

# McCarthy's false claim that Garland called parents 'terrorists'

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The Fact Checker

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*"We are watching what's happening in the country ... parents that are being attacked by the attorney general saying that somehow they are terrorists because they want to go to school board meetings."*

— **House Minority Leader Kevin McCarthy (R-Calif.), [interview on Fox News, April 25](#)**

*"We're going to investigate the attorney general. Why did he go after parents, and call them terrorists, simply because they wanted to go to a school board meeting?"*

— **McCarthy, [interview with Sean Hannity of Fox News, April 20](#)**

*"The other thing that comes with a new [GOP] majority is you're able to hold this administration accountable. We're able to stand up to an attorney general who goes after parents and calls them terrorists if they want to go to a school board meeting."*

— **McCarthy, [interview on "Fox News Sunday," April 17](#)**

*"Biden used the FBI to target parents as 'domestic terrorists.' Can you imagine that? To use your own FBI to go after parents, calling them domestic terrorists. Without any evidence. Simply aiming to silence their First Amendment rights. A whistleblower just confirmed it."*

— **McCarthy, [during a marathon floor speech, Nov. 18](#)**

We're often interested when new rhetoric starts to become part of a politician's regular patter. Three times in recent weeks, McCarthy has asserted that Attorney General Merrick Garland called parents "terrorists" because they wanted to attend school board meetings.

Usually when a politician starts dropping a new talking point into his interviews, there's private polling indicating that it resonates with voters — and McCarthy's language fits a recent pattern in which Republicans have said they want to champion parents' rights to protest critical race theory or transgender accommodations.

It turns out McCarthy first used this line in his eight-hour speech last fall to protest President Biden's Build Back Better legislation. It was significant escalation of a Republican claim that we had previously fact-checked as false — that Garland had directed the FBI to “spy” on parents.

This new version also does not add up.

## The Facts

This all started with a Sept. 29 letter from the National School Boards Association that asked Biden for federal resources to help monitor “threats of violence and acts of intimidation” against public school members and other school officials. “As these acts of malice, violence, and threats against public school officials have increased, the classification of these heinous actions could be the equivalent to a form of domestic terrorism and hate crimes,” the six-page letter asserted.

The association's letter asked for a “joint expedited review” by various agencies, including involving “technical assistance” from the FBI's National Security Branch and Counterterrorism Division. The letter also requested examination of appropriate actions that could be taken under federal laws, including “the Patriot Act in regards to domestic terrorism.”

Usually, these sorts of letters take weeks to get a response. But within five days, on Oct. 4, Garland issued a memo addressed to FBI Director Christopher A. Wray and federal prosecutors. He called for action within 30 days to “facilitate the discussion of strategies for addressing threats” against school administrators, board members, teachers and staff.

“In recent months, there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools,” Garland wrote. “While spirited debate about policy matters is protected under our Constitution, that protection does not extend to threats of violence or efforts to intimidate individuals based on their views.”

In an accompanying news release, the Justice Department said, “Those efforts are expected to include the 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 to prosecute these crimes, and ways to assist state, Tribal, territorial and local law enforcement where threats of violence may not constitute federal crimes.”

Garland's memo unleashed a firestorm of criticism. The association's letter had offered examples of threats in detailed footnotes to news articles, including some that verged on violence, but upon inspection it was a stretch to use the phrase “domestic terrorism.”

The letter, for instance, mentioned an incident in Virginia in which a person was arrested “during a school board meeting discussion distinguishing current curriculums from critical race theory and regarding equity issues.” The arrest was of a father whose daughter had been sexually assaulted in the girls' bathroom of her Loudoun County school by a male student. Prosecutors said during the teen's trial that he was wearing a skirt at the time of the assault, but they have not commented on his gender identity.

(Some NSBA emails released by a conservative group suggested that the association might have been acting at the request of the White House or the Education Department, but that has been denied by the NSBA, the White House and the Education Department.)

As The Washington Post recounted in January, the blowback from the letter was so intense that it nearly led to the collapse of the organization. On Oct. 22, the NSBA apologized for the letter, saying “there was no justification for some of the language included.” A new executive director for the association was installed, the letter was deleted from the NSBA website, and the association announced in February that it had launched an independent review of how the letter was created.

Okay. An association letter mentioned terrorism. But what about Garland? There is no reference to terrorism in his memo. And, when questioned by Republicans in congressional hearings, Garland and other top Justice officials have insisted that they do not think concerned parents are terrorists.

“I can’t imagine any circumstance in which the Patriot Act would be used in the circumstances of parents complaining about their children, nor can I imagine a circumstance where they would be labeled as domestic terrorism,” Garland told the House Judiciary Committee on Oct. 21. He added: “Parents have been complaining about the education of their children and about school boards since there were such things as school boards and public education. This is totally protected by the First Amendment. I take your point that true threats of violence are not protected by the First Amendment. Those are the things we’re worried about here.”

This brings us to McCarthy’s statement that a whistleblower “confirmed” that the Biden administration believed parents were domestic terrorists. A McCarthy spokesman did not respond to queries, but he appears to be referring to a Nov. 16 letter by Rep. Jim Jordan (Ohio), the senior Republican on the Judiciary Committee.

Jordan’s letter cited a Justice email, dated Oct. 20, which he said was provided by “a Department whistleblower.” The email said the Counterterrorism and Criminal divisions had created a “threat tag,” called EDUOFFICIALS, to flag all assessments and investigations of threats against school board administrators, board members, teachers and staff. The email said that the threat tag, essentially a way to sort and characterize such threats, was created in response to Garland’s Oct. 4 memo.

The hook for McCarthy’s claim is the involvement of the national security division of the FBI — not mentioned in Garland’s memo but in the Justice news release. But in January, Matthew Olsen, the assistant attorney general in charge of Justice’s National Security Division, and Jill Sanborn, the executive assistant director of the FBI’s national security branch, told lawmakers that the national security units were only providing an advisory role.

Violence against school board officials is “certainly not a particular focus for the national security division nor do I have any anticipation that it would be,” Olsen said. Sanborn said “the tagging is simply an administrative process to be able to better analyze trends” and that the FBI would only be investigating allegations violating federal law.

## The Pinocchio Test

McCarthy is putting words in Garland’s mouth. Garland has never equated parents to terrorists, and in fact he told Congress he “can’t imagine” a circumstance under which that would happen.

Through a Rube Goldberg artifice, McCarthy is relying on an association letter that has been withdrawn, a Justice Department news release and a bureaucratic designation to somehow tag Garland with words he did not say and has rebutted. That's not enough to make such an incendiary claim. McCarthy earns Four Pinocchios.

## Four Pinocchios

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