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Critics say DOJ move to stop school board threats will deter free speech

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The Biden Justice Department's move to stop increasing threats against school board members and teachers would stifle free speech and deter public discussion about school policies, critics warn.

Attorney General Merrick B. Garland on Monday directed the FBI and state attorneys general to meet with leaders at all levels to develop strategies by Nov. 3 to deal with the threats. He also said the DOJ plans to announce a series of actions to address the uptick in criminal conduct against school officials.

The call-to-action came days after the National School Boards Association (NSBA) sent a letter to President Biden asking for federal authorities to investigate and monitor the threats, which the group said "could be equivalent to a form of domestic terrorism and hate crimes."

The letter said public school board members and education personnel across the country have been accosted for approving coronavirus-related mask policies and many are facing physical threats linked to the fight over teaching critical race theory in the schools.

Gene Hamilton, vice president of the conservative group America First Legal, said the Justice Department's move is "designed to scare parents, to punish them for speaking out for their children, and to shut down First Amendment protected speech and assembly."

"Of course, no teacher or public official should face the threat of violence, but by the same token, no parent should face [government] profiling and FBI investigations for standing up against the racist indoctrination of their children," Mr. Hamilton said.

The school board group cited nearly two dozen incidents in its plea for help, including a school board meeting in Michigan where a person protesting masks yelled a Nazi salute and the arrest of an Illinois man who allegedly hit a school official at a meeting.

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According to the group, a letter sent to a school board member in Ohio said: "We are coming after you ... You are forcing them to wear [a] mask — for no reason in this world other than control. And for that you will pay dearly."

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Neal McCluskey, director of the Center for Educational Freedom at the libertarian Cato Institute think tank, said while physical threats and bullying are unacceptable, the question is “should the federal government be involved in that?”

“I don’t see any legitimate reason why that shouldn’t be handled by local law enforcement,” Mr. McCluskey said, adding that a state law enforcement officer can step in if local authorities can’t handle it.

Meanwhile, NSBA interim executive director Chip Slaven applauded DOJ’s “swift” action in response to the association’s request.

“Over the last few weeks, school board members and other education leaders have received death threats and have been subjected to threats and harassment, both online and in person,” Mr. Slaven said.

The department’s effort “is a strong message to individuals with violent intent who are focused on causing chaos, disrupting our public schools and driving wedges between school boards and the parents, students and communities they serve,” he said.