

**SUBSTITUTE FOR
SENATE RESOLUTION NO. 86**

1 A resolution to condemn the U.S. Department of Justice
2 memorandum on intimidation and harassment against school board
3 members for inhibiting parents' constitutional right to free speech
4 and to urge the State Board of Education to refrain from
5 participating in any actions that will further limit that right.

6 Whereas, On October 4, 2021, the U.S. Attorney General
7 released a memorandum directed at employees of the Department of
8 Justice (DOJ) concerning threats against school administrators,
9 board members, teachers, and school staff across the country. The
10 memo cites an increase in "harassment, intimidation, and threats of
11 violence" and calls for the Federal Bureau of Investigation (FBI)
12 to coordinate with local law enforcement to facilitate a discussion
13 of strategies for addressing and responding to these threats; and

14 Whereas, While there is no debate regarding the need to

1 protect public servants from all credible threats of violence, the
2 vague language used in the memo is likely to obstruct another
3 vitally important public interest - the freedom of speech. It is
4 unclear what types of speech may be considered to be "intimidation"
5 or "harassment," and the uncertainty is likely to have a chilling
6 effect on school board participation. Parents with legitimate
7 concerns about school issues may be hesitant to passionately
8 advocate for their children under the threat of federal
9 intervention; and

10 Whereas, The memo also sends an insulting message that
11 inaccurately characterizes the concerns of many parents. The memo
12 implies that parents who oppose a particular agenda are expected to
13 be violent and that federal intervention is needed to protect
14 others from their viewpoints. This type of statement demonizes
15 invested parents who share the goal of educating students and
16 protecting them from harmful policies. The associated stigma will
17 further impede the ability of parents to voice their concerns; now,
18 therefore, be it

19 Resolved by the Senate, That we condemn the October 4, 2021
20 U.S. Department of Justice memorandum for inhibiting parents'
21 constitutional right to free speech; and be it further

22 Resolved, That we call on the State Board of Education to
23 refrain from participating in any actions that will further limit
24 the First Amendment rights of parents and encourage local districts
25 to do the same; and be it further

26 Resolved, That copies of this resolution be transmitted to the
27 U.S. Attorney General and the State Superintendent of Public
28 Instruction.