



## Justice Department must end actions against concerned parents

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How bad of an idea is it to involve federal law enforcement in the culture clash over masking, curriculum, and other hot-button issues in public schools?

It's a terrible idea.

The White House should categorically disavow Merrick Garland's ill-conceived attorney general's memorandum, on which he will inevitably be grilled on Thursday before the House Judiciary Committee. In that memorandum, Garland pledged to address a supposed "rise in criminal conduct directed toward school personnel."

There are several major problems with that pledge, which was challenged this week by 17 state attorneys general who requested its withdrawal. The issues start with the fact that there is no wave of school-related violence sweeping the country. Certainly, tempers at school board meetings are running hot. While some school protesters have occasionally crossed the line, we have seen nothing remotely resembling the riots of last summer. Nor is there any indication that local authorities are on the verge of being overwhelmed.

It's important to remember that most crimes are none of the federal government's business. Our Constitution was carefully designed to favor local governance, and it deliberately withholds from the federal government the kind of general police power that states possess. As a result, many serious crimes such as robbery and even murder are primarily and often the sole responsibility of state and municipal law enforcement. In most cases, federal agencies such as the FBI don't even have jurisdiction to investigate those crimes, let alone prosecute them.

Federal law enforcement agencies have a disturbing track record when it comes to culture clashes. Abuses by the FBI's notorious COINTELPRO program once prompted the Church Committee to observe that "the Government has often undertaken the secret surveillance of

citizens on the basis of their political beliefs, even when those beliefs posed no threat of violence or illegal acts."

Those words seem more quaint than instructive when measured against Garland's breezy memo directing the FBI and every U.S. attorney's office to ferret out and, by conspicuously unspecified means, temper parental dissent. In a feeble attempt to make the deployment of federal agents to local school board meetings less alarming, Garland glosses over the critical difference between permissible political dissent and the criminal "harassment" against which he proposes to deploy the full resources of his \$32 billion-a-year department.

In her testimony before the Senate Judiciary Committee, Deputy Attorney General Lisa Monaco insisted that Garland's directions authorized DOJ intervention only in cases of "violence." This must be news to Garland, whose memo contains no such limitation. When asked to define specifically what the memo meant by "harassment" and "intimidation," Monaco refused.

Will it be deemed "harassment" when a mother at a school board meeting angrily objects to her children being taught that some people are born to be oppressors and others victims? Will it be "intimidation" when a distraught father protests emphatically that the school's masking policy is either too stringent or not stringent enough? Will we learn the answers to these questions by an early morning knock at the family's door inviting mom and dad to a legally perilous "interview" about the source of their beliefs, whom they've been talking to, and where the next meeting of similarly concerned parents is going to be?

We have seen startling evidence of the DOJ's misplaced priorities. For years, it all but ignored repeated information suggesting that an Olympic team doctor was sexually abusing dozens of athletes, only taking action after a scathing inspector general's report. Surely the DOJ's resources could be better deployed to help local law enforcement address the massive spike in homicides and gun assaults over the past 18 months?

Some of the issues now percolating in the national debate about what to teach children rouse strong emotion. No serious person thinks that justifies violence. But likewise, no serious person, and certainly not the attorney general, can properly conflate violence with vigorous or even furious debate. Nowhere is the need for diversity of viewpoints more crucial than in the education of our children. And nowhere is the presence of a censorious Big Brother more unwelcome than in this special domain.

Garland's memo deserves a new filing cabinet: the trash can.

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