

Fact check: Kevin McCarthy keeps repeating false claim that attorney general called parents 'terrorists' for wanting to attend school board meetings

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Washington (CNN) House Minority Leader Kevin McCarthy keeps repeating a false claim about Attorney General Merrick Garland.

In an interview on Fox last Wednesday, McCarthy said that if Republicans win control of the House in the November midterm elections, "We're gonna 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 had made the same claim about Garland in a Fox interview the Sunday prior, saying that 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." And McCarthy delivered near-identical rhetoric in another Fox interview this Monday.

Facts First: *McCarthy's claim about the attorney general is just wrong. Garland never called parents terrorists for attending or wanting to attend school board meetings. While the National School Boards Association, a nonprofit federation of states' own school board associations, sent President Joe Biden a letter in September arguing that "acts of malice, violence, and threats against public school officials" could be classified as "the equivalent to a form of domestic terrorism and hate crimes" and suggesting that the Patriot Act could be*

used against perpetrators, Garland himself never endorsed the "domestic terrorism" language or the deployment of the Patriot Act on this subject. Garland testified to Congress in October that complaints about education and school boards are "totally protected by the First Amendment" as long as they are not threats of violence -- and said he "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's memo didn't mention terrorism

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The week after the National School Boards Association sent its letter to Biden, Garland issued a memo to the FBI and federal prosecutors. The October memo decried "a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers and staff," said the Department of Justice would work to identify such threats "and prosecute them when appropriate," and directed the FBI and prosecutors to convene meetings with various leaders around the country to "facilitate the discussion of strategies for addressing threats" against education personnel.

Various Republicans have criticized Garland over the memo, some of them claiming it amounted to the Department of Justice adopting the view that parents concerned about education policy were "domestic terrorists." (The National School Boards Association board of directors apologized for the letter in October, saying that "there was no justification" for some of its language.) But whatever the merits or flaws of Garland's memo, the reality is that it simply did not say anything at all about "domestic terrorism" or the Patriot Act -- much less use the word "terrorists" to describe parents who merely wanted to attend school board meetings, as McCarthy falsely claimed Garland had done.

Garland told the House Judiciary Committee in October: "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. That is not what the memorandum is about at all, nor does it use the words 'domestic terrorism' or 'Patriot Act.'"

Garland also told the committee, "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." He said that "true threats of violence are not protected by the First Amendment," and that "those are the things we're worried about here. Those are the only things we're worried about here."

FactCheck.org fact-checked McCarthy's comments last week. CNN has previously debunked similar Republican claims. McCarthy's office did not respond to requests for comment for this article.

There's no basis for broader Republican allegations, either

There is clearly no basis for McCarthy's claims that Garland called parents "terrorists" for wanting to attend school board meetings. It's also worth noting that there is no basis for Republican claims that the broader Biden administration is treating parents as terrorists for expressing concerns about education.

Seeking to link the Biden administration to the National School Boards Association's use of the phrase "domestic terrorism," some Republicans have cited October reports in conservative media that White House staffers were in talks with association officials in the weeks prior to the association sending its letter to Biden. But nobody has presented evidence that the White House was responsible for the association's decision to include the phrase "domestic terrorism" in that letter.

Some Republicans have also pointed to the fact that the FBI's counterterrorism division was involved last year in the creation of a "threat tag" -- the phrase "EDUOFFICIALS" -- to help employees keep track of investigations and assessments related to threats of violence against education officials. But a threat tag is just an internal organizing tool, and the existence of the tag is not evidence that the FBI has overreached against parents who have not made threats.

The FBI told CNN in a November statement that the counterterrorism division was involved because it shares responsibility with the criminal investigative division for handling violent threats. The FBI statement said that "the FBI has never been in the business of investigating parents who speak out or policing speech at school board meetings, and we are not going to start now."