



October 6, 2021

The Honorable Merrick B. Garland
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Garland:

Earlier this week, you directed the Federal Bureau of Investigation (FBI), in concert with the Department of Justice, to convene meetings with federal, state, local and tribal leaders in every federal judicial district to discuss strategies for addressing “threats” posed to school administrators, board members, teachers and staff. The impetus for this directive appears to be a letter sent to President Biden by the National School Board Association (NSBA). And the source of these “threats” appears to be parents who object to the politicization of education through the teaching of destructive ideologies, such as critical race theory (CRT) and gender theory, in public schools and who are frustrated by shifting COVID-related mandates that undermine quality education for their children.

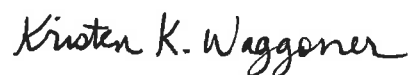
No one condones threats, violence, or abusive behavior toward school board members. And yes, some parents, in anger and frustration, have engaged in abusive or otherwise inappropriate behavior toward school officials. But those actions fall within the jurisdiction of local law enforcement. The NSBA’s letter ignores this fact, calling for review of the parents’ actions under the “Gun-Free Zones Act, the PATRIOT Act in regards to domestic terrorism, the Matthew Shepard and James Byrd Jr. Hate Crimes and Prevention Act, the Violent Interference with Federally Protected Rights statute, the Conspiracy Against Rights statute,” and other federal laws. In addition to calling upon the FBI and DOJ, this letter also demanded action from the Department of Homeland Security, the U.S. Secret Service, and the National Threat Assessment Center.

That the NSBA would demand that a significant part of the nation’s domestic security apparatus be deployed against parents of school children is shocking. That demand, moreover, came unsupported by any facts that would warrant such an extraordinary mobilization of federal power against ordinary citizens. It should have been politely, but firmly, rejected. Instead, you tasked the FBI and U.S. Attorneys with promptly convening meetings in “each federal judicial district” throughout the United States to discuss “strategies for addressing threats.”

Parents expressing concern over CRT, gender theory, and COVID-related mandates in public schools do not qualify as “domestic terrorists.” Their protests do not warrant the involvement of federal law enforcement and intelligence agencies, or the application of federal laws aimed at stopping, among other things, transnational terror organizations. Employing those powerful national security tools against frustrated parents is a misuse of federal power. It vilifies largely peaceful, well-intentioned citizens who are seeking nothing more than to protect and promote the well-being of their children. And it chills the constitutionally protected speech of those who rightly object to ill-considered policies implementing radical ideologies like critical theory, and debatable COVID-19 mandates on our nation’s schoolchildren.

Many parents, including some of our clients, are rightly concerned that the government has violated their fundamental right to direct the upbringing, education, and care of their children. They have the right to express those concerns to elected officials and shouldn’t live in fear of government punishment for doing so. Please rescind your directive and assure all Americans that the federal government will not infringe upon the exercise of our most basic and precious freedoms.

Respectfully,



Kristen K. Waggoner
General Counsel
Alliance Defending Freedom