know that our state,
4884 Pennsylvania, is particularly upset with DOJ's sweetheart
4885 deal that was made last year with the Sacklers.

4886 What can I say, what can you say to victims of
4887 addiction, to the families who have lost people by the
4888 flooding of the market by the Sackler family, and letting
4889 them really, literally the rich and powerful, get away with
4890 it?

4891 Attorney General Garland. I don't think I am able to
4892 talk about that. Basically, it is in litigation.

4893 The only thing I would point out is the Justice
4894 Department opposed the release of liability, personal
4895 liability of the family in that matter on behalf, being
4896 brought by our bankruptcy trustee, and is on appeal right
4897 now, I believe.

4898 Ms. Dean. Well, I thank you for that. And I hope that
4899 justice will be done for these families.

4900 And, finally, on a third matter, asylum. Asylum is a
4901 human right. I am horrified by the inhumanity we have seen
4902 and the ongoing use of a Trump era Title 42 authority to
4903 expel migrants, all of which is done with no due process.
4904 Unstable governments, political prosecutions, violence, we
4905 know what people have suffered and what they are fleeing.

4906 You are now at the helm of DOJ. Will you continue the
4907 use of Title 42 authority even after CDC has repeatedly
4908 stated there was no evidence that the use of Title 42 would
4909 slow the spread of COVID?

4910 Attorney General Garland. Well, the use of the
4911 authority comes from the CDC itself. They are the ones who
4912 issue the orders with respect to Title 42. And this is a
4913 challenge also in the courts.

4914 We believe that the CDC has a basis because of a concern
4915 about spread of COVID, which is what the grounds are. How
4916 long that will last is a determination CDC will make with
4917 respect to the pandemic and what the threats are with respect
4918 to the pandemic.

4919 This doesn't have anything to do with, you know, my view
4920 or the Government's view about the importance of asylum. It
4921 goes only to the CDC's authority under Title 42 to issue this
4922 kind of order.

4923 Ms. Dean. It is my understanding, and maybe we could

4924 all look at it more closely, but CDC says there is no
4925 evidence that the use of Title 42 will slow the spread of and
4926 the worry about the spread of COVID from those seeking
4927 asylum. I hope we can look into that and stop the use of
4928 Title 42.

4929 Thank you. I yield back.

4930 Chairman Nadler. The gentlelady's time has expired.

4931 Ms. Escobar.

4932 Ms. Escobar. Thank you, Mr. Chairman.

4933 Just a quick note. Earlier a colleague asked that Mr.
4934 Raskin take down his words when referring to another
4935 colleague as being a member of a cult. I think if folks
4936 would just admit that President Biden won the 2020 election
4937 and would stop pushing the Big Lie they wouldn't have to
4938 worry about being accused of being in a cult.

4939 Attorney General Garland, I represent Congressional
4940 District 16 in El Paso, Texas. And we are coming into this
4941 hearing fresh off the heels of a gravely unjust redistricting
4942 session in the Texas State Legislature where Republicans
4943 engaged in deliberate, shameless, extreme partisan
4944 gerrymandering.

4945 Texas gained two new House seats fueled by the growth in
4946 our Latino population. But instead of drawing maps
4947 reflecting that growth, Republicans chose not to add Latino

4948 majority districts. And according to a lawsuit filed by the
4949 Mexican-American Legal Defense Fund, drew maps that diluted
4950 the voting rights of Latinos.

4951 This process was opaque and non-transparent, perhaps
4952 because Texas Republicans hired a political operative known
4953 to have Republican members of Congress sign non-disclosure
4954 agreements.

4955 I ask unanimous consent to enter into the record an
4956 article from the Texas Tribune entitled, "Texas Appears to Be
4957 Paying a Secretive Republican Political Operative \$120,000
4958 Annually to Work Behind the Scenes on Redistricting."

4959 Chairman Nadler. Without objection.

4960 [The information follows:]

4961

4962 *****COMMITTEE INSERT*****

4963 Ms. Escobar. Thank you, so much.

4964 My own district was impacted in a process I have
4965 described as being akin to looting. And, unfortunately,
4966 Texas isn't the only state where this is happening.

4967 Mr. Garland, what steps is the Justice Department taking
4968 to ensure that redistricting plans do not violate the Voting
4969 Rights Act and discriminate against racial, ethnic, and
4970 language minority voters?

4971 Attorney General Garland. So, we announced before any
4972 of the redistricting plans began, because we knew the
4973 decennial census would be leading to redistricting plans,
4974 that the Voting Section of the Civil Rights Division will be
4975 reviewing all of these plans. That is why we doubled the
4976 size of the Voting Section, because the burden of this work
4977 is large, and there is a lot of it because of the census.

4978 So, the Justice Department Civil Rights Division will be
4979 examining these plans and will act accordingly as the facts
4980 and the law provide.

4981 Ms. Escobar. Thank you, Mr. Garland.

4982 In addition to the extreme partisan gerrymandering that
4983 is going on, states like mine have passed voter suppression
4984 legislation, all of it rooted in Donald Trump's Big Lie about
4985 the 2020 election. In light of these numerous state laws
4986 that passed that restrict access to the ballot box, how at

4987 risk are minority voters from being disenfranchised in
4988 elections over the coming years? And what will the
4989 Department do to confront those risks?

4990 Attorney General Garland. So, Justice Department has
4991 authority under the Voting Rights Act to prevent changes in
4992 practices and procedures with respect to voting that are
4993 discriminatory in the ways that you described.

4994 The Supreme Court in the Shelby County case eliminated
4995 one tool we had, which was the Section 5 preclearance
4996 provision. So, what we have now is Section 2, which allows
4997 us to make these determinations on a case-by-case basis with
4998 respect to discriminatory intent and discriminatory effect.

4999 The Voting Rights Section is reviewing the changes that
5000 are made, as they are being made and after they are being
5001 made. We have filed one lawsuit already in that respect.
5002 And the investigations are continuing. I can't talk about
5003 any particular state, though.

5004 Ms. Escobar. Thank you.

5005 And in my very limited time, women in Texas are under
5006 attack. Our freedom to reproductive rights and our rights to
5007 an abortion are under attack. And this has been furthered by
5008 the Supreme Court in their recent -- the consequences of
5009 their shadow docket.

5010 In your opinion, what are some of the practical

5011 consequences of the court's decision denying stay in the
5012 case, the Texas case via the process informally known as the
5013 shadow docket?

5014 You have got about 20 seconds. I am so sorry.

5015 Attorney General Garland. All right. Well, most of
5016 what I am about to say is reflected in the briefs that we
5017 just filed with the Supreme Court the other day asking them
5018 to take this case. What we are particularly concerned about
5019 is the inability of anybody to challenge what is a clear
5020 violation of the Supreme Court's precedent with respect to
5021 the right to abortion because of the way that the law is
5022 structured.

5023 And we can't have a system in which constitutional
5024 rights evade judicial review, whether it is about abortion or
5025 any other right.

5026 And I think I will leave it with my, our briefs which
5027 were just filed and which explicate what I just said in
5028 greater detail and I am sure with greater style.

5029 Ms. Escobar. Thank you so much.

5030 Mr. Chairman, I yield back.

5031 Chairman Nadler. The gentlelady yields back.

5032 Mr. Jones.

5033 Mr. Jones. Thank you, Mr. Chairman.

5034 I wish that rather than trying to redefine the words

5035 "domestic terrorism" my Republican colleagues would simply
5036 instruct their supporters to stop engaging in it.

5037 Mr. Attorney General, thank you for your testimony
5038 today. As an alumnus of the Office of Legal Policy at main
5039 Justice, I know about the hard work that you, your leadership
5040 team, and your line attorneys have been engaging in. And as
5041 an American citizen I am deeply appreciative of that.

5042 You won't be surprised, given the work that I have been
5043 doing this year, that I want to speak with you about
5044 protecting the fundamental right of Americans to vote, which
5045 is clearly under assault. You underscored in your remarks to
5046 the Civil Rights Division in June that the right to vote is
5047 the cornerstone of our democracy. And you have said much the
5048 same today.

5049 I don't need to tell you that states have launched the
5050 most severe assault on the right to vote in this country
5051 since Jim Crow. It is an onslaught that has hit voters of
5052 color, seniors, young people, and voters with disabilities
5053 the hardest. President Biden, for his part, has warned that
5054 we are facing "the greatest test of our democracy since the
5055 Civil War."

5056 As you said in your remarks to the Civil Rights
5057 Division, so far this year at least 14 states have passed new
5058 laws that make it harder to vote. Well, according to the

5059 Brennan Center for Justice, that total has since risen to 19.

5060 Mr. Attorney General, let me start with a simple
5061 question to you. Which of those 19 states has the Justice
5062 Department sued for unlawful or unconstitutional voter
5063 suppression?

5064 Attorney General Garland. This is on the public record.
5065 We sued Georgia.

5066 Mr. Jones. Only one out of 19.

5067 In your June address you emphasized that a meaningful
5068 right to vote requires meaningful enforcement. Yet, even as
5069 we face an historic level of voter suppression, and even as
5070 we confront grave threats to the integrity of vote counts,
5071 the Justice Department has not challenged the vast majority
5072 of these laws in court.

5073 Would you say that bringing one case against state voter
5074 suppression is meaningful enforcement?

5075 Attorney General Garland. I think we have to prevent
5076 discriminatory violations of the Voting Rights Act wherever
5077 they occur and in as many states as they occur. But these
5078 investigations under Section 2 are very record-intensive and
5079 very labor-intensive. And voting rights, the Voting Section
5080 of the Civil Rights Division is extremely devoted to making
5081 those kind of analyses. But we have to do each case one by
5082 one because of the elimination of Section 5.

5083 That is what the Civil Rights Division under our new
5084 Assistant Attorney General Kristen Clarke is doing. I have
5085 great confidence in her and in the division.

5086 Mr. Jones. I have great confidence in Kristen Clarke
5087 and yourself as well.

5088 You mentioned that Section 5 has been hampered. Of
5089 course, it has been hampered in that Shelby v. Holder
5090 decision in 2013.

5091 You also mentioned earlier today that you are supportive
5092 of a John Lewis Voting Rights Act. And I appreciate that. I
5093 think it is part of the democracy-saving legislation that the
5094 Senate must pass.

5095 Are you familiar with the Freedom to Vote Act, the
5096 revised version of the For the People Act that --

5097 Attorney General Garland. I know what it is. And I
5098 know some provisions. But, to be honest, I don't know every
5099 provision.

5100 Mr. Jones. Okay. All right. Well, I would submit that
5101 we need to pass that in the Senate as well, given the
5102 democracy-saving provisions that are contained therein.

5103 It is long past time for the Senate to pass both of
5104 these pieces of legislation. And as we learned yesterday,
5105 unfortunately, the filibuster, a Senate rule that entrenched
5106 Jim Crow for decades, is the last obstacle in the way.

5107 I am convinced, as you have said and written before and
5108 reiterated in your testimony today, that the Justice
5109 Department needs new tools to fully protect our democracy.
5110 And as we learned yesterday, a rule crucial to entrenching
5111 Jim Crow, is the last obstacle.

5112 If presented with a choice between reforming the
5113 filibuster and protecting the right to vote, or protecting
5114 the filibuster and allowing voter suppression to continue,
5115 which would you choose, Mr. Attorney General?

5116 Attorney General Garland. I think the right to vote is
5117 absolutely essential and is, as I have said repeatedly, and
5118 as you quoted, a cornerstone of democracy.

5119 The question of the House rules are a question for the
5120 House. I am very mindful of separation of powers, that this
5121 is a judgment for the members of the House to determine and
5122 not the executive branch.

5123 Mr. Jones. And, of course, the filibuster is a Senate
5124 rule.

5125 Attorney General Garland. I am sorry. I am sorry. The
5126 Senate.

5127 Mr. Jones. It is fine. I understood.

5128 Attorney General Garland. My bad.

5129 Mr. Jones. Mr. Attorney General, as an alumnus of the
5130 Justice Department and as an American I am grateful for your

5131 work. But if we do not reform the filibuster and act now to
5132 protect the right to vote, the same White nationalists who
5133 incite violent insurrections at the Capitol and lie about the
5134 efficacy of masks and vaccines are going to disenfranchise
5135 their way back into power.

5136 Please take that message back to the President of the
5137 United States when you have a conversation with him,
5138 hopefully, about the filibuster and what he can do to help us
5139 here, and to protect American democracy which is in grave
5140 peril.

5141 Chairman Nadler. The gentleman's time has expired.

5142 I recognize Mr. Roy for the purpose of a UC request.

5143 Mr. Roy. I appreciate that, Mr. Chairman.

5144 I have a document from an organization Parents Defending
5145 Education in which they had sought a FOIA request from the
5146 National School Board Association. And we have got the email
5147 exchanges from that that I would like to insert into the
5148 record in which the interim director discusses, on an email
5149 on September 29th, the talks over the last several weeks with
5150 White House staff, quote/unquote, explaining the coordination
5151 with the White House.

5152 I would like to insert that into the record.

5153 Chairman Nadler. Without objection.

5154 [The information follows:]

5155

5156 *****COMMITTEE INSERT*****

5157 Chairman Nadler. Ms. Ross.

5158 Mr. Roy. Thank you, Mr. Chairman.

5159 Chairman Nadler. Ms. Ross is recognized.

5160 Ms. Ross. Thank you, Mr. Chairman. And, Attorney
5161 General Garland, thank you so much for being with us today.

5162 I also want to thank you for mentioning the work of the
5163 Department of Justice with respect to the Colonial Pipeline
5164 in your opening remarks. And I want to begin with a few
5165 questions about cybersecurity.

5166 As you know, ransomware attacks are a significant
5167 concern throughout the country, but particularly in my
5168 district in North Carolina. In May, the Colonial Pipeline
5169 attack left nearly three-quarters of Raleigh, North Carolina
5170 gas stations simply without fuel.

5171 And as you also know, the Colonial Pipeline paid a
5172 ransom demanded by the hackers in order to unlock their
5173 systems and resume operations.

5174 While the DOJ's recently-launched Ransomware and
5175 Digital Extortion Task Force was eventually able to recoup
5176 some of the money paid by Colonial Pipeline, victims are
5177 often left to negotiate with attackers to recover the systems
5178 without any federal help.

5179 And so, I would like you to share why DOJ chose to be
5180 more aggressive in the Colonial Pipeline situation? And what

5181 are the factors that would lead DOJ to get involved directly
5182 in a ransomware case?

5183 Attorney General Garland. Well, I don't want to go too
5184 far out on a limb on this, but I think DOJ would like to be
5185 involved in every ransomware case if we had the resources.
5186 The problem is generally not all victims of ransomware tell
5187 us. Not all victims tell us before they make ransom
5188 payments.

5189 If victims would tell us before, we would have a good
5190 opportunity, possibly, to be able to recover. We would have
5191 some opportunity to be able to help between the FBI and the
5192 Computer Section of the Justice Department and the Computer
5193 Section at H -- at Department of Homeland Security. We are
5194 willing and able to deal with victims of ransomware,
5195 including doing negotiations if necessary.

5196 So, I think this is really more of a question of getting
5197 cooperation from the victims who, and I mean no respect to --
5198 disrespect to the victims, but they are not always going to
5199 tell us in advance. And I think it would be very helpful if
5200 we were told in advance.

5201 Ms. Ross. And would it also be helpful if you had
5202 reporting on what victims had paid in ransomware in a larger
5203 registry?

5204 I have introduced legislation. There is companion

5205 Senate legislation on this.

5206 Attorney General Garland. The more information we can
5207 find out about who is demanding the ransoms, what victims are
5208 paying, how they are paying, what kind of wallets they are
5209 paying into, what kind of cyber crypto-wallets they are being
5210 asked to pay them into, all of those things help us
5211 understand the ecosystem. So, the more information we have,
5212 the better.

5213 Ms. Ross. Thank you for those responses.

5214 I am going to switch to the ERA and women's rights. And
5215 today marks the 50th anniversary of the Equal Rights
5216 Amendment and its passage in the House of Representatives.

5217 Since the bill passed the House in 1971, 38 states have
5218 ratified the ERA, meeting the constitutional requirement
5219 necessary to certify and publish the ERA as the 28th
5220 Amendment to the Constitution. But under the Trump
5221 administration the DOJ's Office of Legal Counsel issued an
5222 opinion blocking the Archivist of the United States from
5223 certifying the amendment, even if Congress extends the
5224 deadline.

5225 As you know, women continue to face obstacles to their
5226 equality in pay, in child care, in the criminal justice
5227 system. And scholars at the ERA Project at Columbia Law
5228 School have released a new analysis arguing that the memo

5229 should be withdrawn because it rests on erroneous
5230 interpretation, interpretations of legal precedent and
5231 directly contradicts previous IOLC opinions.

5232 Attorney General Garland, it is common practice for the
5233 DOJ to review prior legal opinions and withdraw those that
5234 are not legally sound. Will you commit today to closely
5235 examine the OLC memo? And if you agree with these legal
5236 scholars that it is flawed, rescind this memo so that general
5237 -- gender equality can be enshrined in the Constitution?

5238 Attorney General Garland. I will certainly, I think the
5239 first step is to find out what OLC is doing in this respect.
5240 Sometimes they review previous opinions, and often they do
5241 not out of respect for their own precedents.

5242 I don't know what the status is with respect to this
5243 one. I certainly understand the argument. And I will see if
5244 I can find out what OLC is doing in this respect.

5245 Ms. Ross. Thank you very much.

5246 And I yield back.

5247 Chairman Nadler. The gentlelady yields back.

5248 Ms. Bush.

5249 Ms. Bush. St. Louis and I thank you, Attorney General
5250 Garland, for being here with us today and for sitting through
5251 all of this.

5252 Since your confirmation in March of 2021, at least 128

5253 Black people have been killed by law enforcement officers in
5254 the U.S. That is one Black person killed by law enforcement
5255 every two days. And that is an undercount. Police killings
5256 in America have been undercounted by more than half over the
5257 past four decades.

5258 Attorney General Garland, as the people's attorney, do
5259 you think that law enforcement officials are above the law?

5260 Attorney General Garland. No one is above the law.

5261 Ms. Bush. I completely agree. And let's see how well
5262 that is going.

5263 Are you aware that Black and Brown people are
5264 disproportionately stopped, searched, and arrested by police,
5265 often for a minor infraction?

5266 Attorney General Garland. I've certainly read that.
5267 And I am not surprised, however.

5268 Ms. Bush. Thank you.

5269 Are you aware that according to the FBI, White
5270 nationalists have infiltrated rank and file police
5271 departments?

5272 Attorney General Garland. I am not sure I now the
5273 specific reference that you said about the FBI. I know that
5274 there are problems in some police departments with respect to
5275 domestic violent extremists being in the ranks. And I know
5276 that many police departments are trying to make sure that

5277 that is not the case. But I, I am not, I am not sure I know
5278 the reference that you are talking about.

5279 Ms. Bush. Okay. I would like to seek unanimous consent
5280 to enter this report into the record from the Brennan Center
5281 2020 report detailing white supremacy in police forces.

5282 Chairman Nadler. Without objection.

5283 [The information follows:]

5284

5285 *****COMMITTEE INSERT*****

5286 Ms. Bush. Thank you.

5287 Are you aware that from statistics we do have, we know
5288 that Black people are killed by police at three times the
5289 rate of White people?

5290 Attorney General Garland. Again, I don't, I don't know
5291 the actual statistic. But I wouldn't be surprised if that
5292 were the case. And I am happy to accept, you know, your
5293 representation.

5294 Ms. Bush. Thank you.

5295 Again, I will ask unanimous consent to introduce a
5296 Harvard School of Public Health report on fatal police
5297 encounters into the record.

5298 Chairman Nadler. Without objection.

5299 [The information follows:]

5300

5301 ***** COMMITTEE INSERT *****

5302 Ms. Bush. Thank you.

5303 In light of these realities, do you believe that
5304 systemic racism exists in law enforcement agencies?

5305 Attorney General Garland. Oh, I think racism exists in
5306 a number of areas of our society. And the purpose, for
5307 example, of these pattern or practice investigations that we
5308 do is to make sure that there is not a pattern or practice of
5309 unconstitutional policing. That is the job of the Civil
5310 Rights Division to look at these matters, to take into
5311 account complaints in this area and to investigate them.

5312 Ms. Bush. The Department requested \$1 billion in
5313 federal funding for law enforcement agencies in fiscal year
5314 2022, an increase from last year. We are rewarding police
5315 departments rather than holding them accountable for racist
5316 practices.

5317 The Department has a powerful tool at its disposal.
5318 Title VI of the Civil Rights Act mandates that recipients for
5319 federal funds do not discriminate. And it makes clear that
5320 if they do, they are ineligible for federal funding. I am
5321 happy to see that the Department is undergoing a 90-day
5322 review of Title VI.

5323 Given the structural racism in law enforcement agencies
5324 that you have acknowledged, will you commit to withholding
5325 funds to law enforcement agencies that discriminate in

5326 violation of Title VI?

5327 Attorney General Garland. So, as you correctly point
5328 out, our associate attorney general and our deputy attorney
5329 general are doing a review of Title VI and how it should be
5330 applied to grants.

5331 I want to be clear, we are funding local police
5332 departments, but we are also making grants for the purpose of
5333 supporting constitutional policing, better community
5334 policing, better programs to ensure that there isn't
5335 discrimination. I think that there are many, many, many
5336 good-hearted and non-discriminatory police officers. We have
5337 to support them and root out the ones who violate the law.
5338 That is our job.

5339 Ms. Bush. Absolutely. And for me, if you know that
5340 your colleague is not doing something right, if you know your
5341 colleague is racist or has racist practices and you don't
5342 speak up, that means that you are not a good one, you are not
5343 a good police officer as well. I mean, I don't believe in
5344 good and bad, I believe that there are officers and there are
5345 people who are below the standard.

5346 I ask because St. Louis leads the nation in police
5347 killings per capita. It is the region where Michael Brown,
5348 Jr. was killed in plain sight. And there was zero
5349 accountability for his murder. It is where our movement in

5350 defense of Black lives began. Racialized violence is a
5351 policy choice. We can choose to subsidize it or we can
5352 choose to stop it. And so, for St. Louis the choice is
5353 clear: we must stop it, we must save lives. The Title VI
5354 review puts us on a path toward accountability. We need only
5355 to enforce it.

5356 Thank you. And I yield back.

5357 Chairman Nadler. The gentlelady yields back.

5358 Mr. Massie. Mr. Chairman.

5359 Chairman Nadler. The Chair recognizes Mr. Massie for
5360 the purpose of a unanimous consent request.

5361 Mr. Massie. Mr. Chairman, I ask unanimous consent to
5362 submit to the record two letters drafted, and written, and
5363 sent by Chip Roy and I to Attorney General Merrick Garland
5364 for which we have not received a response: one dated July
5365 15th, and one dated May 13th.

5366 Chairman Nadler. Without objection.

5367 [The information follows:]

5368

5369 ***** COMMITTEE INSERT *****

5370 Mr. Massie. I have another unanimous consent request to
5371 submit for the record the frames from the video that were
5372 displayed in my testimony.

5373 Chairman Nadler. Without objection.

5374 [The information follows:]

5375

5376 ***** COMMITTEE INSERT *****

5377 Chairman Nadler. Ms. Jackson Lee has a UC request as
5378 well.

5379 Ms. Jackson Lee. Mr. Chairman, thank you very much.

5380 I ask unanimous consent to put into the record a
5381 document produced by the Citizen Project, "In the Extreme:
5382 Women Serve Life Without Parole and Death Sentences in the
5383 United States." I ask unanimous consent.

5384 [The information follows:]

5385

5386 ***** COMMITTEE INSERT *****

5387 Ms. Jackson Lee. I ask unanimous consent to submit into
5388 the record, from the Senate Judiciary Committee, report
5389 "Subverting Justice." I ask unanimous consent.

5390 Chairman Nadler. Without objection.

5391 [The information follows:]

5392

5393 ***** COMMITTEE INSERT *****

5394 Ms. Jackson Lee. And also to place into the record
5395 legislation I introduced, "Preventing Vigilante Stalking that
5396 Stops Women's Access to Healthcare and Abortion Rights Act of
5397 2021", regarding the stalking done by the abortion bill of
5398 Texas. I ask unanimous consent.

5399 Chairman Nadler. Without objection.

5400 [The information follows:]

5401

5402 ***** COMMITTEE INSERT *****

5403 Ms. Jackson Lee. Thank you, Mr. Chairman.

5404 Chairman Nadler. This concludes today's hearing. We
5405 thank the Attorney General for participating.

5406 Without objection, all members will have five
5407 legislative days to submit additional written questions for
5408 the witness or additional materials for the record.

5409 Without objection, the hearing is adjourned.

5410 [Whereupon, at 3:46 p.m., the committee was adjourned.]