

CONCERNED  
WOMEN *for* AMERICA

October 12, 2021

The Honorable Merrick Garland  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Ave. NW  
Washington, DC 2053-0001

Attorney General Garland,

On behalf of the hundreds of thousands of Concerned Women for America (CWA) supporters around the country, many of whom are moms, I write to object to your October 4 memorandum to the Federal Bureau of Investigation (FBI) and federal prosecutors “to address threats against school administrators, board members, teachers and staff.”

However well-intentioned, the practical effect of your memorandum is to violate the most foundational principles of the First Amendment by creating a chilling effect on protected speech by concerned parents over the education of their children. As you know, the mere suggestion of being investigated by the FBI can have this effect on parents who are simply trying to protect their children from harmful content.

Not only does this effort infringe on those rights, but it also violates the most basic federalism principles embodied in the constitutional structure. Is there anything more fundamentally entrusted to the domain of state and local government than the education of our children? The federal government has no business injecting itself between a mother and the approach to educating her children.

There has been no “disturbing spike in harassment, intimidation, and threats of violence” against school officials that would warrant this broad and aggressive step by DOJ and the FBI.

Not even following the multiple, embarrassing performances by the FBI in investigating and preventing school shootings<sup>1</sup> have we seen such a sweeping campaign.

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<sup>1</sup>Bernie Woodall, Zachary Fagenson, “FBI admits failure to act on Florida school gunman, drawing anger” Reuters (February 16, 2018), available at <https://www.reuters.com/article/us-florida-shooting-idUSKCN1G00T7>.

At a time when women's anger against the monumental failures of DOJ and the FBI on the Larry Nassar debacle<sup>2</sup> is at its peak, it is simply unconscionable that this manufactured emergency is the focus of your department to go after the very women you failed to protect. Moms who object to the teaching of Critical Race Theory or obscene materials being taught in their schools because it is corrupting the minds and breaking the hearts and spirits of their children by teaching them to judge others by the color of their skin instead of the content of their character, or by sexualizing them at an early age putting undue pressure on young women, in particular, should not have to be worrying about whether they will be investigated by the FBI or the Attorney General of the United States for "domestic terrorism" because they lose their cool at a school board meeting. How else will you determine if something rises to the level of "intimidation" or "harassment" but after an investigation?

We respectfully urge you in the strongest possible way to focus your efforts and resources on the multiple threats we face as a country (will there ever be justice for the women sexually exploited and abused in the Epstein case?<sup>3</sup>), instead of focusing on parents trying to do right by their family and their country. You should make clear that parents will not be the focus of DOJ or FBI investigations in any way for making their voices heard even in forceful protests.

There cannot be two sets of laws for Americans, depending on their political opinions. The country just witnessed unprecedented protests by Black Lives Matter and Antifa that included extreme violence in many instances with tacit approval of the FBI and DOJ. We have not seen anything even remotely close to that at school board meetings. It cannot even be compared.

This politicization of DOJ and the powers granted to you by "we the people" is incongruent with the oath you have pledged to uphold throughout your illustrious career.

Sincerely,



**Penny Nance**  
**CEO & President**  
**Concerned Women for America**

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<sup>2</sup> Kevin Johnson and Kristine Phillips, "Another FBI failure: Larry Nassar debacle is latest in string of high-profile breakdowns," USA Today (July 15, 2021), available at <https://www.msn.com/en-us/sports/nba/another-fbi-failure-larry-nassar-debacle-is-latest-in-string-of-high-profile-breakdowns/ar-AAMcEOD>.

<sup>3</sup> Greg Price, "Federal Bureau of Incompetence: An Analysis of The FBI's Most Embarrassing Failures," Daily Caller (July 20, 2021), available at <https://dailycaller.com/2021/07/20/federal-bureau-incompetence-embarrassing-failures-fbi/>.