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KENTUCKY



**United States Senate**  
OFFICE OF THE REPUBLICAN LEADER  
WASHINGTON, D.C. 20510

October 7, 2021

Attorney General Merrick Garland  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

Dear Attorney General Garland:

I am concerned by your memorandum of October 4, 2021, regarding parental schoolboard protests. In it you directed federal law enforcement to partner with state and local governments to address “threats of violence, and other forms of intimidation and harassment” of “school administrators, board members, teachers, and staff” in public schools. The memorandum purports to respond to a “disturbing spike” in threats and harassment against these officials—although it’s silent as to the supposed perpetrators or any actual predicates for this action.

Your memorandum’s ominous rhetoric doesn’t reflect the reality of what we have seen at schoolboards across the country in recent months.

Parents absolutely should be telling their local schools what to teach. This is the very basis of representative government. They do this both in elections and—as protected by the First Amendment of the Constitution—while petitioning their government for redress of grievance. Telling elected officials they’re wrong is democracy, not intimidation.

I hope you will agree with me that the kind of grassroots interest parents have shown throughout the country in both the methods and substance of their children’s education is to be commended and encouraged. It’s not a Democratic or Republican issue, but a democratic and republican one.

While some schoolboard meetings have involved altercations with the police, they seem to have been isolated and dealt with effectively by local law enforcement. Violence, threats of violence, and other criminal behavior are always wrong.

On the other hand, in your very backyard of Virginia, there have been shocking efforts by public officials to organize for the intimidation and harassment of parents who have the temerity to want a better education for their children. One Loudon County schoolboard member participated in a Facebook group that compiled a list of parents opposed to Critical Race Theory and

discussed hacking their websites.<sup>1</sup> It's a situation where legal accountability is difficult because the Loudon County Prosecutor was also a member of the group seeking to "doxx" concerned parents.<sup>2</sup> It's exactly this kind of intimidation of *private citizens by government officials* that our federal civil rights laws were designed to prevent.

I would therefore like answers to the following questions before your upcoming hearing in the Senate Judiciary Committee.

1. In your memorandum, what are the operative definitions of the terms "harassment" and "intimidation"?
2. In your view, is an effort to recall a schoolboard member or to challenge her policies publicly ever an instance of an "effort[] to intimidate individuals based on their views"?
3. Why, in your view, are state and local law enforcement not adequately equipped to deal with any violence or threats that may arise from schoolboard protests?
4. As I mentioned earlier, in Loudon County, Virginia, a schoolboard member, the County Prosecutor, current and former teachers, and their political allies banded together to intimidate parents who opposed the teaching of Critical Race Theory.
  - a. In your view could these efforts, if successful, amount to a deprivation of constitutional rights under color of law?
  - b. What, if anything, is the Civil Rights Division doing to investigate this and other efforts by government officials to abridge the free speech of citizens?
5. Prior to issuing this memorandum did you, the Deputy Attorney General, the Associate Attorney General, the Assistant Attorney General for Civil Rights, or anyone on your staffs, communicate with the American Federation of Teachers, the National Education Association, or the National School Boards Association about this memorandum? If so please explain the nature of those conversations and provide to me any such communications.

Sincerely,



MITCH McCONNELL  
SENATE REPUBLICAN LEADER

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<sup>1</sup> Luke Rosiak, *Victory For Parents As Judge Sides With Loudon Parents, Against Prosecutor On School Board Recall*, The Daily Wire (Oct. 5, 2021), available at <https://www.dailywire.com/news/victory-for-loudoun-parents-as-judge-sides-with-loudoun-parents-against-prosecutor-barts-biberaj>.

<sup>2</sup> Hayley Milon Bour, *Barts Recall Case Advances; Commonwealth's Attorney Disqualified*, Loudon Now (Oct. 5, 2021), available at <https://loudounnow.com/2021/10/05/barts-recall-case-advances-commonwealths-attorney-disqualified/>.