



Coalition of Attorneys General Tells Biden and Garland: Stop Silencing Parents

A coalition of 17 state attorneys general is demanding that the Department of Justice (DOJ) immediately withdraw the October 4, 2021 memorandum targeting parents and cease any actions designed to intimidate parents from expressing their opinions on the education of their children.

Garland's [memo](#), which has been the center of much criticism since its release, directs the FBI to mobilize against parents who oppose Critical Race Theory (CRT), masking regulations, and LGBTQ-related studies in public schools, citing "threats" against school-board members and teachers.



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The memo came in response to the National School Boards Association (NSBA) [September 29 letter](#) to President Joe Biden claiming that "America's public schools and its education leaders are under an immediate threat." The organization urged the president to act against the "angry mobs" of parents expressing their frustration at school-board meetings over mask mandates and CRT by designating them as "domestic terrorists" and applying the "PARTIOT Act" to them.

In a [letter](#) sent Monday to President Joe Biden and Attorney General Merrick Garland, the attorneys general argued that the memorandum sought to intimidate parents under the threat of being investigated as "domestic terrorists" and prevent from exercising their constitutional rights. The signatories also argue that the memo doesn't appear to be based on evidence of actual threats or violence. Instead, it entirely relies on a fallacious NSBA narrative, which described disruptions at school-board meetings as violent threats akin to "domestic terrorism."

[Letter To Biden On Parents' First Amendment Rights](#)

The attorneys' letter reads,

To be sure, anyone who attacks or threatens violence against school administrators, board members, teachers, or staff should be prosecuted. However, in its letter demanding action, the NSBA fails to document a single legitimate instance of violence. And even if it did, there are sufficient criminal and civil remedies already available in all 50 states and territories.

Instead, the school board association cites news articles about "disruptions," "disorderly conduct," and "contentious behavior," all of which were handled quickly and effectively by local law enforcement.

The attorneys suggest that instead of wasting the DOJ's and the FBI's time and resources investigating the rare incidents of disorderly conduct that occur during local school-board meetings, the said agencies should focus on more pressing matters, such as the massive spike in murders in major cities throughout the country.



Written by [Veronika Kyrylenko](#) on October 19, 2021

The attorneys general argued that the DOJ memo violates American parents' First Amendment-protected rights "by seeking to intimidate parents into silence via the threat of federal agents coming to their homes to 'investigate' their attempts to effectively participate in and freely discuss the education of their children."

Instead of celebrating parents' participation in the American system of self-government, the Biden administration seeks to intimidate parents who dare to express their concerns with the schools' policies. The DOJ misuses the legal definition of "domestic terrorists," and engages in McCarthyism by employing the federal security apparatuses to quiet "dissidents."

The letter continues,

The parents targeted by the NSBA, the DOJ, and the FBI, have a clearly established First Amendment right to "effectively participate in" school board meetings and express their opinions on issues relating to their children's education. School boards may not appreciate or agree with parents' spirited concerns, but the remedy for speech we don't like is "more speech, not enforced silence."

The letter cites parents playing a key role in the upbringing of their children "as an enduring American tradition."

These parental rights are protected under both First and the 14th Amendment. The letter argues that "the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children."

That fundamental right is also recognized by the U.S. Congress:

For example, the U.S. Department of Education Organization Act's preamble states that "parents have the primary responsibility for the education of their children, and States, localities, and private institutions have the primary responsibility for supporting that parental role."

The federal government does not have any such role, the letter states, and asks the president and the attorney general to respect parents' rights.

The letter was written by Indiana Attorney General [Todd Rokita](#). The 17 state attorneys general who signed are from Indiana, Alabama, Arizona, Arkansas, Georgia, Kansas, Louisiana, Mississippi, Missouri, Montana, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Utah.

The DOJ's actions, worthy of brutal totalitarian regimes such as China and North Korea, have been met with outrage and legal pushback from parents' groups, conservative politicians, and some in the media (see [here](#) and [here](#)).

On October 7, America First Legal (AFL) [requested](#) the Office of Inspector General (OIG) to investigate whether the attorney general's memo was formulated and issued based on "improper considerations," while pointing to the "evident" and "inherent dangers" of the "undue politicization of the department's criminal and civil law enforcement authorities, and in the corruption of the department's standard order and process."

On October 13, Colorado Republican Representative Doug Lamborn [asked](#) the OIG to investigate AG



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Garland for potential [conflicts of interest](#) due to his son-in-law's education company making millions helping "educate" children on CRT in some 23,000 schools.



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