

2 October 2020

Dr. Duane Thresher
1039 Longview Lane
Culpeper VA 22701

Karie Lane, Director of Elementary Instruction
Glenda Gum, Instructional Administrative Assistant
Missy Wilson, Attendance Officer
Robert Hauman, Executive Director of Curriculum and Instruction
Anthony Brads, Division Superintendent

Culpeper County Public Schools
450 Radio Lane
Culpeper VA 22701

Re: A lawsuit is being filed against you

We are in receipt of your letter (enclosed) of 9/24/2020, a veiled threat to have our daughter [REDACTED] taken away from us by the court because we homeschool her, and part of a pattern of intimidation by you intended to stop us from exercising our constitutional right to homeschool.

First, you know perfectly well that we are homeschooling our daughter. You have been notified numerous times. Just the fact that you sent the threatening letter proves that. Notification is the only intent of § 22.1-254.1 B of the Code of Virginia.

What we will not be doing this year is caving in to your anti-homeschool intimidation by needlessly filling out new forms each year that don't change in content. Last year I told you just to use the forms from the year before and you threatened us with legal action unless we went to the trouble of doing new forms.

Particularly during these hard economic times, such needless paperwork places an undo burden on us. The fact that you continue to require it of us this year, when *all* children are being homeschooled, while ignoring other school laws this year — like your waiving of the more important § 22.1-254.1 C, evidence of student progress — proves that this requirement of us is part of a pattern of anti-homeschool intimidation.

§ 22.1-254.1 (enclosed, since you have either never read it or think we haven't) says nothing about filing charges with the court for alleged failure to notify. It speaks only of decisions by the division superintendent and appeals to an independent hearing officer. The Culpeper Schools Division Superintendent is Anthony Brads, who was conspicuously unnamed in your threatening letter, but whom I must assume knows about it so will also be sued. That you fabricated a legal consequence for our alleged failure to notify is proof of your pattern of

anti-homeschool intimidation.

Moreover, if you even contact the court about us you will be violating the law and we will sue you for that as well. § 22.1-254.1 G says “No division superintendent or local school board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of this section or subdivision B 1 of 22.1-254.” The court is not part of the local school division (and we do not consent to disclosure). So your fabricated legal consequence was the exact opposite of the actual law, further proving your pattern of anti-homeschool intimidation.

As you know from our previous notifications, my wife, Dr. Claudia Thresher, is a German immigrant. In Germany, homeschooling is illegal and in just the last couple of years young children have been taken from their parents, literally dragged from their homes by the police, to enforce this law, which was implemented in the 1930’s by Adolf Hitler and the Nationalist Socialists (Nazi’s).

Your threatening letter has thus caused my wife great emotional distress. Further, filing charges against me with the court would damage my reputation and hurt my business, Ap-scitu Inc., already suffering from the Coronavirus Recession. We will thus be suing you for damages, each of you as private citizens, since as public officials acting in violation of the law under color of the law you have lost your indemnity. And taxpayers should not have to pay for your crimes, especially since they are already paying way too much for an incompetent education of their children, particularly this year.

Because Culpeper Schools take federal money they are subject to federal law and I will be filing suit in U.S. District Court, and appealing it all the way to the Supreme Court if necessary. Child-rearing, which obviously includes schooling, is considered one of the fundamental constitutional rights that the courts use strict scrutiny in ruling on (meaning we have the presumption of being right). Your attempt to stop us from homeschooling is thus a violation of our constitutional rights.

Given your arrogance, at this point you are probably scoffing at the threat of a lawsuit (how could I even afford a lawyer?).

I will remove your arrogant disbelief.

Without need of a lawyer, I filed a lawsuit in federal court against Governor Northam for violation of my First Amendment right to peaceably assemble via his Coronavirus Executive Orders, the same ones that are destroying the entire Virginia education system and you so unquestioningly follow (you can’t teach critical thinking if you can’t do it yourself):

Dr. Duane Thresher v. Governor of Virginia Ralph Northam, U.S. District Court,
Eastern District of Virginia, Richmond Division, Judge David J. Novak, Case
Number 3:20cv307

The case is still being decided and I enclose the latest document, an order by the judge against Governor Northam for bungling his response to my complaint. Additionally, an appeal to the Supreme Court has already been drafted, in case it is necessary.

Thus, if you think I would even hesitate to sue the likes of you, with any lawyer you could possibly afford or even a state lawyer, you are indeed foolish.

The above is already more than enough to convict you but as more proof of your pattern of anti-homeschool intimidation, about which I warned you last year, I will include in my lawsuit:

- In a letter of 8/31/2018 from Karie Lane: “Your request to provide home instruction for [REDACTED], grade three, for the 2018-19 school year is complete.” Again, § 22.1-254.1 B is very clear that it is a “notification” not a “request”. We have the constitutional right to homeschool our daughter, we don’t have to ask permission. Lane’s wording is intentionally designed to intimidate and make us believe she has the power to stop us from homeschooling.
- In a letter of 8/12/2019 from Karie Lane: “The evidence of achievement you have submitted for [REDACTED], grade three, for the 2018-2019 school year qualifies you to provide home instruction for the upcoming school year.” We have the constitutional right to homeschool our daughter, we do not have to qualify for it. Lane’s wording is intended to intimidate and make us believe she has the power to stop us from homeschooling.

Karie Lane pretending she has the authority to decide who is qualified to homeschool is all the more outrageous because she only has a master’s degree, from a second-rate university, in “Educational Leadership and Administration”, which should not qualify her to teach and she probably never has. I have a Ph.D. from Columbia University and have taught there and other places. Similarly, my wife has a doctorate from the University of Berlin and has taught as well.

Further, under our tutelage our daughter is at least a couple of grades ahead of children her age, whereas Culpeper Schools have trouble, particularly this year, meeting minimum educational standards, themselves already set low. Trying to stop us from homeschooling is trying to force a far inferior education on our daughter, which proves you are not interested in her welfare, only in forcing your political beliefs on her, which is exactly what the Constitution is designed to prevent.

From relevant federal law 42 U.S.C. § 1983:

- One may sue public officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution”
- Defendants may be found liable when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia”

I strongly advise each of you to hire a lawyer now. After I file suit and have the summons served on you, you will have only 21 days to respond. Ironically, because of Governor Northam's unconstitutional executive orders, getting a lawyer these days could take longer than that.

Don't count on Culpeper to represent you. As I said, I am suing you as private citizens. It is well-known that the financial burden of such lawsuits – primarily lawyers' fees – which as a pro se litigant I don't have, can bankrupt a school district and Culpeper will be more than willing to throw you under the bus. Actually, this is only fair; again, the taxpayers should not have to pay for your crimes.

While our actual damages are more than you can possibly pay, I will calculate damages based on the max you could possibly pay. I am gathering information on your assets: your salaries (although you may lose your jobs over this), from FOIA requests, and your home and car values, from property tax records.

All further correspondence with us will be in writing, by mail, through your lawyers.

Sincerely,

Dr. Duane Thresher
Ph.D., Columbia University
B.S., MIT