

The Garland Memorandum and the Federal “False Statements Act”

"KNOWING AND WILLFUL"

by Joseph DeMaio, ©2021



“Under his leadership, the Department of Justice is dedicated to upholding the rule of law, keeping our country safe, and protecting the civil rights of all Americans.” –
<https://www.justice.gov/ag/staff-profile/meet-attorney-general>

(Oct. 6, 2021) — If there is one thing for which Americans should be gratefully indebted to Senator Mitch McConnell, it is his successful blocking of the nomination by Barack Hussein Obama, Jr. – the Republic’s Second Usurper-in-Chief (“SUC”) – of one Merrick B. Garland to serve as a U.S. Supreme Court Justice.

Say what you will about McConnell and slander his name with the juvenile (not to mention false) “Cocaine Mitch” label, he kept political hack Garland off the Supreme Court bench, a lifetime appointment. At least Garland will depart as U.S. Attorney General – unless he resigns before then – following the 2024 general elections.

The most recent confirmation of Garland’s abjectly transparent political approach to “law enforcement” comes in the form of his radical pogrom directed against the parents of schoolchildren. Specifically, in a recently issued memorandum from Garland to the FBI and to other officials in the Department of “Justice” [*sic*] (“DOJ”), Garland proposes

“discussions” leading to a “partnership among federal, state, local, tribal and territorial law enforcement to address threats against school administrators, board members, teachers and staff.” Really?

This raw and naked abuse of power, not to mention its unconstitutionality, has as its objective nothing other than – to use the same words as the memo – the “harassment, intimidation and threats of violence” by governmental agents under the Regime of the Goofball against parents concerned about the indoctrination of their children. Indoctrination by radical school boards, teachers and their “staffs” in the ways of Marxism, critical race theory, pornography and the denigration of all things American is *not* education: it is *child abuse*, which in more rational times was a criminal offense. But under the Goofball Regime, rationality is now on a ventilator.

In defense of the policies of indoctrination over education, Garland’s memo assures that the Department of “Justice” [*sic*] will, as to those parents who ignore his warnings and refuse to be intimidated or silenced, “prosecute them when appropriate.” Appropriate? Seriously? The blowback has been immediate and vocal, as noted [here](#) and [here](#) .

Faithful P&E readers, this is what you get..., *every*..., *single*..., *time*... that Democrats are placed into office or positions of power. In the post-Trump 45 era, they are by definition unprincipled, unhinged and vindictive in spirit. To Garland, the motto of the DOJ – “Qui Pro Domina Justicia Sequitur” (“who prosecutes on behalf of the lady justice”) – now means “if parents object to the indoctrination of their children by radicals, they’d better lawyer-up and be careful because, ‘when appropriate,’ they will be prosecuted.” Hey, at least the memo suggests that a due process trial may be accorded to the disobeying parents... for the moment.

In an ironic twist, the written and distributed memo ends thusly: “The Department is steadfast in its commitment to protect all people in the United States from violence, threats of violence, and other forms of intimidation and harassment.” This statement is, at minimum, inaccurate. Some might even go so far as to say it constitutes a false statement, because if it were true, you would already have scores of BLM and ANTIFA thugs now in prison (not happening) and there would already be a prosecution in progress regarding the recent verbal assaults and [harassment](#) of Senator Kyrsten Sinema (D. AZ).

Indeed, because of the apparent falsity of the statement in the memo that the DOJ remains “steadfast” in its pledge to protect people from “intimidation and harassment,” some might even be tempted to point out that the memo constitutes the knowing and willful issuance by Garland of a “materially false, fictitious, or fraudulent statement or representation.” Yes, Virginia, you are correct: that language is not from you humble servant’s own tongue, but instead is from the federal criminal code, [18 U.S.C. § 1001](#), the “False Statements Act.”

§1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully:

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both, if the matter relates to an offense under chapter 359A, 359B, 110, or 117, or section 1591, than the term of imprisonment imposed under this section shall be not more than 8 years.

(b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

(c) With respect to any matter within the jurisdiction of the legislative branch, subsection (a) shall apply only to-

- (1) administrative matters, including a claim for payment, a matter related to the procurement of property or services, personnel or employment practices, or support services, or a document required by law, rule, or regulation to be submitted to the Congress or any office or officer within the legislative branch; or
- (2) any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate.

(June 25, 1948, ch. 645, 62 Stat. 749; Pub. L. 903-322, 90 Stat. 3000, §330016(1)(5), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-292, §2, Oct. 11, 1995, 110 Stat. 3459; Pub. L. 106-450, title VI, §6703(a), Dec. 17, 2004, 118 Stat. 3700; Pub. L. 109-348, 399 1, §411(c), July 27, 2006, 120 Stat. 603.)

Source

Specifically, that law provides, in relevant part, that “whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully – ... (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in [18 U.S.C.] section 2331), imprisoned not more than 8 years, or both.” And please, refrain from fantasizing that composing and disseminating the memo was anything other than a “knowing and willful” act by Garland.

Sooooo, in light of the fact that the National School Boards Association penned a September 29, 2021 [letter](#) to the Goofball-in-Chief suggesting that parental dissent at school board meetings challenging board policies, indoctrination curricula and related programs could be [classified](#) as a form of “domestic terrorism and hate crimes,” is it pure coincidence that a mere two (2) business days later, Garland coughs up his memo? When organized school unions tell the Goofball and his minions to act, the response is usually “we worked through the weekend, but is two business days soon enough?”

The significance, of course, is that if the “domestic terrorism” label were to be applied under 18 U.S.C. § 1001 and the “materially false, fictitious, or fraudulent statement” in Garland’s memo were to be prosecuted (not going to happen on the Goofball’s watch...), Garland might upon conviction be subject to a monetary fine and a prison term not to exceed 8 years.

How’s that for “accountability” and a prosecution “when appropriate?” Perhaps in 2025, when a new Attorney General takes office?