

117TH CONGRESS
1ST SESSION

H. RES. 743

Impeaching Merrick Brian Garland, Attorney General of the United States,
for high crimes and misdemeanors.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2021

Mr. PERRY (for himself and Mr. BIGGS) submitted the following resolution;
which was referred to the Committee on the Judiciary

RESOLUTION

Impeaching Merrick Brian Garland, Attorney General of the
United States, for high crimes and misdemeanors.

1 *Resolved*, That Merrick Brian Garland, Attorney Gen-
2 eral, is impeached for high crimes and misdemeanors and
3 that the following Articles of Impeachment be exhibited
4 to the United States Senate:

5 Articles of Impeachment exhibited by the House of
6 Representatives of the United States of America in the
7 name of itself and of the people of the United States of
8 America, against Merrick Brian Garland, Attorney Gen-
9 eral, in maintenance and support of its impeachment
10 against him for high crimes and misdemeanors.

ARTICLE I

1

2 Merrick Brian Garland, in his conduct while Attorney
3 General, engaged in a pattern of conduct that is incompat-
4 ible with his duties as an Officer of the United States,
5 as follows:

6 Attorney General Garland took an oath to defend and
7 secure our country and uphold the Constitution when he
8 was sworn in as Attorney General on March 11, 2021.
9 Article II of the U.S. Constitution tasks the executive
10 branch—which today includes the Attorney General—with
11 ensuring the laws passed by Congress and signed into law
12 by the President are faithfully executed.

13 Attorney General Garland has failed to faithfully up-
14 hold his oath and has instead presided over a reckless and
15 corrosive politicization of the Department of Justice at the
16 expense of our Nation’s children.

17 On September 29, 2021, the National School Boards
18 Association (NSBA) sent a letter to President Biden re-
19 questing a joint expedited review by the U.S. Departments
20 of Justice, Education, and Homeland Security examining
21 appropriate enforceable actions against alleged threats to
22 school boards under Federal statutes including the USA
23 PATRIOT Act (Public Law 107–56).

24 The USA PATRIOT Act gave the Federal Govern-
25 ment expansive authority to violate the civil liberties of

1 everyday Americans, via methods including wiretapping;
2 bulk collection of telephone metadata and other records;
3 warrantless surveillance; sweeping powers of detention; in-
4 vestigations into lawful First Amendment activity; and the
5 expanded use of National Security Letters.

6 The Act has been used to investigate non-terrorism
7 offenses, such as drug trafficking and copyright infringe-
8 ment. It was also unsuccessfully used to justify placing
9 a GPS tracking device on an alleged drug trafficker in
10 violation of the Fourth Amendment and secretly search
11 homes and offices without probable cause.

12 The Act also expanded the use of National Security
13 Letters, which the Department of Justice has abused to
14 obtain information outside the scope of suspected terrorist
15 activities and without due process. A 2007 Department
16 of Justice Office of Inspector General report found that
17 the FBI obtained telephone records on over 700 occasions
18 without even issuing an NSL or a grand jury subpoena.
19 That report also found that the FBI used NSLs in viola-
20 tion of existing statutes and departmental guidelines and
21 policies.

22 On October 4, 2021, the Department of Justice re-
23 leased a memorandum from Attorney General Garland
24 promising to announce a series of measures designed to
25 address the alleged rise in criminal conduct toward school

1 personnel, including opening dedicated lines of commu-
2 nication for threat reporting. Attorney General Garland’s
3 memo made no mention of the statutory authority or au-
4 thorities the Department would use to address those
5 threats.

6 The numerous, well-documented abuses of the PA-
7 TRIOT Act and other domestic terrorism statutes—often
8 in contravention of Americans’ First, Fourth, and Fifth
9 Amendment rights—should preclude them from consider-
10 ation in addressing unfounded and uninvestigated threats
11 to school personnel. Their misuse by the Department of
12 Justice will lead to a chilling effect on the protected speech
13 of parents who wish to express legitimate concerns about
14 their children’s education and safety, such as in the case
15 of a father seeking answers in October 2021 after a male
16 teenager allegedly raped and sodomized his daughter in
17 a bathroom at a high school in Loudoun County, Virginia,
18 which was cited as a specific example of school violence
19 in the September 2021 National School Boards Associa-
20 tion’s letter.

21 State school boards associations have likened this ap-
22 proach to Federal overreach and have expressed worries
23 about its possible suppression of First Amendment activ-
24 ity. While the September 29, 2021, NSBA letter cited
25 media reports about Virginia school board meetings, an

1 October 6, 2021, press release by the Virginia School
2 Boards Association emphasized that they did not seek the
3 involvement of Federal law enforcement officials in local
4 decisions. Similarly, an October 11, 2021, Florida School
5 Boards Association letter underscored the importance of
6 free speech and their reliance on local and State law en-
7 forcement. The Pennsylvania School Boards Association
8 voted to cancel its membership in the National School
9 Boards Association entirely.

10 Furthermore, devoting valuable Department of Jus-
11 tice resources to demonizing parents expressing constitu-
12 tional speech—such as questions about alleged sexual as-
13 saults—as domestic terrorists would dangerously limit the
14 credibility and ability of the Department of Justice to
15 prosecute verifiable terrorist threats.

16 Attorney General Garland’s failure to explicitly de-
17 nounce the use of this statute will hamper legitimate First
18 Amendment activity aimed at protecting American chil-
19 dren and improving our Nation’s schools while decreasing
20 the resources available to pursue actual terrorists.

21 Wherefore, Merrick Brian Garland, by such conduct,
22 warrants impeachment and trial, and removal from office.

23 ARTICLE II

24 Merrick Brian Garland, in his conduct while Attorney
25 General, engaged in a pattern of conduct that is incompat-

1 ble with his duties as an Officer of the United States,
2 as follows:

3 Attorney General Garland took an oath to defend and
4 secure our country and uphold the Constitution when he
5 was sworn in as Attorney General on March 11, 2021.
6 Article II of the U.S. Constitution tasks the executive
7 branch—which today includes the Attorney General—with
8 ensuring the laws passed by Congress and signed into law
9 by the President are faithfully executed.

10 Attorney General Garland has failed to faithfully up-
11 hold his oath and has by his actions, validated the belief
12 of many Americans that the Department of Justice has
13 been transformed into an unstoppable, partisan, Federal
14 weapon used to officially punish political opponents.

15 In an October 4, 2021, memorandum, Attorney Gen-
16 eral Garland announced that the Department of Justice
17 would address alleged criminal conduct of lawful First
18 Amendment activities objecting, among other things, to
19 the teaching of “equity”, “inclusion”, and “critical race
20 theory” concepts in public school districts.

21 Attorney General Garland’s son-in-law is the co-
22 founder of Panorama Education, which contracts with
23 school districts to survey students on topics including “so-
24 cial-emotional learning” and “equity and inclusion”. Pan-
25 orama Education’s investors include Facebook founder

1 Mark Zuckerberg and his wife Priscilla Chan. According
2 to its website, the company has previously contracted with
3 the Hawaii Department of Public Education and the Fres-
4 no Unified School District.

5 On June 8, 2021, Panorama Education was awarded
6 a \$1.8 million contract by Fairfax County Public Schools
7 to conduct surveys on topics including race and “inclu-
8 sion” and implement “interventions”. On September 9,
9 2021, the contract was increased to \$2.4 million.

10 Despite Attorney General Garland’s close personal re-
11 lationship with an individual who stands to financially
12 benefit from the promotion of “equity”, “inclusion”, and
13 “critical race theory” concepts in public school curricula—
14 and the suppression of dissenting opinions—Attorney
15 General Garland has not addressed this obvious conflict
16 of interest.

17 This lack of action runs counter to the steps that ca-
18 reer service executive branch officials, including Depart-
19 ment of Justice employees, must take to avoid “an appear-
20 ance of loss of impartiality”, which include recusal from
21 related matters and consultation with an agency ethics of-
22 ficial (5 CFR 2635.502).

23 Attorney General Garland’s failure to address a pos-
24 sible conflict of interest demonstrates that he is unfit to
25 hold the office of Attorney General.

1 Wherefore, Merrick Brian Garland, by such conduct,
2 warrants impeachment and trial, and removal from office.

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