


# Attorney General Never Called Concerned Parents 'Domestic Terrorists'

 [factcheck.org/2022/04/attorney-general-never-called-concerned-parents-domestic-terrorists/](https://factcheck.org/2022/04/attorney-general-never-called-concerned-parents-domestic-terrorists/)

Robert Farley

April 22, 2022



U.S. Attorney General Merrick Garland said that he couldn't even "imagine a circumstance" where "parents complaining" at a school board meeting would be "labeled as domestic terrorism." Yet, several Republicans have continued to falsely claim Garland called such parents "terrorists."

The nugget of truth behind the political spin is that a letter from the National School Boards Association to Garland last fall argued some violent threats against school officials "could be the equivalent to a form of domestic terrorism" that would warrant the intervention of federal law enforcement. In his response, Garland directed his agency to review strategies to address violent threats and harassment against school boards, but he didn't use the NSBA's "terrorism" language, for which the group later apologized.

On "Fox News Sunday" on April 17, for example, Rep. Kevin McCarthy, the House minority leader, said that if Republicans regained control of the House in the November elections, a Republican majority would be "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."

The claim has also found its way into political advertising. An ad for Republican Idaho Speaker of the House Scott Bedke, who is running for lieutenant governor, says, "When Joe Biden's Justice Department labeled parents 'domestic terrorists,' Scott Bedke said, 'Bull.' Scott Bedke stood up for Idaho parents, their right to be heard, and led the fight against critical race theory."



Watch Video At: <https://youtu.be/jLLAN18hjE>

To be clear, the Justice Department did not label parents “domestic terrorists.” As we said, the use of the phrase originated with a Sept. 29, 2021, letter sent by the National School Boards Association, a federation of state associations that represent locally elected school board officials, to the White House seeking federal assistance to stop what it said was a growing number of threats and acts of violence against public school board members and other public school district officials — mainly over the issues of mask mandates and “propaganda purporting the false inclusion of critical race theory within classroom instruction and curricula.” (Critical race theory is the study of institutional racism as a means to better understand and address racial inequality. It has become a hot-button political issue among Republicans who oppose it being taught in public schools.)

In that letter, the NSBA said that while it had been working with state and local law enforcement officials, it believed federal involvement was warranted as well.

**NSBA letter, Sept. 29, 2021:** 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. As such, NSBA requests a joint expedited review by the U.S. Departments of Justice, Education, and Homeland Security, along with the appropriate training, coordination, investigations, and enforcement mechanisms from the FBI, including any technical assistance necessary from, and state and local coordination with, its National Security Branch and Counterterrorism Division, as well as any other federal agency with relevant jurisdictional authority and oversight. Additionally, NSBA requests that such review examine appropriate enforceable actions against these crimes and acts of violence under the Gun-Free School Zones Act, the PATRIOT Act in regards to domestic terrorism, the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act, the Violent Interference with Federally Protected Rights statute, the Conspiracy Against Rights statute, an Executive Order to enforce all applicable federal laws for the protection of students and public school district personnel, and any related measure.

The Bedke ad cites an article from an ABC TV affiliate in Virginia about a group of mothers “ticked off” at the NSBA letter for “comparing parental behavior at school board meetings to domestic terrorism.” The article makes no mention of the Justice Department.

On Oct. 4, five days after receiving the NSBA letter, Garland issued a memo citing “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. 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.”

Garland directed “the Federal Bureau of Investigation, working with each United States Attorney, to convene meetings with federal, state, local, Tribal, and territorial leaders in each federal judicial district within 30 days ... [to] facilitate the discussion of strategies for addressing threats against school administrators, board members, teachers, and staff, and will open dedicated lines of communication for threat reporting, assessment, and response.”

According to a Justice Department press release, its efforts included 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.”

The Justice Department's response quickly became an issue in the Virginia governor's race in November, part of a larger Republican strategy in that state to promote parental rights to speak out against mask mandates, critical race theory and transgender policies in schools. The department's response also became an issue in Congress.

During a Senate Judiciary Committee hearing two days later, Republican Sen. Ted Cruz said "the Department of Justice looked at that issue [critical race theory] and decided to label the parents objecting to this teaching as domestic terrorists."

At that hearing, Cruz asked Kristen Clarke, assistant attorney general for the Civil Rights Division at the Department of Justice, "Do you believe parents objecting at school boards are domestic terrorists?"

"I don't, senator," Clarke responded.

Clarke said the Department of Justice was "committed to ensuring robust civil discourse" and Garland's memo was "focused on threats." Clarke said the review directed by Garland would "determine how federal enforcement tools can be used to prosecute crimes."

Nonetheless, later in the hearing, Cruz again claimed, "when it comes to parents at school boards, you're perfectly comfortable with calling a mom at a PTA meeting a domestic terrorist."

Republicans, who said they were concerned about how Garland's memo might chill protected parent participation at school board meetings, grilled Garland about the memo in a House Judiciary Committee hearing on Oct. 21.

"I have to say I find it deeply disturbing that the National School Board Association convinced the Biden administration to sic you and your Justice Department, the FBI, the full power of the federal law enforcement in this country on involved parents as if they were domestic terrorists," Republican Rep. Steve Chabot of Ohio said at the hearing.

"Parents speaking up at a school board meeting against the teaching of critical race theory or anything else that they want to talk about is clearly a First Amendment activity," Chabot said.

Garland agreed.

"I want to be clear, the Justice Department supports and defends the First Amendment right of parents to complain as vociferously as they wish about the education of their children, about the curriculum taught in the schools," Garland said. "That is not what the memorandum is about at all, nor does it use the words domestic terrorism or Patriot Act. Like

you, 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."

Later in the hearing, Garland was asked if he agreed with the NSBA "that parents who attend school board meetings and speak passionately against the inclusion of divisive programs like critical race theory should be characterized as domestic terrorists?"

"I do not believe that parents who testify, speak, argue with, complain about school boards and schools should be classified as domestic terrorists or any kind of criminals," Garland said. "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."

The following day, on Oct. 22, the NSBA board of directors released a memo apologizing for some of the language used in the letter.

"On behalf of NSBA, we regret and apologize for the letter," the memo states. "To be clear, the safety of school board members, other public school officials and educators, and students is our top priority, and there remains important work to be done on this issue. However, there was no justification for some of the language included in the letter."

The letter noted that the "voices of parents ... should and must continue to be heard when it comes to decisions about their children's education, health, and safety."

The following month, Republican Rep. Jim Jordan sent a letter to Garland saying that information from a Justice Department whistleblower called into question the accuracy of Garland's testimony that "the Department of Justice and Federal Bureau of Investigation were not using federal counterterrorism tools to target concerned parents at local school board meetings."

Jordan said a "protected disclosure" from the whistleblower showed "that the FBI's Counterterrorism Division is compiling and categorizing threat assessments related to parents, including a document directing FBI personnel to use a specific 'threat tag' to track potential investigations."

Specifically, Jordan cited an FBI email that said in response to Garland's Oct. 4 memo, "the Counterterrorism and Criminal Divisions created a threat tag, EDUOFFICIALS, to track instances of related threats." It directed FBI offices to apply that threat tag to "investigations and assessments of threats specifically directed against school board administrators, board members, teachers, and staff."

According to Jordan, “This disclosure provides specific evidence that federal law enforcement operationalized counterterrorism tools at the behest of a left-wing special interest group against concerned parents.”

But the email does not say that the FBI ought to apply tags to parents merely speaking out at school board meetings. Rather, the practice applies only to cases of “violence, threats of violence, and other forms of intimidation and harassment” directed at school officials.

To summarize: Garland’s memo never labeled parents speaking at school board meetings “domestic terrorists.” In congressional testimony, Garland made clear that he considered parents voicing concerns at school board meetings to be protected under the First Amendment’s freedom of speech.

And the attorney general said that he could not “imagine a circumstance” where “parents complaining” at a school board meeting would be “labeled as domestic terrorism.” Rather, as his memo made clear, the Justice Department was solely focused on addressing threats of violence against school officials. That focus was affirmed in the FBI email released by Jordan.

---

*Editor’s note: FactCheck.org does not accept advertising. We rely on grants and individual donations from people like you. Please consider a donation. Credit card donations may be made through our “Donate” page. If you prefer to give by check, send to: FactCheck.org, Annenberg Public Policy Center, 202 S. 36th St., Philadelphia, PA 19104.*