

From: Ellis, Corey Frazier (DO) (DET)
Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release
To: [REDACTED] (DO) (DET); Coakley, Miriam M. (OGC) (FBI); [REDACTED] (DO) (DET)
Cc: Jones, Jason Allen (OGC) (FBI)
Sent: October 4, 2021 4:15 PM (UTC-04:00)

The DAG mentioned this today but in fundamentally different light – focused at USAOs.

From: [REDACTED] (DO) (DET)
Sent: Monday, October 4, 2021 4:10 PM
To: Coakley, Miriam M. (OGC) (FBI); [REDACTED] Ellis, Corey Frazier (DO) (DET) [REDACTED]
[REDACTED] (DO) (DET) [REDACTED]
Cc: Jones, Jason Allen (OGC) (FBI) [REDACTED]
Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Thanks, Miriam. Do we know if this is part of a broader effort? Have we seen any research on the scope of the problem?

[REDACTED]

From: Coakley, Miriam M. (OGC) (FBI) <[REDACTED]>
Sent: Monday, October 4, 2021 4:03 PM
To: Ellis, Corey Frazier (DO) (DET); [REDACTED] (DO) (DET); [REDACTED] (DO) (DET)
Cc: Jones, Jason Allen (OGC) (FBI) [REDACTED]
Subject: FW: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Good afternoon,

Not sure if you've seen this/weighed in – it was just raised to my attention. I hope DOJ reconsiders.

Thanks,
Miriam

From: Langan, Timothy R. Jr. (CTD) (FBI) [REDACTED]
Sent: Monday, October 4, 2021 3:54 PM
To: Greenberg, Jay (CID) (FBI) [REDACTED]; Coakley, Miriam M. (OGC) (FBI) [REDACTED]
McCarthy, Dawn L. (OGC) (FBI) [REDACTED]
Subject: FW: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Making sure you all had this from today. I'm trying to track down additional on this from today.

Tim Langan
Assistant Director
FBI Counterterrorism Division

From: Chambers, Kevin (ODAG) [REDACTED]
Sent: Monday, October 4, 2021 3:00 PM
To: Jensen, Steven J. (CTD) (FBI) [REDACTED]; McQuaid, Nicholas (CRM) [REDACTED]
Moosy, Robert (CRT) [REDACTED]; Wilkinson, Monty (USAEO) [REDACTED]
Toscas, George (NSD) (JMD) [REDACTED]; Darke Schmitt, Katherine (OJP/OVC) [REDACTED]
[REDACTED] Tarasca, James A. (CTD) (FBI) [REDACTED]; Blue, Matt (NSD) (JMD)

[REDACTED] Langan, Timothy R. Jr. (CTD) (FBI) [REDACTED] (CTD) (FBI)
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[REDACTED] Monroe, Becky (OASG) (JMD) [REDACTED] Wong, Norman (USAEO)

Cc: Braden, Mvesha (ODAG) (JMD) [REDACTED] Newman, David A. (ODAG) (JMD)

[REDACTED] Lan, Iris (ODAG) (JMD) [REDACTED]

Subject: [EXTERNAL EMAIL] - FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

All,

Please see attached documents (memo from AG and related press release) re school board threats effort. Please review and advise of any red flag concerns as soon as possible.

CRM/FBI/EOUSA: Please note that the turnaround has been [REDACTED]

From: Chambers, Kevin (ODAG)

Sent: Sunday, October 3, 2021 7:27 PM

To: 'Steven Jensen' [REDACTED] McQuaid, Nicholas (CRM) [REDACTED] Moossy, Robert (CRT) [REDACTED] Wilkinson, Monty (USAEO) [REDACTED] Toscas, George (NSD) [REDACTED] Darke Schmitt, Katherine (OJP/OVC) [REDACTED] Tarasca, James A. (CTD) (FBI) [REDACTED] Blue, Matt (NSD) [REDACTED] Langan, Timothy R. Jr. (CTD) (FBI) [REDACTED] (CTD) (FBI) [REDACTED] Reddan, Patrick E. Jr. (CTD) (FBI) [REDACTED] Vorndran, Kevin (CTD) (FBI) [REDACTED] Lesko, Mark (NSD) [REDACTED] Wiegmann, Brad (NSD) [REDACTED] Driscoll, Kevin (CRM) [REDACTED] Rossi, Rachel (OASG) [REDACTED] Monroe, Becky (OASG) [REDACTED] Wong, Norman (USAEO)

Cc: Braden, Mvesha (ODAG) [REDACTED] Newman, David A. (ODAG)

[REDACTED] Lan, Iris (ODAG) [REDACTED]

Subject: RE: FOR REVIEW: Draft Documents Re: School Board Threats

Team,

FYI, the proposed memo to USAOs and SACs is now drafted as a communication concerning only school boards. Draft attached.

Best,
Kevin

From: Chambers, Kevin (ODAG)

Sent: Saturday, October 2, 2021 4:02 PM

To: Steven Jensen [REDACTED] McQuaid, Nicholas (CRM) [REDACTED] Moossy, Robert (CRT) [REDACTED] Wilkinson, Monty (USAEO) [REDACTED] Toscas, George (NSD) [REDACTED] Darke Schmitt, Katherine (OJP/OVC) [REDACTED] Tarasca, James A. (CTD) (FBI) [REDACTED] Blue, Matt (NSD) [REDACTED] Langan, Timothy R. Jr. (CTD) (FBI) [REDACTED] (CTD) (FBI) [REDACTED] Reddan, Patrick E. Jr. (CTD) (FBI) [REDACTED] Vorndran, Kevin (CTD) (FBI) [REDACTED] Lesko, Mark (NSD) [REDACTED] Wiegmann, Brad (NSD) [REDACTED] Driscoll, Kevin (CRM) [REDACTED] Rossi, Rachel (OASG) [REDACTED] Monroe, Becky (OASG)

[REDACTED] > Wong, Norman (USAEO) [REDACTED]

Cc: Carlin, John P. (ODAG) [REDACTED] Braden, Myesha (ODAG) [REDACTED]

Newman, David A. (ODAG) [REDACTED]; Lan, Iris (ODAG) [REDACTED]

Subject: FOR REVIEW: Draft Documents Re: School Board Threats

DRAFT/DELIBERATIVE/PREDECISIONAL

All,

Attached are two documents proposing Department responses to continuing threats against election officials and workers and recent threats against school administrators and board members.

Draft AG Memo to USAOs and SACs – draft guidance to USAOs and SACs voicing concerns about increasing threats against election officials and workers and, separately, against school administrators and board members and instructing them to convene separate meetings for each type of threat with state/local law enforcement and other affected parties.

Components Affected: EOUSA, FBI, CRM

Draft School Board Threats Response Strategy – lays out several proposals for addressing a recent uptick in threats of violence against school board members, as recently highlighted in a letter to the President from the National School Boards Association. The letter from the NSBA is also attached for reference.

Components Affected: EOUSA, FBI, CRM, CRT, NSD [REDACTED] and OJP

The timeline on these documents is short, but we want to provide awareness to your components and give potentially affected components the opportunity to voice views/red-flag concerns.

Best,
Kevin

Kevin Andrew Chambers (he/him/his)
Associate Deputy Attorney General
Office of the Deputy Attorney General
[REDACTED]

From: Coakley, Miriam M. (OGC) (FBI)
Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release
To: Ellis, Corey Frazier (DO) (DET); [REDACTED] (DO) (DET); [REDACTED] (DO) (DET)
Cc: Jones, Jason Allen (OGC) (FBI)
Sent: October 4, 2021 4:17 PM (UTC-04:00)
Attached: NSBA Letter to President Biden Concerning Threats to Public Schools and School Board Members.pdf

Hi,

Piecing together, my understanding is the WH received a letter, attached, and sent it to ODAG. ODAG reached out to our DT folks on Friday (email pasted below). From there, there were multiple conversations – to include someone suggesting that it might make sense for the WH to engage further with the NSBA before action. This was briefed in the morning meeting as well, and it did not sound like people were ready to suggest this approach as the next step. Though CTD is on the intake point, it is a criminal issue, so our CID folks have also been engaged. I forwarded the drafts onto the DD and ADD as well so they're tracking that the Department is considering this. Naturally, would have no concern with them directing the USAOs only on the issue.

Thanks,
Miriam

Sent: Friday, October 1, 2021, 2:00 PM

To: [REDACTED] (NSD) (JMD); Jensen, Steven J. (CTD) (FBI)
Cc: Newman, David A. (ODAG) (JMD); Blue, Matt (NSD) (JMD); Toscas, George (NSD) (JMD); Lan, Iris (ODAG) (JMD)
Subject: [EXTERNAL EMAIL] - Threats to School Boards

[REDACTED] and Steve,

Good afternoon, David Newman suggested that I reach out to you.

Leadership has asked me to reach out to the FBI regarding a request from a national school board association for assistance in dealing with the recent spate of threats occurring at school board meetings, often related to the imposition of COVID-19 vaccine or mask mandates. NSBA letter attached to this email. Link to [article here](#).

We realize that many of these threats are local in nature and may not obviously implicate federal laws (especially when they do not involve the mail or wires), but we are nonetheless interested in understanding how FBI can

1. Determine whether and when these crimes rise to the level of Domestic Terrorism
2. Track threats against school board officials to identify patterns or trends
3. Serve as a clearing house to receive information about threats and hand off to the appropriate agency, where appropriate

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Cc: Jones, Jason Allen (OGC) (FBI) [REDACTED]
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[REDACTED] (DO) (DET) [REDACTED]
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Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

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Assistant Director
FBI Counterterrorism Division

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[REDACTED]
Cc: Braden, Myesha (ODAG) (JMD) [REDACTED]; Newman, David A. (ODAG) (JMD)

[REDACTED] Lan, Iris (ODAG) (JMD) [REDACTED]

Subject: [EXTERNAL EMAIL] - FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

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Cc: Braden, Myesha (ODAG) [REDACTED]; Newman, David A. (ODAG) [REDACTED]

[REDACTED]; Lan, Iris (ODAG) [REDACTED]

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Cc: Carlin, John P. (ODAG) [REDACTED]; Braden, Myesha (ODAG) [REDACTED]

Newman, David A. (ODAG) [REDACTED]; Lan, Iris (ODAG) [REDACTED]

Subject: FOR REVIEW: Draft Documents Re: School Board Threats

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The timeline on these documents is short, but we want to provide awareness to your components and give potentially affected components the opportunity to voice views/red-flag concerns.

Best,
Kevin

Kevin Andrew Chambers (he/him/his)
Associate Deputy Attorney General
Office of the Deputy Attorney General
[REDACTED]

From: Greenberg, Jay (CID) (FBI)
Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release
To: Milhoan, Catherine L. (OPA) (FBI)
Cc: Coakley, Miriam M. (OGC) (FBI); [REDACTED] (OPA) (FBI); [REDACTED] (OPA) (FBI)
Sent: October 4, 2021 5:56 PM (UTC-04:00)

Copy. 100% appropriate for DOJ to lead on this. Thanks Cathy.

Deputy Assistant Director
Public Corruption and Civil Rights
Financial Crimes
Undercover Operations
[REDACTED]

Special Assistant
[REDACTED]

From: Milhoan, Catherine L. (OPA) (FBI) [REDACTED]
Sent: Monday, October 4, 2021 5:36 PM
To: Greenberg, Jay (CID) (FBI) [REDACTED]
Cc: Coakley, Miriam M. (OGC) (FBI) [REDACTED] (OPA) (FBI) [REDACTED]
[REDACTED] (OPA) (FBI) [REDACTED]
Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Jay,

Thanks for the info. As an FYSA...FOX news queried late today seeking our response to the letter. We have no intention of providing a response and are awaiting to see how DOJ OPA expects to respond to the same query.

Thanks,
Cathy

Cathy L. Milhoan
Assistant Director
FBI Office of Public Affairs
[REDACTED]

From: Greenberg, Jay (CID) (FBI) [REDACTED]
Sent: Monday, October 4, 2021 5:07 PM
To: Tapp, Aaron G. (CID) (FBI) [REDACTED] Cohen, Brian M. (CID) (FBI) [REDACTED] Peoples, Carlton L. (INSD) (FBI) [REDACTED] (HRD) (FBI) [REDACTED] (CID) (FBI) [REDACTED] (PD) (FBI) [REDACTED] (CID) (FBI) [REDACTED] (CID) (FBI) [REDACTED] (CID) (FBI) [REDACTED]
Cc: Milhoan, Catherine L. (OPA) (FBI) [REDACTED] Winston, Alvin M. (OPA) (FBI) [REDACTED]
Subject: FW: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

2 of 2

Deputy Assistant Director
Public Corruption and Civil Rights

Greenberg, Jay (CID) (FBI)

From: Greenberg, Jay (CID) (FBI)
Sent: Tuesday, October 5, 2021 6:21 PM
To: [REDACTED] (OGC) (FBI)
Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Copy. SACs too on this end.

Deputy Assistant Director
Public Corruption and Civil Rights
Financial Crimes
Undercover Operations

Special Assistant

From: [REDACTED] (OGC) (FBI) [REDACTED]
Sent: Tuesday, October 5, 2021 5:27 PM
To: Coakley, Miriam M. (OGC) (FBI) [REDACTED] Langan, Timothy R. Jr. (CTD) (FBI) [REDACTED]
Greenberg, Jay (CID) (FBI) [REDACTED] McCarthy, Dawn L. (OGC) (FBI) [REDACTED] Jensen,
Steven J. (CTD) (FBI) [REDACTED] Tarasca, James A. (CTD) (FBI) [REDACTED]
Cc: Prest, Erin M. (OGC) (FBI) [REDACTED] Kelly, Stephen D. (OGC) (FBI) [REDACTED]
[REDACTED] (CTD) (FBI) [REDACTED] (CTD) (FBI) [REDACTED]
Subject: Re: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

FYSA...The CDCs have started to ping [REDACTED] and I for further guidance from JEH or DOJ.

SSA [REDACTED]
Unit Chief
Investigative Law Unit
Office of the General Counsel
Federal Bureau of Investigation

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [REDACTED]

From: Coakley, Miriam M. (OGC) (FBI) [REDACTED]

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To: Langan, Timothy R. Jr. (CTD) (FBI) [REDACTED] Greenberg, Jay (CID) (FBI) [REDACTED]
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(OGC) (FBI) [REDACTED] (CTD) (FBI) [REDACTED] (CTD) (FBI) [REDACTED]

Subject: Re: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Good morning,

Yes, DOJ issued a press release last night without any coord - we're looking to narrow the scope of our role this morning to something that makes sense.

Thanks,
Miriam

Miriam Coakley

d [REDACTED] [REDACTED]

Confidentiality Statement: This message is transmitted to you by the Office of the General Counsel of the Federal Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling [REDACTED]

From: Langan, Timothy R. Jr. (CTD) (FBI) [REDACTED]

Sent: Tuesday, October 5, 2021 7:01:08 AM

To: Coakley, Miriam M. (OGC) (FBI) [REDACTED]; Greenberg, Jay (CID) (FBI) [REDACTED]
McCarthy, Dawn L. (OGC) (FBI) [REDACTED] Jensen, Steven J. (CTD) (FBI) [REDACTED] Tarasca,
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(OGC) (FBI) [REDACTED] (CTD) (FBI) [REDACTED] (CTD) (FBI) [REDACTED]

Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Miriam,

From this morning:

FBI, DOJ to Respond to 'Disturbing Spike' in Threats Against Educators

The [Associated Press](#) (10/04, [REDACTED]) reported that Attorney General Merrick Garland on Monday directed federal authorities to hold strategy sessions in the next 30 days with law enforcement to address the increasing threats targeting school board members, teachers, and other employees in the nation's public schools. According to [FOX News](#) (10/04, [REDACTED]) the move comes just four days after a leading organization representing the nation's school boards called on the Biden administration and federal law enforcement agencies to assist school boards, which the group said have seen an increase in violent threats in response to COVID-19 restrictions and critical race theory curriculum. [Politico](#) (10/04, [REDACTED]) noted that Garland directed the FBI to meet with federal, state, local, tribal, and territorial leaders in each federal judicial district to "facilitate the discussion of strategies for addressing threats." "The Department takes these incidents seriously and is committed to using its authority and resources to discourage these threats, identify them when they occur, and prosecute them when appropriate," Garland wrote. The [Epoch Times](#) (10/04, [REDACTED]), [Business Insider](#) (10/04, [REDACTED]) and [Bay News 9](#) (10/04, Staff Writer) also reported on the story.

Tim Langan
Assistant Director
FBI Counterterrorism Division

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(OGC) (FBI) [REDACTED]
Subject: RE: FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

Hi all,

Circling back after further discussion here - this is most appropriately directed to the USAOs as it is well within their scope to coordinate on something like this- we do not see this as an FBI function. DO and I are deciding on if the reach-out to ODAG comes from me or them, I'll keep you posted.

Thanks,
Miriam

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Hello,

Thank you, I had not seen it – I've flagged for DO and our EM as I think engagement is warranted.

Thanks,
Miriam

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To: Jensen, Steven J. (CTD) (FBI) [REDACTED]; McQuaid, Nicholas (CRM) [REDACTED]
Moosy, Robert (CRT) [REDACTED]; Wilkinson, Monty (USAEO) [REDACTED]
Toscas, George (NSD) (JMD) [REDACTED]; Darke Schmitt, Katherine (OJP/OVC) [REDACTED]
[REDACTED]; Tarasca, James A. (CTD) (FBI) [REDACTED] Blue, Matt (NSD) (JMD)
Langan, Timothy R. Jr. (CTD) (FBI) [REDACTED] (CTD) (FBI)
[REDACTED]; Reddan, Patrick E. Jr. (CTD) (FBI) [REDACTED] Vorndran, Kevin (CTD) (FBI)
Lesko, Mark (NSD) (JMD) [REDACTED] Wiegmann, Brad (NSD) (JMD)
[REDACTED]; Driscoll, Kevin (CRM) [REDACTED] Rossi, Rachel (OASG) (JMD)
Monroe, Becky (OASG) (JMD) [REDACTED] Wong, Norman (USAEO) [REDACTED]
Cc: Braden, Myesha (ODAG) (JMD) [REDACTED]; Newman, David A. (ODAG) (JMD)
[REDACTED]; Lan, Iris (ODAG) (JMD) [REDACTED]
Subject: [EXTERNAL EMAIL] - FOR IMMEDIATE REVIEW: Draft AG Memo Re: School Board Threats and Draft Press Release

All,

Please see attached documents (memo from AG and related press release) re school board threats effort. Please review and advise of any red flag concerns as soon as possible.

CRM/FBI/EOUSA: Please note that the turnaround has been [REDACTED]

From: Chambers, Kevin (ODAG)
Sent: Sunday, October 3, 2021 7:27 PM
To: 'Steven Jensen' [REDACTED]; McQuaid, Nicholas (CRM) [REDACTED]; Moosy, Robert (CRT) [REDACTED]
[REDACTED]; Wilkinson, Monty (USAEO) [REDACTED] Toscas, George (NSD) [REDACTED]
[REDACTED]; Darke Schmitt, Katherine (OJP/OVC) [REDACTED]
Tarasca, James A. (CTD) (FBI) [REDACTED] Blue, Matt (NSD) [REDACTED] Langan, Timothy R. Jr. (CTD) (FBI) [REDACTED] (CTD) (FBI)
[REDACTED] (CTD) (FBI) [REDACTED] Reddan, Patrick E. Jr. (CTD) (FBI) [REDACTED] Vorndran, Kevin (CTD) (FBI) [REDACTED] Lesko, Mark (NSD) [REDACTED]
[REDACTED] Wiegmann, Brad (NSD) [REDACTED] Driscoll, Kevin (CRM) [REDACTED] Rossi, Rachel (OASG) [REDACTED] Monroe, Becky (OASG) [REDACTED]
[REDACTED] Wong, Norman (USAEO) [REDACTED]
Cc: Braden, Myesha (ODAG) [REDACTED] Newman, David A. (ODAG) [REDACTED]
[REDACTED] Lan, Iris (ODAG) [REDACTED]
Subject: RE: FOR REVIEW: Draft Documents Re: School Board Threats

Team,

FYI, the proposed memo to USAOs and SACs is now drafted as a communication concerning only school boards. Draft attached.

Best,
Kevin

From: Chambers, Kevin (ODAG)

Sent: Saturday, October 2, 2021 4:02 PM

To: Steven Jensen [REDACTED] McQuaid, Nicholas (CRM) [REDACTED] Moosy, Robert (CRT) [REDACTED] Wilkinson, Monty (USAEO) [REDACTED] Toscas, George (NSD) [REDACTED] Darke Schmitt, Katherine (OJP/OVC) [REDACTED] Tarasca, James A. (CTD) (FBI) [REDACTED] Blue, Matt (NSD) [REDACTED] Langan, Timothy R. Jr. (CTD) (FBI) [REDACTED] (CTD) (FBI) [REDACTED] Reddan, Patrick E. Jr. (CTD) (FBI) [REDACTED] Vorndran, Kevin (CTD) (FBI) [REDACTED] Lesko, Mark (NSD) [REDACTED] Wiegmann, Brad (NSD) [REDACTED] Driscoll, Kevin (CRM) [REDACTED] Rossi, Rachel (OASG) [REDACTED] Monroe, Becky (OASG) [REDACTED] Wong, Norman (USAEO) [REDACTED]

Cc: Carlin, John P. (ODAG) [REDACTED]; Braden, Myesha (ODAG) [REDACTED]

Newman, David A. (ODAG) [REDACTED] Lan, Iris (ODAG) [REDACTED]

Subject: FOR REVIEW: Draft Documents Re: School Board Threats

DRAFT/DELIBERATIVE/PREDECISIONAL

All,

Attached are two documents proposing Department responses to continuing threats against election officials and workers and recent threats against school administrators and board members.

Draft AG Memo to USAOs and SACs – draft guidance to USAOs and SACs voicing concerns about increasing threats against election officials and workers and, separately, against school administrators and board members and instructing them to convene separate meetings for each type of threat with state/local law enforcement and other affected parties.

Components Affected: EOUSA, FBI, CRM

Draft School Board Threats Response Strategy – lays out several proposals for addressing a recent uptick in threats of violence against school board members, as recently highlighted in a letter to the President from the National School Boards Association. The letter from the NSBA is also attached for reference.

Components Affected: EOUSA, FBI, CRM, CRT, NSD, [REDACTED] and OJP

The timeline on these documents is short, but we want to provide awareness to your components and give potentially affected components the opportunity to voice views/red-flag concerns.

Best,
Kevin

Kevin Andrew Chambers (he/him/his)
Associate Deputy Attorney General
Office of the Deputy Attorney General
[REDACTED]

Potential Statutes for Threats Cases

18 U.S.C. § 875(c) – Threatening Communications

Prohibits sending interstate communications threatening to kidnap or injure any person.

Elements:

- (1) Defendant knowingly sent a communication in interstate or foreign commerce (e.g. email, internet, text);
- (2) Containing a “true threat” to kidnap or injure the person of another; AND
- (3) Defendant intended the communication to be a threat, and knew it would be perceived as a threat. Must prove defendant had a subjective, specific intent to threaten.

18 U.S.C. § 876(b) and (c) – Mailing Threatening Communications

Prohibits *mailing* a threatening communication to kidnap or injure a person. Also prohibits mailing a threat with intent to extort money or another thing of value. Otherwise, similar to 875(c).

18 U.S.C. § 2261A(2) – Cyberstalking, but also covers mail and electronic communications


Prohibits using the mail or a facility of interstate commerce (e.g. internet, text, email, interstate phone call, and social media) with the intent to kill, injure, harass, or intimidate a person. Must show defendant engaged in a course of conduct that placed a person in reasonable fear of death of or serious bodily injury to that person, an immediate family member, or a spouse or intimate partner, or caused substantial emotional distress.

Elements:

- (1) With the intent to harass or intimidate a person,
- (2) Defendant used the mail or an electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce, to engage in a course of conduct that *either*,

- (3) placed a person in reasonable fear of death of or serious bodily injury to that person, an immediate family member, or a spouse or intimate partner, *OR* caused, attempted to cause, or would be reasonably expected to cause substantial emotional distress to that person, an immediate family member, or a spouse or intimate partner.

Practice Notes:



18 U.S.C. § 245 – Interfering with federally protected activities

Prohibits both use of force and *threats* of force because of race, religion, color, or national origin, *and* because the victim was enjoying a statutorily enumerated right.

Elements (limited summary):

- (1) Defendant used force or threat of force
- (2) Defendant acted willfully
- (3) Defendant acted *because of* race, religion, color, or national origin, and also
- (4) Defendant acted *because* the victim was enjoying a specifically listed federal right:
 - Right to attend public school
 - Right to services provided or administered by any State or subdivision thereof (i.e. police?)
 - Right to use state facility or program
 - Right to employment
 - Right to serve in court
 - Right to use a facility of interstate transportation
 - Right to use a facility of public accommodation

Practice Notes:



18 U.S.C. § 1951 - Hobb's Act Extortion

Elements:

- (1) Defendant obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by extortion; or
- (2) Defendant attempts or conspires to obstruct, delay, or affect commerce or the movement of any article or commodity in commerce, by extortion; or
- (3) Defendant commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section.

18 U.S.C. § 1952

Defendant traveled in interstate or foreign commerce or used mail or facility of interstate or foreign commerce, with the intent to:

- (1) distribute the proceeds of unlawful activity; or
- (2) commit any crime of violence to further any unlawful activity; or
- (3) otherwise promote, manage, establish, or carry on any unlawful activity and thereafter distributes the proceeds of unlawful activity or commits violence in furtherance of unlawful activity

**WORKING LIST OF STATUTES POTENTIALLY APPLICABLE
TO SCHOOL ADMINISTRATOR THREATS**

18 U.S.C. § 875 [Threats in] Interstate Communications

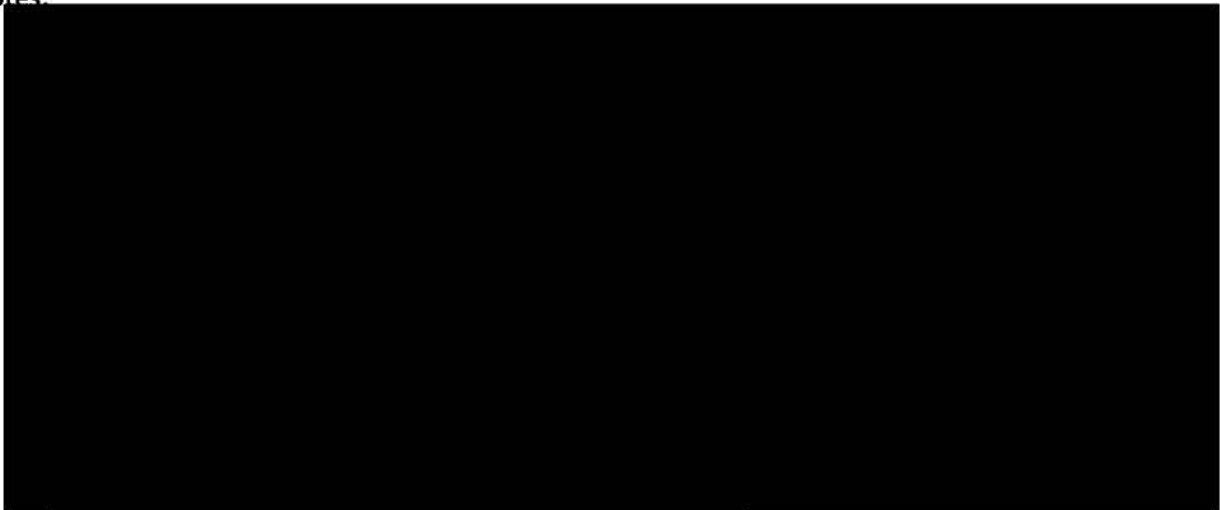
RELEVANT TEXT

...

(c) Whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both.

PENALTY: Five (5) year maximum

Notes:



Below is a sample of available state threats laws:

- New York: N.Y. Penal Law § 240.30 (Aggravated harassment in the second degree)
- California: Cal. Penal Code § 422 (Criminal Threats)
- Florida: Fla. Stat. § 836.05 (Threats)
- Texas: Tex. Penal Code Ann. § 22.07 (Terroristic Threat)
- Illinois: 720 ILCS 5/12-6 (Intimidation)
- Nevada: Nev. Rev. Stat § 200.571 (Harassment)

18 U.S.C. § 876 – Mailing Threatening Communications

RELEVANT TEXT

...

(c) [Whoever knowingly deposits in any post office or authorized depository for mail matter, to be sent or delivered by the Postal Service or knowingly causes to be delivered by the Postal Service according to the direction thereon], any communication with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to kidnap any person or any threat to

DRAFT/NON-DECISIONAL/DELIBERATIVE

injure the person of the addressee or of another, shall be fined under this title or imprisoned not more than five years, or both.

PENALTY: Five (5) year maximum

Notes:

18 U.S.C. § 245 [Threats in Relation to] Federally Protected Activities

RELEVANT TEXT

...

(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(1) any person because he is or has been, or in order to intimidate such person or any other person or class of persons from—

(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance

...

(2) any person because of his race, color, religion or national origin and because he is or has been—

(A)

enrolling in or attending any public school or public college;

...

(C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency

PENALTY: One (1) year maximum if no bodily injury and no use or threatened use of dangerous weapon or explosive

Ten (10) years maximum if bodily injury or use or threatened use of dangerous weapon or explosive

Life imprisonment or capital punishment if death results or kidnapping involved

Notes:

47 U.S.C. § 223 – Harassing Telephone Calls

RELEVANT TEXT

...

(a) Prohibited acts generally

Whoever—

(1) in interstate or foreign communications—

...

(C) makes a telephone call or utilizes a telecommunications device, whether or not conversation or communication ensues, without disclosing his identity and with intent to abuse, threaten, or harass any specific person

PENALTY: Two (2) year maximum

Notes:

18 U.S.C. § 2261A – Cyberstalking

RELEVANT TEXT

(2) [Whoever] with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that—

(A) places that person in reasonable fear of the death of or serious bodily injury to a person, a pet, a service animal, an emotional support animal, or a horse described in clause (i), (ii), (iii), or (iv) of paragraph (1)(A); or

(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of paragraph (1)(A)

PENALTY: Five (5) year maximum if no injury results; Ten (10) to life if injury or death results, depending on type of injury (enhanced by additional five years if victim is a minor)

Notes:

From: [REDACTED] (CTD) (FBI)
Subject: FW: SB Threat Working Group
To: [REDACTED] (CID) (FBI); [REDACTED] (CTD) (FBI)
Sent: October 13, 2021 5:39 PM (UTC-04:00)

Thanks to both you and [REDACTED] for representing during this first call. Fyi below a quick BLUF I compiled for our A/AD (thanks [REDACTED] for the help!). Recommend anything you feel needing to be pushed through CID channels for awareness be similar to what CTD is pushing.

Thanks,
[REDACTED]

[REDACTED]
Assistant Section Chief
Federal Bureau of Investigation
Domestic Terrorism Operations Section
[REDACTED] office
[REDACTED] cell

From: [REDACTED] (CTD) (FBI)
Sent: Wednesday, October 13, 2021 5:37 PM
To: Vorndran, Kevin (CTD) (FBI); [REDACTED]
Cc: Jensen, Steven J. (CTD) (FBI); [REDACTED]
Subject: SB Threat Working Group

Boss-

The School Board (SB) Threat WG held a one-hour call this afternoon. It was largely an introductory and coordination call with no specific due outs for either CID nor CTD. The near term goal is for a memorandum to be drafted and approved by all parties for distribution to USAOs with guidance to include opportunities to train local school boards. The training piece is being spearheaded by DOJ's Office of Justice Programs who will receive feedback from CTD & CID prior to initiation.

CTD reiterated that we can track any future SB threat through NTOC and use of a specific Guardian tag. Depending on ideology, either CID or CTD will program manage the Guardian and potential FI should it progress.

Next call is tentatively scheduled for Friday.

v/r,
[REDACTED]

[REDACTED]
Assistant Section Chief
Federal Bureau of Investigation
Domestic Terrorism Operations Section
[REDACTED] office
[REDACTED] cell