



October 29, 2021

Emory A. Rounds, III  
Director, U.S. Office of Government Ethics  
1201 New York Avenue, N.W., Suite 500  
Washington, DC 20005  
ContactOGE@oge.gov

**Re: Request for Investigation of Attorney General Merrick B. Garland Regarding Potential Violation of 5 C.F.R. § 2635.502**

Dear Director Rounds:

America First Legal Foundation (“AFL”) respectfully requests that the Office of Government Ethics (“OGE”) open an investigation to determine whether Attorney General Merrick B. Garland violated 5 C.F.R. § 2635.502, regulating recusal from matters involving the financial interests of relatives with whom an employee has a close personal relationship. The relevant matters are the Attorney General’s memorandum of October 4, 2021, (the “October 4 Memo”) and its supporting press release (“OPA 21-960”).<sup>1</sup> The memo authorized deployment of Department of Justice resources to target parents protesting matters affecting their children’s education including racial and gender indoctrination,<sup>2</sup> obscenity,<sup>3</sup> rape,<sup>4</sup> and mask mandates.<sup>5</sup> The relevant covered

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<sup>1</sup> U.S. Dep’t of Justice, ATTORNEY GEN. MEM. RE PARTNERSHIP AMONG FEDERAL, STATE, LOCAL, TRIBAL, AND TERRITORIAL LAW ENFORCEMENT TO ADDRESS THREATS AGAINST SCHOOL ADMINISTRATORS, BOARD MEMBERS, TEACHERS, AND STAFF (Oct. 4, 2021) <https://www.justice.gov/ag/page/file/1438986/download>; see also U.S. Dep’t of Justice Office of Public Affairs, *Justice Department Addresses Violent Threats Against School Officials and Teachers* (Oct. 4, 2021) <https://www.justice.gov/opa/pr/justice-department-addresses-violent-threats-against-school-officials-and-teachers>.

<sup>2</sup> Tom Dempsey, “We Shouldn’t Be Silent” | *Crowds of Protesters Rally Against Loudoun County School Board*, WUSA9 (Sept. 29, 2021) <https://www.wusa9.com/article/news/local/virginia/loudoun-county-public-schools-board-policy-8040-crt-meeting-protest/65-03ad470f-3f11-4429-9bc4-1d60b6723d9c>.

<sup>3</sup> Breck Dumas, *Watch: Angry Virginia Moms Line Up to Read 'Pornographic' Excerpts from Books Assigned to 9th Graders, The Parents Want Loudoun County School Board Members Recalled*, BLAZE MEDIA (May 13, 2021) <https://www.theblaze.com/news/watch-angry-va-moms-line-up-to-read-pornographic-excerpts-from-books-assigned-to-9th-graders>.

<sup>4</sup> Natasha Anderson, *Father is SUING Woke Loudoun County After His 15-year-old Daughter Was 'Raped' in 'Gender-fluid' Girls' Bathroom by a 'Skirt-wearing Male Student'—Only for Cops to Arrest HIM After He Complained at School Board Meeting*, DAILY MAIL.COM (Oct. 14, 2021) <https://www.dailymail.co.uk/news/article-10093737/Father-daughter-raped-gender-fluid-bathroom-sues-Loudoun-County-Title-IX.html>.

<sup>5</sup> Carma Hassan, *School Board Meeting Canceled as Crowd Protests Mask Mandate*, CNN (Oct. 13, 2021) <https://www.cnn.com/2021/09/24/us/school-board-meeting-canceled-mask-mandate/index.html>.

relationship is Attorney General Garland’s relationship with his son-in-law, Alexander aka Xan Tanner (“Tanner”), a founder and officer of Panorama Education, Inc. (“Panorama”).<sup>6</sup>

## I. Background

### A. Panorama

Panorama is a closely held, self-described seller of software and services to K-12 schools.<sup>7</sup> It sells race- and gender-focused student and teacher surveys used to collect and mine sensitive student data,<sup>8</sup> data management tools, and training on systemic racism and oppression, white supremacy, implicit bias, and intersectionality, often under the rubric of “Social-Emotional Learning.” Panorama claims it data mines to help “state and district leaders build 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.”<sup>9</sup>

Panorama’s business model depends on revenue from parents’ local and federal tax payments.<sup>10</sup> According to one source, Panorama claims contracts in 50 of the nation’s 100 largest school districts including “13 million students in 23,000 schools and 1,500 districts across 50 states.”<sup>11</sup> Multiple sources suggest Panorama has raised approximately \$92.7 million from private investors including Laurene Powell Jobs (Apple/Emerson Collective), Priscilla Chan Zuckerberg (Facebook/Chan Zuckerberg Foundation), and Nick Pritzker (Hyatt Development Corporation/Tao Capital Partners).<sup>12</sup> These investors apparently view Panorama’s comprehensive attitudinal and

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<sup>6</sup> See Panorama Education, Inc., *Commonwealth of Massachusetts Annual Reports* [https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSummary.aspx?sys-value=VRmgpbyOCZQwO71t5XoZwUyL16qMB\\_DAA9Yb84mqZn4-](https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSummary.aspx?sys-value=VRmgpbyOCZQwO71t5XoZwUyL16qMB_DAA9Yb84mqZn4-) (last visited Oct. 28, 2021) (Mr. Tanner is listed as the Secretary, registered agent, and signatory on Panorama’s Annual Reports).

<sup>7</sup> *Id.*

<sup>8</sup> Asra Q. Nomani & Erika Sanzi, *The Data Mining of America’s Kids Should Be a National Scandal*, REAL CLEAR EDUCATION (Oct. 27, 2021) [https://www.realcleareducation.com/articles/2021/10/27/the\\_data\\_mining\\_of\\_americas\\_kids\\_should\\_be\\_a\\_national\\_scandal\\_110659.html](https://www.realcleareducation.com/articles/2021/10/27/the_data_mining_of_americas_kids_should_be_a_national_scandal_110659.html)

<sup>9</sup> Panorama Education, Inc., *Funding & Grants for Panorama* (accessed Oct. 11, 2021) <https://www.panoramaed.com/funding>.

<sup>10</sup> Panorama states “most districts find funds for Panorama in the general budget” paid for by local taxpayers “or federal funding sources” paid for by federal taxpayers. Panorama Education, Inc., *Funding & Grants for Panorama* (accessed Oct. 11, 2021) <https://www.panoramaed.com/funding>.

<sup>11</sup> Open the Books, *Forbes: Panorama Education, Co-Founded By U.S. AG Merrick Garland’s Son-In-Law, Contracted With 23K Public Schools and Raised \$76M From Investors* (Oct. 12, 2021 01:45 am) <https://www.openthebooks.com/forbes-panorama-education-co-founded-by-us-ag-merrick-garlands-son-in-law-contracted-with-23k-public-schools-and-raised-76m-from-investors/>.

<sup>12</sup> *Id.*; Crunchbase, *Panorama Education* (accessed Oct. 11, 2021) [https://www.crunchbase.com/organization/panorama-education/company\\_financials](https://www.crunchbase.com/organization/panorama-education/company_financials).

behavioral data collection and analysis capabilities both as useful commercial resources, and as effective tools to shape and “transform” the social values and political views of America’s public-school children.<sup>13</sup>

B. *The October 4 Memo/OPA 21-960*

The October 4 Memo directed the FBI to “work with *each* United States Attorney” (emphasis added) to convene meetings with unidentified “federal, state, local, Tribal, and territorial leaders in each federal judicial district” to “discuss strategies” and to open “dedicated lines of communication for threat reporting, assessment, and response” by federal law enforcement officials against parents.<sup>14</sup>

OPA 21-960 reported the “expected” creation of “a task force, consisting of representatives from the department’s Criminal Division, National Security Division, Civil Rights Division, the Executive Office for U.S. Attorneys, the FBI, the Community Relations Service and the Office of Justice Programs, to determine how federal enforcement tools can be used” for federal prosecutions and to “assist state, Tribal, territorial and local law enforcement where threats ... may not constitute federal crimes.” OPA 21-960 also promised the “Justice Department will also create specialized training and guidance for local school boards and school administrators” on data collection “to capture and preserve evidence of threatening conduct to aid in ... investigation and prosecution.”<sup>15</sup>

The ostensible justification for the October 4 Memo was a purported “increase in harassment, intimidation (sic) and threats of violence against school board members, teachers and workers” in K-12 public schools. Despite Attorney General Garland’s testimony that he did not consider parents domestic terrorists,<sup>16</sup> OPA 21-960 noted

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<sup>13</sup> 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](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). Panorama’s corporate reports, read *in toto*, see note 6, *supra*, are suggestive of the corporate and financial sophistication behind the company, and of “woke capital’s” commitment to indoctrinating and, through data mining, monetizing, public school children.

<sup>14</sup> October 4 Memo, *supra* note 1.

<sup>15</sup> *Id.*

<sup>16</sup> WSJ Editorial Board, *Merrick Garland Gets Schooled*, THE WALL STREET JOURNAL (Oct. 21, 2021) <https://www.wsj.com/articles/merrick-garland-gets-schooled-fbi-school-board-loudoun-county-11634854437>; Lauren Camera, *Garland Defends Decision to Mobilize FBI Against Threats to School Board Members*, U.S. NEWS & WORLD REPORT (Oct. 21, 2021) <https://www.usnews.com/news/education-news/articles/2021-10-21/garland-defends-decision-to-mobilize-fbi-against-threats-to-school-board-members>.

the deployment of the National Security Division in the Justice Department’s parent targeting initiative.<sup>17</sup>

Attorney General Garland testified that the sole source for the alleged increase in threats of violence cited as the basis for the October 4 Memo and OPA 21-960 was a letter from the National School Boards Association (NSBA).<sup>18</sup> The evidence shows, however, that the premise of NSBA’s letter—a product of collaboration between White House political officials, Department of Justice officials, Department of Education officials, and NSBA employees<sup>19</sup>—was false. While NSBA’s claimed “many” public-school officials are “facing physical threats because of propaganda purporting the false inclusion of critical race theory within classroom instruction and curricula” their cited support reached the exact opposite conclusion explicitly stating, “all anti-CRT events” have “remained peaceful.”<sup>20</sup>

Although NSBA’s board of directors has repudiated the letter, the October 4 Memo and OPA 21-960 apparently remain in full force and effect.<sup>21</sup>

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<sup>17</sup> See Michael Ginsberg and Henry Rodgers, *Judiciary Republicans Demand Hearings On NSBA Letter, Garland Memo*, THE DAILY CALLER (Oct. 28, 2021) <https://dailycaller.com/2021/10/28/judiciary-republicans-nsba-letter-garland-memo/>

<sup>18</sup> See Nat’l School Board Ass’n, *Letter to Joseph R. Biden Re: Federal Assistance to Stop Threats and Acts of Violence Against Public Schoolchildren, Public School Board Members, and Other Public School District Officials and Educators* (sic) at 5 (Sept. 29, 2021) <https://nsba.org/-/media/NSBA/File/nsba-letter-to-president-biden-concerning-threats-to-public-schools-and-school-board-members-92921.pdf>; see also Jordan Davidson, *AG Merrick Garland Admits Federal War on Parents Sprang From School Boards Letter, Not Evidence*, THE FEDERALIST (Oct. 21, 2021) <https://thefederalist.com/2021/10/21/ag-merrick-garland-admits-federal-war-on-parents-sprang-from-school-boards-letter-not-evidence/>. The truth of what was behind the October 4 Memo and OPA 21-960, including the direct involvement by White House and other Biden Administration stakeholders, has yet to be made public. However, Congressional and other oversight requests are pending. See, *Oversight of the United States Department of Justice: Hearing Before the H. comm. on the Judiciary*, 117th Cong. (2021) (testimony from Hon. Merrick Garland, Atty Gen., U.S. Dep’t of Justice in response to questions from Rep. Jordan). See also, Letter from Rep. Jordan et al., to Atty. Gen. Garland (Oct. 25, 2021) <https://republicans-judiciary.house.gov/wp-content/uploads/2021/10/2021-10-25-HJC-GOP-to-Garland-re-school-memo.pdf>.

<sup>19</sup> Michael Reynolds, *WH Aided School Board Group’s ‘Domestic Terrorism’ Letter Before Garland Sicked FBI on Parents*, NEW YORK POST (Oct. 21, 2021) <https://nypost.com/2021/10/21/wh-aided-school-board-groups-letter-before-garland-sicked-fbi-on-parents/>.

<sup>20</sup> See NSBA Letter at 1 n.1 <https://nsba.org/-/media/NSBA/File/nsba-letter-to-president-biden-concerning-threats-to-public-schools-and-school-board-members-92921.pdf> citing The Armed Conflict Location & Event Data Project (ACLED), “Fact Sheet: Demonstrations over Critical Race Theory in the United States,” July 14, 2021, at 4, [https://acleddata.com/acleddatanew/wp-content/uploads/2021/07/ACLED\\_Fact-Sheet\\_CRT-Demos\\_2021.pdf](https://acleddata.com/acleddatanew/wp-content/uploads/2021/07/ACLED_Fact-Sheet_CRT-Demos_2021.pdf).

<sup>21</sup> Jerry Dunleavy, *Garland Defends DOJ Memo Despite NSBA Letter Being Withdrawn*, THE WASHINGTON EXAMINER (Oct. 27, 2021) <https://www.washingtonexaminer.com/news/justice/garland-defends-doj-memo-despite-nsba-letter-being-withdrawn>; Valerie Richardson, *School Board Group Apologizes for Letter Linking Protesting Parents to Domestic Terrorism*, THE WASHINGTON TIMES (Oct. 23, 2021) <https://www.washingtontimes.com/news/2021/oct/23/nsba-apologizes-letter-linking-rowdy-school-board/>.

## II. ATTORNEY GENERAL GARLAND MAY HAVE HAD AN OBLIGATION TO RECUSE FROM THE OCTOBER 4 MEMO AND OPA 21-960 BECAUSE OF TANNER’S FINANCIAL INTEREST IN PANORAMA

### A. *Legal Test*

5 C.F.R. § 2635.502 provides a relevant framework for testing Attorney General Garland’s conflict of interest and impartiality obligations here. Under this regulation, if there is (1) a “covered relationship”, (2) a particular matter that the employee knows “is likely to have a direct and predictable effect on the financial interest” of the person in that “covered relationship”, and (3) circumstances “that would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter,” then “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 ...”. Also, in his ethics agreement with the Department of Justice, Attorney General Garland independently affirmed that, “in the event that an actual or potential conflict of interest arises during my appointment, I will consult with the Department ethics officials and take the measures necessary to resolve the conflict, such as recusal.”<sup>22</sup>

### B. *Analysis*

First, § 502(b)(1)(ii) defines “covered relationship” to include any person “who is a member of the employee's household, or who is a relative with whom the employee has a close personal relationship.”<sup>23</sup> Under existing nepotism laws, for instance, a son-in-law is considered a covered “relative.”<sup>24</sup> Accordingly, it is likely that Attorney General Garland had a “covered relationship” with his son-in-law Tanner.

Second, Attorney General Garland knew or should have known the October 4 Memo and OPA 21-960 would have “a direct and predictable effect” on Tanner’s “financial interests.” If parents protest successfully, and school boards cease funding racial and gender indoctrination in K-12 public schools, then Panorama’s revenue will be adversely, directly, and materially affected.<sup>25</sup> This means Tanner (and Panorama’s investors) had, and continue to have, a direct financial interest in federal action chilling parents from protesting racial and gender indoctrination and from seeking to end payments for such services to Panorama and/or other similar firms.

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<sup>22</sup> Attorney General Garland’s Nominee Statement (Jan. 29, 2021) [https://extapps2.oge.gov/201/Presiden.nsf/B4DB41ADAF7C27A98525866E0032EAA3/\\$FILE/Garland,%20Merrick%20B.%20%20fin-IEA.pdf#page=5](https://extapps2.oge.gov/201/Presiden.nsf/B4DB41ADAF7C27A98525866E0032EAA3/$FILE/Garland,%20Merrick%20B.%20%20fin-IEA.pdf#page=5).

<sup>23</sup> 5 C.F.R. § 2635.502(b)(1)(ii).

<sup>24</sup> 5 U.S.C. § 2302(b)(7). See also, U.S. OFFICE OF SPECIAL COUNSEL, *Prohibited Personnel Practices Overview* “Nepotism” <https://osc.gov/Services/Pages/PPP.aspx#tabGroup17> (last visited Oct. 29, 2021).

<sup>25</sup> *TSC Industries v. Northway, Inc.*, 426 U.S. 438, 449 (1976); Sec. and Exchange Comm’n, *Staff Accounting Bulletin No. 99 – Materiality*, 64 Fed. Reg. 45150 (Aug. 19, 1999) <https://www.govinfo.gov/content/pkg/FR-1999-08-19/pdf/99-21484.pdf>.

Third, Attorney General Garland knew or should have known that a reasonable person with knowledge of the circumstances would have reasonably and predictably questioned Attorney General Garland's impartiality with respect to the October 4 Memo and OPA 21-960 because of Tanner's direct financial interest in K-12 public school race and gender indoctrination.<sup>26</sup> For example, we note a report that "just last month – weeks before the Garland directive to the FBI – Panorama closed on a \$60 million private financing raise with venture capital firm General Atlantic. According to the press release, existing investors Owl Ventures, Emerson Collective, Uncork Capital, CZI, and Tao Capital Partners also participated."<sup>27</sup> This significant capital raise for a company with a direct stake in the success or failure of parent protests should have raised an ethical red flag. Put simply, Attorney General Garland knew or should have known that if parents protesting indoctrination win, then Panorama's owners, including Tanner, and its investors, will lose.<sup>28</sup>

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<sup>26</sup> C-SPAN3, *Rep Jordan Questions Merrick Garland About Targeting Parents at School Board Meetings*, YOUTUBE (Oct. 31, 2021) <https://www.youtube.com/watch?v=dzmCI0dLZpA>; 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>; 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>.

<sup>27</sup> See Forbes, *supra* note 9. The California Public Employees' Retirement System (CalPERS) reported \$750,000,000 committed into an "active PE partnership investment" in General Atlantic, the lead investor in the last round of funding for Panorama. <https://www.calpers.ca.gov/page/investments/asset-classes/private-equity/pep-fund-performance>; see also CalPERS, *OPEN SESSION MATERIAL DISCLOSURE OF PLACEMENT AGENT FEES REPORT FOR PERIOD ENDING: September 30, 2020*, at 5 [https://www.calpers.ca.gov/docs/board-agendas/202011/invest/item06e-03\\_a.pdf](https://www.calpers.ca.gov/docs/board-agendas/202011/invest/item06e-03_a.pdf). Numerous California public school systems buy services from Panorama. On February 2, 2021, the California Fair Practices Commission, a five-member independent, non-partisan commission regulating campaign financing, conflicts of interest, lobbying, and governmental ethics, selected "1418663 GENERAL ATLANTIC SERVICE COMPANY, L.P.", the legal name of General Atlantic, for audit. <https://www.fppc.ca.gov/content/fppc-v2/fppc-www/enforcement/audit-program/drawing-schedule---results.html> (last viewed Oct. 22, 2021).

<sup>28</sup> It is perhaps an unrelated coincidence that school systems often seem to be paying both Panorama and the Association using taxpayer funds. This is true of the Detroit Public School system, <https://www.detroitk12.org/cms/lib/MI50000060/Centricity/Domain/5316/December%202020%20Update/DPSCD%20Check%20Register%207-1-2019%20to%206-30-2020.pdf>; the Coppell ISD in Texas, <https://www.coppellisd.com/cms/lib/TX01000550/Centricity/Domain/2925/Accounts%20Payable%202019-2020.pdf>; in California, <https://meetings.etiwanda.org/M07-23-2020.pdf>; and in Illinois, <https://www.rlas-116.org/cms/lib/IL49000024/Centricity/Domain/5284/ANNUAL%20STATEMENT%20OF%20AFFAIRS%20FY%202020.pdf>. Yet the benefit to children and parents from these payments are not immediately apparent.

At all times relevant, Attorney General Garland knew or should have known he could consult with Assistant Attorney General Lee Lofthus, the Designated Agency Ethics Official (DAEO) at the Justice Department, about ethics compliance, impartiality, and recusal.<sup>29</sup> Assistant Attorney General Loftus was authorized to “make an independent determination as to whether a reasonable person with knowledge of the relevant facts would be likely to question the employee’s impartiality in the matter.”<sup>30</sup> Then, he had the power “to authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee’s participation outweighs the concern that a reasonable person may question the integrity of the agency’s programs and operations.”<sup>31</sup> However, it appears Assistant Attorney General Loftus was never asked for preclearance with respect to the October 4 Memo and/or OPA 21-960.

Also, Attorney General Garland apparently refuses to commit to an ethics review of his conduct after the fact.<sup>32</sup> Unless the DAEO has made a determination there is no potential conflict in this case, then under 5 C.F.R. § 2634.701, Attorney General Garland’s decision to not discuss recusal or involvement with his ethics officer should itself be documented as evidence of noncompliance with his own Ethics Agreement, where he specifically affirmed he would avoid, in his own words, “*potential conflicts*”. (Emphasis added.)

### III. REQUEST FOR INVESTIGATION AND REFERRAL

Due to Xan Tanner’s and Panorama’s financial stake in the subject matter of the October 4 Memo and OPA 21-960, the reasonable questions of impartiality predictably flowing therefrom, and the apparent lack of DAEO clearance, Attorney General Garland’s failure to recuse from those matters may have violated 5 C.F.R. § 2635.502. We therefore ask OGE to make the necessary inquiries and, if the facts warrant, refer the matter to the Justice Department’s Office of Inspector General and/or take such other action as it deems appropriate.

[SIGNATURE PAGE FOLLOWS]

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<sup>29</sup> See *supra* note 19; see also 5 C.F.R. § 2635.502(a)(1); [https://www.oge.gov/web/oge.nsf/about\\_ethics-contact-list](https://www.oge.gov/web/oge.nsf/about_ethics-contact-list); 5 C.F.R. § 2634.804.

<sup>30</sup> 5 C.F.R. § 2635.502(c).

<sup>31</sup> 5 C.F.R. § 2635.502(d).

<sup>32</sup> Callie Peterson, *Ted Cruz Presses AG Garland on Possible Conflict of Interest Over Son-in-Law’s Education Company*, The New York Post (Oct 27, 2021) <https://nypost.com/2021/10/27/cruz-spars-with-garland-over-son-in-laws-education-company/>; Jerry Dunleavy, *Garland Refuses to Commit to Ethics Review Over DOJ School Board Memo*, WASHINGTON EXAMINER (Oct. 21, 2021) [https://denvergazette.com/news/garland-refuses-to-commit-to-ethics-review-over-doj-school-board-memo/article\\_8af922ee-c3e1-5e84-b12e-e5392c45ad92.html](https://denvergazette.com/news/garland-refuses-to-commit-to-ethics-review-over-doj-school-board-memo/article_8af922ee-c3e1-5e84-b12e-e5392c45ad92.html).

Sincerely,

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Reed D. Rubinstein  
Senior Counselor and Director of  
Oversight and Investigations  
America First Legal Foundation

Cc: Lee Lofthus, Assistant Attorney General  
for Administration and Designated Agency Ethics Official  
U.S. Department of Justice  
The Hon. Michael E. Horowitz, Inspector General  
Office of the Inspector General  
U.S. Department of Justice