

United States Senate

October 28, 2021

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

Dear Attorney General Garland,

I am writing to request that you immediately withdraw your memo dated October 4, 2021, related to parents advocating for their children at school board meetings. While any actual threat of violence is inappropriate, it was unacceptable for the Department of Justice to make a blanket declaration that parents exercising their First Amendment rights and expressing their views at local school board meetings may warrant investigation by federal law enforcement. This scenario has already had a chilling effect on free speech in Montana and eroded confidence in public schools even further.

As you know, in late September the National School Boards Association complained about threats against school board members and demanded that President Biden activate federal law enforcement. Five days later your memo was issued, instructing law enforcement mechanisms within the Department of Justice to “identify and prosecute threats.” NSBA recently issued an apology for likening concerned parents to domestic terrorists, but your office has still taken no visible action in response. In fact, in your testimony in the Senate Judiciary Committee you refused to withdraw the memorandum—maintaining the threat that federal law enforcement could pressure parents into silence.

In Montana, there have been passionate debates over issues families feel strongly about, but these exchanges do not merit calling on the federal government to intervene in local policy disagreements or over education policy disputes. As you are now aware, the Acting U.S. Attorney for Montana issued a memo on October 14, 2021 to County Attorneys, Sheriff’s departments, the State Education Agency, and Montana School Boards Association which detailed the most likely federal charges that could be brought against parents concerned about their children’s education and engaged in the civic process. It practically serves as a parent silencing starter kit and yet another example of extreme overreach by the Department of Justice and an effort to intimidate parents.

We are blessed to live in a country where we are free to express our views, and your actions set a dangerous precedent. I urge you withdraw this excessive and misguided memorandum without further delay. Thank you for your prompt attention to this important matter.

Sincerely,



STEVE DAINES
United States Senator