



Orange County Board of Education Resolution
Opposing Tyranny of the United States Government
and Intimidation of its Citizens

A Resolution to declare that the entire statement by the United States Attorney General Merrick Garland in a memorandum, dated October 4, 2021 should be withdrawn or revoked. The memorandum declares that the United States Department of Justice is “committed to using its authority and resources to discourage” public discourse that it deems to be “[t]hreats against public servants” and to “prosecute them when appropriate” (the “Memorandum”).

Whereas, the Orange County Board of Education (OCBE or board) believes the founding fathers of this country laid the cornerstone of these United States of America, as a representative democracy. An embedded principle in our constitution of federalism, allows local communities to elect local school board members as trustees to represent them in the governance of public schools in their communities; and

Whereas, the First Amendment to the United States Constitution gives the people of this great country the right to peaceably assemble, and to petition the government for the redress of grievances. This is regularly observed across the country in one-on-one meetings with school trustees, administrators and municipal officers. If a public policy issue is not resolved or requires greater consideration, parents and community members have the right to appeal to and speak with local elected officials during local school board meetings, city council meetings, and various other local governance meetings; and

Whereas, local school boards and elected trustees represent a form of governance that is nearest to the people, and where parents and community members expect their local representatives to govern in a manner that reflects their constituent’s priorities; and to provide a safe and nurturing environment for their children that produces a high-quality education for future civic-minded citizens; and

Whereas, as a longstanding and revered American tradition, parents possess the inalienable right to direct the upbringing of their children, and no government shall remove these fundamental parental rights. Parents and the community have the right to speak out against failures in the educational processes and outcomes, and should do so passionately, yet peacefully during public comment at school board meetings; and

Whereas, schools across our great nation have progressively become politically correct and “ woke,” and have elevated political correctness over academics. These cultural changes have sown great discord and division in this country based on numerous factors, primarily the “politics of identity.” School boards across this country are instituting policies and curricula that are antithetical to their constituent’s values and principles, while children are not meeting state standards, and lack basic academic skills such as reading, writing, and arithmetic. These woke-like curricula include racism, critical race theory, Marxism and social justice politics, and culturally inappropriate sexual and health education curricula; and



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Whereas, the National School Board Association (NSBA) overtly coordinated and colluded with the President of the United States (POTUS) and the Department of Justice (DOJ) by sending a letter dated September 29, 2021 to the POTUS asserting: *"The National School Boards Association respectfully asks for federal law enforcement and other assistance to deal with the growing number of threats of violence and acts of intimidation occurring across the nation."* The NSBA requested that the U.S. Department of Justice, Federal Bureau of Investigation, U.S. Department of Homeland Security, U.S. Secret Service, and the National Threat Assessment Center focus and direct their resources towards investigating parents of public school children, solely based on the NSBA's false allegations, inadequately perceived notions of "threats" and "terrorists risks" of American citizens. The NSBA also requested that the U.S. Postal Inspection Service intervene against threatening letters and cyberbullying attacks that purportedly been communicated to students, school board members, district administrators, and other educators; and

Whereas, in a corresponding and unprecedented abrupt response to false and malicious accusations contained within the NSBA letter to the POTUS, five days later Attorney General Garland on October 4, 2021, issued a Memorandum, that declared: *"In recent months, there has been a disturbing spike in harassment, intimidation, and threats of violence against school administrators, board members, teachers, and staff who participate in the vital work of running our nation's public schools."* The Justice Department has offered no proof that such "harassment, intimidation, and threats of violence" have occurred in numbers that justify federal intervention. Nevertheless, the memorandum further declares: *"The Department takes these incidents seriously and is committed to using its authority and resources."* Such directive by the DOJ and United States Attorney General is unprecedented in American history, and interferes with the freedom of speech of parents and citizens exercising their First Amendment rights under the United States Constitution; and

Whereas, the NSBA and DOJ offers no proof of a *"growing number of threats of violence and acts of intimidation."* This misguided, inaccurate, and inflammatory NSBA letter, implies that parents are "domestic terrorists;" and places law abiding citizens who are exercising their first amendment rights in advocating for their children, in the crosshairs of an overreaching federal government and law enforcement agencies; and

Whereas, public school boards have an obligation to be responsive to their community and listen to both positive and negative feedback. In considering the sphere of local governance and law enforcement, any action by the Federal Government to interfere with the local governance of schools is not found in the enumerated powers in the United States Constitution. Local school boards are governed by state and local laws which are enforced by local law enforcement and adjudicated in local courts; and

Whereas, implementation of the memorandum interferes with the First Amendment rights of our constituents to engage in free and open discussion of public issues and governance, and it is a misuse of



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federal power in an area traditionally governed by state and local authorities. The Orange County Board of Education advocates open discourse over governance issues of concern, and rejects federal law enforcement intervene in that open public discourse; and

NOW, THEREFORE BE IT RESOLVED, the Orange County Board of Education advances the American core principles that citizens of this great country have the right to petition their school boards, and other governance boards in a civil and just manner with as much passion as they can muster short of threats, intimidation or violence against those in public service. Free speech, especially that provided in public comment at board meetings should be revered and embraced, and not condemned or oppressed by schools board, local agencies, city councils, or federal law enforcement agencies; and

Furthermore, the Orange County Board of Education hereby: 1) denounces the leadership of the National School Board Association for their coordinating role in demanding the POTUS and federal law enforcement overreach into local control of education and political discourse; and 2) petition that the October 4, 2021 directive by United States Attorney, General Merrick Garland, that initiates the DOJ, Federal Bureau of Investigation, state and local officials to monitor parents, tax-payers, and constituents, be revoked or withdrawn.

ADOPTED by the Orange County Board of Education on the 3rd day of November 2021.

AYES: Williams, Barke, Sparks

NOES: Gomez

ABSENT: 0

STATE OF CALIFORNIA

COUNTY OF ORANGE

I, Mari Barke, President to the Board of Education of Orange County, California hereby certify that the foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 3rd day of November 2021 and passed by a vote of 3-1, of said Board Members present.

IN WITNESS THEREOF, I have hereunto set my hand and seal this 3rd day of November 2021.

Mari Barke, President
Orange County Board of Education