

United States Senate

WASHINGTON, DC 20510

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<http://www.senate.gov>

January 13, 2021

Delivered via Email

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202

Dear Secretary Cardona:

Parents are not “domestic terrorists” and it is appalling that anyone would suggest that exercising the constitutionally protected freedoms of speech and assembly would be characterized as a threat. Parents across the country are outraged that their children’s education has been disrupted, delayed, even denied over the past two years.

Study after study shows how much educational harm has been done to schoolchildren with shutdowns and closures. It is estimated most students lost between 30 and 50 percent of their learning gains because of school closures. Moreover, minority and low-income students and students with disabilities were among the hardest hit as a result of these disruptions, with many losing as much as a full year of educational progress. Students’ mental health suffered as well. According to the CDC, teen suicide attempts among girls increased by 51 percent, likely due in part to students’ inability to access in-person learning.

Yet on September 29, 2021, the National School Boards Association (NSBA) sent a letter to President Biden accusing parents expressing concern and frustration with lockdowns, shutdowns, school closures, mandates and more with “domestic terrorism.” The letter even suggested using the PATRIOT Act against parents who are concerned about months and years of lost educational opportunities due to school closures, shutdowns, and unnecessary restrictions.

On October 4, 2021, Attorney General Garland issued a memo at NSBA’s behest, directing the FBI and U.S. Attorneys to act on the contents of the NSBA letter. That evoked the prospects of the FBI using the powers of the PATRIOT Act against peacefully protesting parents frantic to get their children back in school so they don’t fall behind and lose a year of education.

On October 22, 2021, the NSBA apologized for the letter, as they should. Many state school board associations have called into question their affiliation with the NSBA, and the NSBA has a lot of work to do to regain the trust of America’s moms and dads without significant reforms.

Unfortunately, the Attorney General has not rescinded his memo, as he should.

While we knew early on that White House staff were complicit in the creation of this letter, it is only recently that information has surfaced implicating you and your office in this shameful episode. News reports indicate that the letter from the NSBA to President Biden was actually initiated at **your** request.

Accountability begins at the top, and as U.S. Secretary of Education you must explain your role, or your staff's role, in the creation of this letter.

Please respond to the following questions by 4:00 p.m., Friday, January 14, 2022:

1. What role did you personally play in soliciting the letter from the NSBA to the President on September 29, 2021? Did you advise on the content or the wording of the letter?
2. What role did your staff play in soliciting the letter from the NSBA to the President on September 29, 2021? Did they advise on the content or the wording of the letter?
3. Do you believe that parents exercising constitutionally protected rights are "domestic terrorists"?
4. What direction was your Department given from the White House regarding the origination, creation, or content of the letter?
5. Will you commit to firing any staff involved in crafting this letter if they did so without your knowledge or direction?
6. Do you think that school board meetings should be open to the public to allow parents to have oversight and influence on their children's education?

Thank you for your attention to this matter.

Sincerely,



Tim Scott
U.S. Senator



Richard Burr
U.S. Senator



Shelley Moore Capito
U.S. Senator



Mitch McConnell
U.S. Senator



John Thune
U.S. Senator



Mike Braun
U.S. Senator



Mike Crapo
U.S. Senator



Kevin Cramer
U.S. Senator



Rand Paul
U.S. Senator



James Lankford
U.S. Senator



Ron Johnson
U.S. Senator



Rick Scott
U.S. Senator



Thom Tillis
U.S. Senator



Ben Sasse
U.S. Senator



Marco Rubio
U.S. Senator



Bill Cassidy, M.D.
U.S. Senator



Jerry Moran
U.S. Senator



Tom Cotton
U.S. Senator



John Boozman
U.S. Senator



Susan M. Collins
U.S. Senator



Lindsey O. Graham
U.S. Senator



John Hoeven
U.S. Senator

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Ted Cruz
U.S. Senator