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Dear American Parents:

Southeastern Legal Foundation (SLF) is a national, nonprofit legal organization dedicated to defending liberty and Rebuilding the American Republic® since 1976.

Earlier this week, Attorney General Merrick Garland ordered¹ the FBI to take action to “protect” school board members, who are government officials, from parents. The “crime” in question is verbally disagreeing with school board policies on everything ranging from mask mandates to the teaching of critical race theory in our nation’s public schools. His order added to the mounting evidence across the nation that the Biden administration is using the awesome power of government to investigate, stifle, and silence criticism—a hallmark of totalitarian tyranny.

We write this letter in response and to let the brave parents and teachers out there know that SLF will stand beside them, in front of them, and behind them to confront threats from all directions to their innate right to raise their own children as they see fit.

General Garland’s order came a mere four days after the National School Boards Association took the remarkable step of demanding² that President Biden declare that parents speaking up for their children are “domestic terrorists.”

The broad scope of General Garland’s initial order unleashes the nation’s top law enforcement agency to root out parents who protest in the name of public safety: “The Department . . . is committed to using its authority and resources to discourage these threats, identify them when they occur, and prosecute them when appropriate.”

This is a direct attack on the First Amendment rights of both parents and teachers. The intent is to intimidate and silence.

Thousands of parents are stepping forward to question curriculum and policy decisions by public school boards and administrators. This is democracy in action. It is evidence of a healthy system. It is also an inconvenient truth for the progressive left that no longer tolerates any questioning of its orthodoxy.

Take, for example, the robust national conversation regarding the replacement of traditional education with race-based programming in the name of so-called “equity.” Parents across our country have had enough of schools conditioning children to see each other’s skin color first and

¹ <https://www.justice.gov/ag/page/file/1438986/download>

² [nsba-letter-to-president-biden-concerning-threats-to-public-schools-and-school-board-members-92921.pdf](#)

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foremost, categorizing everyone according to a hierarchy of racial privilege, and pitting different racial groups against each other. They have formed grassroots groups, spoken at school board meetings, and even run for school board positions.

In response, teachers unions and school boards have spent the last six months flip-flopping between claiming that critical race theory either doesn't exist or isn't being implemented in K-12 schools. But they couldn't hide from the truth. Now they wish to silence it.

Countless [articles](#)³ and two landmark federal [lawsuits](#)⁴ filed by Southeastern Legal Foundation on behalf of brave educators have exposed what parents already knew: administrators, accreditors, unions, and teachers are putting divisive and hateful ideology into practice and using our schools to create a generation of “social justice warriors.” Their goal is to undermine our constitutional republic.

Iconic abolitionist speaker Frederick Douglass [responded](#)⁵ to a successful 1860 effort in Boston to shut down a public meeting to address the question of slavery. Douglass said, “There can be no right of speech where any man, however lifted up, or however humble, however young, or however old, is overawed by force, and compelled to suppress his honest sentiments.” He described constitutional free speech as “the dread of tyrants.”

Our nation's Founders established the First Amendment in response to England's repression of speech and to curb such tyranny in the future. They recognized that nowhere are the threats of censorship more dangerous than when a restriction prohibits public discourse on “the propriety of public measures and political opinions.”⁶

Since 1724, freedom of speech has famously been called the “great Bulwark of liberty.”⁷ “Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law—the argument of force in its worst form.”⁸ As the U.S. Supreme Court has acknowledged, “Whatever differences may exist about interpretations of the First Amendment, there is practically universal agreement that a major purpose of that Amendment was to protect the free discussion of governmental affairs.”⁹ The First Amendment has “its fullest and most urgent application precisely to the conduct of campaigns for political office.”¹⁰ It guards against prior restraint or threat of punishment for voicing one's opinions publicly and truthfully.¹¹

³ <https://christopherrufo.com/critical-race-theory-in-education/>

⁴ <https://www.slfliberty.org/case/deemar-v-evanston-skokie-school-district-65/> and <https://www.slfliberty.org/case/henderson-v-springfield-public-schools/>

⁵ https://www.speeches-usa.com/Transcripts/fredrick_douglas-boston.html

⁶ Benjamin Franklin's 1789 newspaper essay, reprinted in Jeffrey A. Smith, *Printers and Press Freedom: The Ideology of Early American Journalism* 11 (Oxford University Press 1988).

⁷ 1 John Trenchard & William Gordon, *Cato's Letters: Essays on Liberty, Civil and Religious* 99 (1724), reprinted in Smith, at 25.

⁸ *Whitney v. California*, 274 U.S. 357, 376 (1927) (Brandeis, J., concurring).

⁹ *Brown v. Hartlage*, 456 U.S. 45, 52 (1982) (quoting *Mills v. Alabama*, 384 U.S. 214, 218–19 (1966))

¹⁰ *Monitor Patriot Co. v. Roy*, 401 U.S. 265, 272 (1971)

¹¹ *Meyer v. Grant*, 486 U.S. 414, 421 (1988) (quoting *Thornhill v. Alabama*, 310 U.S. 88, 101–02 (1940))

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In addition to providing a check on tyranny, freedom of speech and the press ensure the “unfettered interchange of ideas for the bringing about of political and social changes desired by the people.”¹² Speech about public affairs is thus “the essence of self-government” because citizens must be well-informed.¹³ For these reasons, public discussion is not merely a right; “[it] is a political duty.”¹⁴ The freedom to publicly speak on issues of public importance such as the education of our nation’s children, especially at our public school board meetings, is critical to a functioning democracy..

The First Amendment guarantees the right “. . . to petition the Government for a redress of grievances.” Public schools are arms of the government. The speed with which our government has moved from open public comment, to cutting off parents and teachers¹⁵ speaking at meetings, to calls¹⁶ to end public comment altogether, to threatening parents with criminal sanctions and labeling them as terrorists is nothing less than shocking.

Make no mistake about it, the American culture war is real. General Garland’s order declares that in the coming days the federal government will facilitate a means to report, assess, and respond to anything it deems is “intimidation” or “harassment.” Is the Biden administration using its power selectively? Yes. Is it ignoring the Constitution? Yes.

The choice for America is quite simple. You either stand with the parents who simply want their kids to receive a color-blind education, or you stand with those seeking to silence them at all costs. The clear intent by those choosing to stand by censorship is to implement race-based programming that conditions children to see each other’s skin color first and foremost then categorize everyone according to a hierarchy of racial privilege, and then pit different racial groups against each other. It is as unwise as it is illegal.

General Garland’s order reinforces what we have warned over and over: The most important battleground in the struggle to save our American republic is the public schools. The courageous parents and teachers who are speaking up, criticizing, advocating, and going to court, must know that those in the government will protect their rights rather than trample on them. Free speech is the dread of tyrants —we cannot let tyranny win.

Yours in Freedom,



¹² *Mills*, 384 U.S. at 218–19 (quoting *Roth v. United States*, 354 U.S. 476, 484 (1957) (internal quotation marks omitted))

¹³ *Garrison v. Louisiana*, 379 U.S. 64, 74–75 (1964)

¹⁴ *Whitney*, 274 U.S. at 376 (Brandeis, J., concurring).

¹⁵ <https://www.ksgf.com/episode/nick-reed-podcast-06-11-sps-teacher-who-was-escorted-out-of-school-board-meeting-speaks-out/>

¹⁶ <https://www.washingtontimes.com/news/2021/oct/3/mcauliffe-wants-parents-stay-out-public-education/>