

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

VIRGINIA STATE CONFERENCE NAACP;
HEATHER BROWN on behalf of B.B.,
a minor; KIM WALLACE CARTER on behalf
of A.C., a minor; KAY DOE and EDWARD
DOE on behalf of D.D. and J.D., minors;
MARY JOHNSON on behalf of A.J., a minor.

Plaintiffs,

v.

COUNTY SCHOOL BOARD OF
SHENANDOAH COUNTY,

Defendant.

Case No.

COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF

(Violation of Rights under the First and
Fourteenth Amendments to the U.S.
Constitution, Title VI of the Civil Rights Act
of 1964, and Equal Educational Opportunities
Act)

I. INTRODUCTION

1. This case challenges the Shenandoah County School Board’s (“School Board” or the “Board”) recent reaffirmation of the original names assigned to two schools to honor Confederate generals—a government action that endorses a discriminatory and harmful message of Black inferiority and subjugation—in violation of Plaintiffs’ First Amendment, Fourteenth Amendment, and statutory rights.

2. In the wake of the United States Supreme Court’s groundbreaking decision in *Brown v. Board of Education*, the governing bodies of Virginia’s public elementary and secondary schools embarked upon a program of “Massive Resistance” to integration. The aim of that resistance was to maintain segregation and the invidious system of White supremacy undergirding it.

3. During this period, Confederate symbols—which had originally represented the pro-slavery cause—took on new salience as signifiers of resistance to *Brown* and the change that it augured. In this context, Shenandoah County built new schools that were specifically intended

to serve only White students. Defendant School Board named one of those schools “Stonewall Jackson High School,” in honor of a hero of the Confederacy.

4. Defendant School Board named another school “Stonewall Jackson Primary School,” which it later changed to “Ashby Lee Elementary,” in honor of two other Confederate military heroes, Robert E. Lee and Turner Ashby.

5. By naming these schools “Stonewall Jackson” and “Ashby Lee,” names that represented an embrace of those Confederate leaders’ pro-slavery and White supremacist views, Defendant School Board intended to communicate to Black students that they were not welcome.

6. In June 2020, finally acknowledging the discriminatory nature of the school names, Defendant School Board approved the removal of the Confederate names from Stonewall Jackson High School (“Stonewall Jackson HS”) and Ashby Lee Elementary School (“Ashby Lee ES”). The removal of the Confederate names was recommended as an action pursuant to Defendant School Board’s resolution “condemning racism and affirming the . . . commitment to an inclusive school environment for all.”

7. On January 14, 2021, Defendant School Board reaffirmed the decision to retire the Confederate school names and renamed the schools Mountain View High School (“Mountain View HS”) and Honey Run Elementary School (“Honey Run ES”), respectively.

8. Rather than maintain this progress, Defendant School Board voted on May 10, 2024, to reinstate the names Stonewall Jackson HS and Ashby Lee ES. In making this decision, Defendant School Board not only reinstated the prior Confederate school names, but also signaled a return to the prior state of play, where racism and exclusion of Black students were commonplace.

9. The Confederacy and its leadership are inextricably intertwined with the history of slavery in America and continue to be symbols of racial oppression and hatred. Confederate leaders explicitly identified the defense of slavery as a “cornerstone” upon which the Confederacy was founded. Today, Confederate leaders and imagery are used as symbols and rallying cries of White supremacy.

10. When Black students are compelled to attend schools that glorify the leaders and ideals of the Confederacy, they are subject to a racially discriminatory educational environment, which has significant psychological, academic, and social effects.

11. When students are required to identify as members of student bodies or teams named to honor Confederate leaders in order to participate in school activities, they are required against their will to endorse the violent defense of slavery pursued by the Confederacy and the symbolism that these images have in the modern White supremacist movement.

12. Slavery in Virginia and Shenandoah County had to be eliminated by military force through years of war. Segregated schools in Virginia and Shenandoah County had to be eliminated by judicial force through years of court intervention. The vestiges of both now must be eliminated through Court order compelling the removal of Confederate names that were assigned to public schools by Defendant School Board to honor Confederate leaders and to this date represent Defendant School Board’s embrace of segregationist and pro-slavery values.

13. This civil rights Complaint, brought by the Virginia State Conference NAACP (“NAACP”), and several individual students in Shenandoah County Public Schools (collectively, “Individual Plaintiffs”), challenges the reaffirmation of the Confederate names by Defendant School Board of Stonewall Jackson HS (from Mountain View HS) and Ashby Lee ES (from Honey Run ES).

14. Plaintiffs bring this case to redress the creation and maintenance of a discriminatory environment that erodes their right to receive an education and to be free from compelled speech they consider vile. Requiring Plaintiffs to attend schools named in honor of prominent members of the Confederacy and compelling Plaintiffs to identify as members of the Stonewall Jackson “Generals” violates Plaintiffs’ rights under the First and Fourteenth Amendments to the United States Constitution, Title VI of the Civil Rights Act of 1964, and the Equal Educational Opportunities Act.

II. JURISDICTION AND VENUE

15. This Court has subject matter jurisdiction over Plaintiffs’ claims under the Constitution, which are brought under 42 U.S.C. § 1983, and under the laws of the United States, pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3), and 20 U.S.C. § 1706.

16. This Court is authorized to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

17. Venue is proper in this Court under 28 U.S.C. § 1391(b), (c), and (d) because the Western District of Virginia, Harrisonburg Division, is the judicial district in which a substantial part of the events or omissions giving rise to the claim occurred and in which all Defendants are located.

III. PARTIES

Plaintiffs

18. The Virginia State Conference NAACP is the state branch of the NAACP in Virginia. Its parent organization is the nation’s largest and one of the oldest civil rights grassroots organizations. Since the NAACP’s founding in 1909, its mission has been to ensure the political, educational, social, and economic equality of all persons and to eliminate race-based discrimination. The subject matter of this Complaint is at the core of the mission of the Virginia

State Conference NAACP. To advance its mission, the NAACP has brought landmark civil rights cases throughout its 115-year history and continues to do so. The members of the Virginia State Conference NAACP include Black and White families whose students attend Mountain View HS and Honey Run ES. The Virginia State Conference NAACP brings this action on behalf of its members.

19. Kay Doe, mother of D.D. and J.D., and Edward Doe, father of D.D. and J.D., are the guardians of Plaintiffs D.D. and J.D. and residents of Shenandoah County. Kay Doe and Edward Doe are authorized to sue on behalf of Plaintiffs D.D. and J.D., pursuant to Fed. R. Civ. P. 17(c)(1)(A).

20. Plaintiff D.D. is a fourteen-year-old Black student who recently completed eighth grade at North Fork Middle School, and who plans to attend Mountain View HS. D.D. has lived in Shenandoah County and attended Shenandoah County Public Schools since kindergarten. D.D. is an exceptional student who earned straight As throughout middle school. D.D. is a member of the Virginia State Conference of the NAACP.

21. J.D. is a nine-year-old Black student who recently completed her fourth-grade year at Honey Run ES and will attend the school again in the fall of 2024. J.D. has lived in Shenandoah County and attended Shenandoah County Public Schools since kindergarten. J.D. is a member of the Virginia State Conference of the NAACP.

22. Kim Wallace Carter, mother of A.C., is the guardian of A.C. and a resident of Shenandoah County. Kim Wallace Carter is authorized to sue on behalf of A.C., pursuant to Fed. R. Civ. P. 17(c)(1)(A).

23. A.C. is a seventeen-year-old Black student in the Shenandoah County Public Schools system. A.C. attended the Massanutten Regional Governor's School at Mountain View

HS his junior year and plans to attend the upcoming school year as a senior. A.C. is a member of the Virginia State Conference of the NAACP.

24. Mary Johnson, mother of A.J., is the guardian of A.J. and a resident of Shenandoah County. Mary Johnson is authorized to sue on behalf of A.J., pursuant to Fed. R. Civ. P. 17(c)(1)(A).

25. A.J. is a sixteen-year-old White student at Mountain View HS. A.J. participates in school sports and extracurricular activities. A.J. has been accepted and plans to attend the Massanutten Regional Governor's School at Mountain View HS during his junior and senior years. A.J. plans to study computer science and creative writing after high school. A.J. is a member of the Virginia State Conference of the NAACP.

26. Heather Brown, mother of B.B., is the guardian of B.B. and a resident of Shenandoah County. Heather Brown is authorized to sue on behalf of B.B., pursuant to Fed. R. Civ. P. 17(c)(1)(A).

27. B.B. is a seventeen-year-old Black student at the Massanutten Regional Governor's School and attends school in the Shenandoah County Public School system. B.B. applied to the Governor's School after her guidance counselor noticed B.B. was not being challenged enough at her public school. The Governor's School is preparing B.B. for college and whatever career she decides to pursue. B.B. is a member of the Virginia State Conference of the NAACP.

Defendant

28. Defendant Shenandoah County School Board oversees and is the policy-making body for the Shenandoah County Public Schools system and has final authority over the names of Mountain View HS and Honey Run ES. It is comprised of six members elected by residents of Shenandoah County. The current members of the School Board are Dennis Barlow, Gloria Carlineo, Kyle Gutshall, Thomas Streett, Michael Rickard, and Brandi Rutz. Shenandoah County

Public Schools is a program or activity which receives federal financial assistance. On information and belief, there has never been a Black member of the Shenandoah County School Board.

IV. FACTUAL BACKGROUND

A. The Confederacy

29. The Confederacy's fundamental unifying principle was the preservation of slavery in the United States and the continued subjugation of Black people.

30. In its declaration of secession on December 20, 1860, South Carolina became the first state to secede from the United States, citing the "increasing hostility on the part of the non-slaveholding States to the institution of slavery."¹

31. On January 9, 1861, Mississippi became the second state to secede, declaring: "Our position is thoroughly identified with the institution of slavery – the greatest material interest of the world." The declaration continued: "Its labor supplies the product which constitutes by far the largest and most important portions of commerce of the earth. These products are peculiar to the climate verging on the tropical regions, and by an imperious law of nature, none but the black race can bear exposure to the tropical sun. These products have become necessities of the world, and a blow at slavery is a blow at commerce and civilization."²

32. Just three weeks before the Civil War began at Fort Sumter in South Carolina, Confederate Vice President Alexander Stephens identified the "cornerstone" upon which the Confederacy was founded. In his speech, Stephens criticized the "prevailing ideas entertained by

¹ *South Carolina Declaration of Secession (1860)*, available at https://avalon.law.yale.edu/19th_century/csa_scarsec.asp.

² *A Declaration of the Immediate Causes which Induce and Justify the Secession of the State of Mississippi from the Federal Union*, available at https://avalon.law.yale.edu/19th_century/csa_missec.asp.

[Thomas Jefferson] and most of the leading statesmen at the time of the formation of the old [C]onstitution, were that the enslavement of the African was in violation of the laws of nature.”³

33. Stephens continued:

[The Confederacy’s] new government is founded upon exactly the opposite idea; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and normal condition. This, our new government, is the first, in the history of the world, based upon this great physical, philosophical, and moral truth.⁴

34. One month later, in its own declaration, Virginia cited as justification for secession that “the Federal Government having perverted said powers [provided in the Constitution], not only to the injury of the people of Virginia, but to the oppression of the Southern slaveholding States.”⁵ Richmond, Virginia was the capital of the Confederate States of American from May 8, 1861 until the end of the Civil War.

35. Other states’ declarations, including those of Texas and Georgia, were equally clear that the reason for their secession—and the animating purpose of the Confederacy—was to preserve slavery. To fight for the Confederacy, then, was to fight to keep Black men, women, and children enslaved.

36. Robert E. Lee, Thomas J. “Stonewall” Jackson, and Turner Ashby were prominent Confederate military leaders. Jackson and Lee, in particular, are perhaps the two best known Confederate commanders.

³ Address at the Athenaeum in Savannah, Georgia (Mar. 21, 1861).

⁴ *Id.* The language quoted in paragraphs 30 to 34 are direct quotations from primary sources.

⁵ *The Virginia Secession Ordinance*, available at <https://www.nytimes.com/1861/04/28/archives/the-virginia-secession-ordinance-an-ordinance.html>

37. Robert E. Lee was General-in-Chief of the Confederate States Army, and commander of the Army of Northern Virginia, one of the primary fighting forces of the Confederacy. Lee was one of several Confederate leaders that were indicted for treason following the Civil War. The indictments stated that these Confederates, including Lee, had “unlawfully, falsely, maliciously, and traitorously...lev[ied] war against the United States.” *Case of Davis*, 7 F. Cas. 63, 86–87 (C.C.D. Va. 1871).

38. Thomas J. “Stonewall” Jackson commanded the army of Northern Virginia’s Second Corps as its Lieutenant General. He served under Lee until 1863, when he died of wounds he received during the Battle of Chancellorsville, Virginia.

39. Turner Ashby commanded the Seventh Virginia Cavalry and was later promoted to Brigadier General. He served until 1862, when he was killed in action south of Harrisonburg.

40. Generals Jackson, Ashby, and Lee fought for the goals of the Confederacy: to preserve slavery. Moreover, Lee and Jackson are on record as true believers in the Confederate cause—both men believed that slavery was ordained by God and that Black people were not well suited to freedom. And in later decades, as the civil rights movement gathered steam, localities throughout the South erected Confederate monuments to signal their opposition to racial equality.

41. After the war, Lee and Jackson became central figures of pro-Confederate history, known as “The Lost Cause”—the revisionist interpretation of the Civil War as a righteous war fought for states’ rights and not to preserve slavery.⁶ The “Lost Cause” narrative—perpetuated by

⁶ Steven Cody Straley, *A Union State's Confederate Hero: Stonewall Jackson and the Lost Cause in West Virginia*, 16 W. Va. Hist.: J. Regional Studies 85 (2022); National Park Service, *Memorialization of Robert E. Lee and the Lost Cause*, NPS.gov, <https://www.nps.gov/arho/learn/historyculture/memorialization-of-robert-e-lee-and-the-lost-cause.htm> (last visited Jun. 5, 2024).

Lee himself in particular—also held that African Americans were inferior, and that Confederates and their cause were heroic and blameless.

42. In the 1920s, as the Ku Klux Klan resurged, lynching became more prevalent, and Jim Crow segregation laws were adopted, the Lost Cause narrative grew in popularity and the South dedicated more monuments to Lee, Jackson, and other leaders of the Confederacy.⁷

43. As countless American historians, scholars, and scholarly associations have noted, White supremacists and other hate groups have adopted Confederate symbols, including the names of Confederate generals, to signal a preference for a time in American history when Black people were considered sub-human.⁸ Confederate symbols are strongly associated with intentional hate and discrimination. In fact, empirical research found that county-level frequency of lynching—a recognized form of racial oppression intended to maintain White supremacy and suppress civil rights for Black Americans—predicts county-level frequency of Confederate memorialization.⁹

44. Descendants of Stonewall Jackson have spoken out in support of removing statues and other monuments of Stonewall as “part of a larger project of actively mending the racial disparities that hundreds of years of white supremacy have wrought.”¹⁰

⁷ Russell Contreras, *AP Explains: How Robert E. Lee Went from Hero to Racist Icon*, Associated Press (Aug. 13, 2017).

⁸ American Historical Association, *AHA Statement on Confederate Monuments* (Aug. 2017), <https://www.historians.org/news-and-advocacy/aha-advocacy/aha-statement-on-confederate-monuments>. (“Memorials to the Confederacy were intended, in part, to obscure the terrorism required to overthrow Reconstruction, and to intimidate African Americans politically and isolate them from the mainstream of public life. A reprise of commemoration during the mid-20th century coincided with the Civil Rights Movement and included a wave of renaming and the popularization of the Confederate flag as a political symbol.”).

⁹ Kyshia Henderson et al., *Confederate Monuments and the History of Lynching in the American South: An empirical examination*, Proc. Nat’l. Acad. Sci. U.S.A. (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8594582/#>.

¹⁰ Jack Christian & Warren Christian, *The Monuments Must Go: An Open Letter from the Great-Great-Grandsons of Stonewall Jackson*, Slate (Aug. 16, 2017), <https://slate.com/news-and-politics/2017/08/stonewall-jacksons-grandsons-the-monuments-must-go.html>.

45. In 2017, dozens of Ku Klux Klan members and supporters protested a city council decision to remove a statute honoring Lee in Charlottesville, Virginia that was erected in 1924 as a symbol and reassertion of the authority and power of the White South. The protesters brandished Confederate flags and shouted, “White power” and “you will not replace us.”¹¹

46. The Confederate flag in particular is a controversial symbol that “symbolizes slavery, segregation, and hatred.” *Walker v. Texas Div., Sons of Confederate Veterans, Inc.*, 576 U.S. 200, 234 (2015) (Alito, J., dissenting). “The confederate flag is a symbol of racial separation and oppression. And, unfortunately, as uncomfortable as it is to admit, there are still those today who affirm allegiance to the confederate flag precisely because, for them, that flag is identified with racial separation.” *United States v. Blanding*, 250 F.3d 858, 861 (4th Cir. 2001) (Luttig, J.). Thus, it is reasonable to infer that those who “display[] confederate [emblems] may harbor racial bias against African-Americans.” *Id.* (emphasis omitted).

47. As early as 1970, federal courts recognized that that “[t]he Confederate battle flag . . . has become a symbol of resistance to school integration and, to some, a symbol of white racism in general,” such that “the display of that flag is an affront to every Negro student in the school.” *Smith v. St. Tammany Parish Sch. Bd.*, 316 F. Supp. 1174, 1176 (E.D. La. 1970), *aff’d* 448 F.2d 414, 415 (1971).

48. School names honoring Confederate generals, such as Lee, Jackson, and Ashby, are similarly testaments to White supremacy.¹² Their names have often been used as symbols in promoting segregation and in defense of slavery and White power.

¹¹ Richard C. Schragger, *When White Supremacists Invade a City*, 104 Va. L. Rev. Online 58 (2018); *Klan Members Rally Against Removal of General Lee Statue in Virginia*, Reuters (July 8, 2017), <https://www.reuters.com/article/idUSKBN19T141/>.

¹² Jason Pierce & Michael Powers, *We and Bobby Lee: Public Historians and the Fight to Remove Confederate Memorials*, 45 *The Public Historian* 63 (Nov. 1, 2023).

B. Virginia’s “Massive Resistance” to School Desegregation

49. On May 17, 1954, the Supreme Court issued its opinion in *Brown v. Board of Education*, 347 U.S. 483 (“*Brown I*”), holding that “separate but equal” educational facilities are inherently unequal and violate the Equal Protection clause of the Fourteenth Amendment.

50. On May 31, 1955, the Supreme Court issued its opinion in *Brown v. Board of Education*, 349 U.S. 294 (“*Brown II*”), which required desegregation of public schools with “all deliberate speed.”

51. In *Brown I*, the Supreme Court noted that state-sanctioned discrimination creates “[a] sense of inferiority [that] affects the motivation of a child to learn,” and that discrimination causes psychological harm.¹³

52. After public schools made little progress in desegregating their schools, the federal government began requiring schools to do so in 1956, including at times by force.

53. In response to *Brown*, Virginia officials openly declared their intention to violate the United States Constitution and to defy the federal government’s efforts to protect the fundamental rights of Black citizens living in Virginia.

54. In the years that followed, Virginia officials used many tactics to resist and delay integration in public schools.

55. Virginia Senator Harry Byrd was a leading force in the creation of the “Southern Manifesto”—an agreement among certain states to resist desegregation in direct contravention of *Brown*.

56. In 1956, Senator Byrd called for a program of “Massive Resistance” to *Brown*, which led Virginia to adopt a series of laws and amendments to the Virginia Constitution designed

¹³ 347 U.S. at 494–95.

to prevent integration of its public schools. In 1957, federal courts began to strike down as unconstitutional laws enacted by Virginia as part of its campaign of Massive Resistance.

57. In 1958, in response to a federal court order requiring the integration of various schools in Virginia, Governor J. Lindsay Almond ordered schools in several counties to be closed to avoid integration.

58. In 1962, eight years after *Brown I*, ninety-nine percent of Virginia's public schools remained segregated.

C. Shenandoah County's Resistance to Desegregation, the 1959 Naming of Stonewall Jackson High School, and 1975 Renaming of Ashby Lee Elementary School

59. In 1950, Virginia's General Assembly provided funds to school boards in order to "equalize[]" schools.¹⁴ These funds were actually intended to prevent integration, and eventually were used to fund the statewide Massive Resistance of *Brown* and promote the overturned holding of "separate but equal" by providing funds for "White" schools and "Negro" schools. Shenandoah County received nearly \$500,000 from the General Assembly for this purpose.

60. As stated in Defendant School Board's meeting minutes at the time, Defendant used its allotted funds solely to build three high schools to serve White students.¹⁵

61. One of these high schools, which opened in 1959, was named after Stonewall Jackson and is the high school whose name Plaintiffs challenge today.

62. As the school foundation was laid, White community members flew the Confederate flag.

¹⁴ See Adolph H. Grundman, *Public School Desegregation in Virginia from 1954 to the Present*, Wayne State U. Dissertations (1972), at 29–30, available at https://digitalcommons.wayne.edu/cgi/viewcontent.cgi?article=1951&context=oa_dissertations ("By achieving actual equality, state officials hoped to ameliorate conditions prevailing in Virginia's Negro schools and also to improve their case for preserving segregated schools.").

¹⁵ Shenandoah Cnty. School Board, Minutes from Jan. 7, 1955; Apr. 9, 1956; May 23, 1958.



1960 Stonewall Jackson School Annual Yearbook

63. During the same period, an elementary school was constructed and named in honor of Stonewall Jackson. It was renamed Ashby Lee Elementary in 1975, to honor Turner Ashby and Robert E. Lee. It is the elementary school whose name Plaintiffs challenge today.

64. Rather than being allowed to attend the new high school built with funds meant for equalizing schools, Black students were not permitted to enroll in Stonewall Jackson HS and were instead bussed to high schools in Harrisonburg and Winchester.¹⁶

65. Through 1962, Shenandoah County schools—including Stonewall Jackson HS and Stonewall Jackson Primary (later, Ashby Lee ES)—were not integrated.

¹⁶ Shenandoah Cnty. School Board, Minutes from Nov. 9, 1959; Dec. 18, 1959; Feb. 8, 1960; Mar. 14, 1961; Aug. 13, 1962.

66. Then, the NAACP filed a lawsuit in 1962 challenging school segregation in Shenandoah County¹⁷ which, although later withdrawn, led to the total integration of Shenandoah County Public Schools.

67. Nearly a decade after *Brown*, the first Black students were enrolled in Stonewall Jackson HS for the 1963–1964 school year.

D. 2020-2021 Retirement of Confederate Public School Names by Defendant Shenandoah County School Board

68. From 1959 until 2020, these two Shenandoah County schools bore the names of Confederate generals, although members of the community sought to change them over the years because the names and mascots reflected an endorsement of White supremacist values.

69. On May 25, 2020, George Floyd, a Black man, was murdered by a White police officer in Minneapolis, Minnesota, during an arrest made after a store clerk suspected Floyd may have used a counterfeit twenty-dollar bill. The murder led to rallies and marches in Virginia, and throughout the United States, to protest racism, discrimination, and White supremacy.

70. Just days later, on June 1, 2020, in Shenandoah County, Virginia, Pastor Leon McCray, a Black man, was wrongfully arrested by Shenandoah County sheriff's deputies when he tried to report an assault and hate crime against him. This led to rallies to protest racism, discrimination, and White supremacy in Shenandoah County.

71. In response to rising cries for racial justice, government leaders began to take steps to address the legacy of segregation and present-day discrimination. Virginia Governor Ralph Northam, during a statewide address, acknowledged the ongoing and widespread protests

¹⁷ *Woodson v. Cnty. Sch. Bd. Shenandoah Cnty.*, Civil Action No. 641 (W.D. Va. Sept. 19, 1962).

involving the issue of systemic racism,¹⁸ and Virginia Secretary of Education Atif Qarni urged local elected officials—including city councils, board of supervisors, and school boards—to “change school names and mascots that are offensive or that memorialize confederate leaders or sympathizers.”¹⁹ Secretary Qarni noted that “[t]he offensive names have a traumatizing impact on the psyche of our children, families, teachers and staff of color.”²⁰

72. Similarly, on June 10, 2020, the Shenandoah County Board of Supervisors unanimously passed a resolution supporting the fair and equal treatment of Black people and condemning systemic racism toward members of the Black community. The resolution stated the county government’s belief that every Black person is entitled to the “social, economic and political opportunity to thrive” and expressed the county’s commitment to “acknowledging, respecting, and celebrating differences and commonalities” among all its citizens and the county’s desire to “continue to work towards a fully integrated community that respects and values the diversity of all our citizenry.” The resolution also stated that “Shenandoah County hereby issues this official resolution of support of black lives and condemning the systemic violence, both overt and institutional, towards black communities and individuals.”²¹

¹⁸ *Virginia Gov. Ralph Northam gives the latest COVID-19 update*, WCYB (June 2, 2020), <https://www.facebook.com/news5wcyb/videos/3535525139809464>.

¹⁹ Atif Qarni, *VA Secretary of Education Atif Qarni: How Local School Boards Can Address Inequities, Disparities in Education for Communities of Color and Truly Make “Black Lives Matter,”* Blue Virginia (June 6, 2020), <https://bluevirginia.us/2020/06/va-secretary-of-education-atif-qarni-how-local-school-boards-can-address-inequities-disparities-in-education-for-communities-of-color-and-truly-make-black-lives-matter>.

²⁰ *Id.*

²¹ Brad Fauber, *Supervisors OK Resolution Condemning Violence*, N. Va. Daily (June 10, 2020), https://www.nvdaily.com/nvdaily/supervisors-ok-resolution-condemning-violence/article_0de4a040-0b6d-513d-ae67-2fa79ea01fbb.html.

73. Against this backdrop, residents of Shenandoah County continued and renewed a public campaign to change the school names that honor Confederate leaders and sympathizers, which included publishing opinion pieces in local newspapers, writing letters and emails to members of Defendant School Board, and organizing public groups to advocate for the name changes.

74. On June 25, 2020, Defendant School Board passed a “[r]esolution condemning racism and affirming the division’s commitment to an inclusive school environment for all.” The resolution included several acknowledgements:

WHEREAS, we must lead. Each of us, individually and collectively is responsible for creating and nurturing an anti-racist learning environment where every child is respected and valued for who they are, regardless of their skin color. We must actively acknowledge, address and prevent racial bias that occurs as a result of division policies, practices and actions; and

WHEREAS, we must do better. Our school division can be and will be a sanctuary of safety in our community and a beacon of light for the world, as we build and strengthen trust with those we serve, and we model the acceptance of all people.

THEREFORE, BE IT RESOLVED that we, members of the Shenandoah County School Board, stand steadfast in our commitment to foster an inclusive educational environment where every student, teacher, support professional, parent and community member is treated with dignity and respect, as well as our commitment to continue fighting for racial justice and human and civil rights for all.²²

75. Meanwhile, on June 24, 2020, Mary Payne, a Black alumna of Shenandoah County Public Schools, started an online petition to Defendant School Board, calling for a change to the names of Stonewall Jackson HS and Ashby Lee ES. The petition detailed the troubling

²² Shenandoah Cnty. Sch. Bd., *Resolution Condemning Racism and Affirming the Division’s Commitment to an Inclusive School Environment for All* (Approved June 25, 2020), [https://go.boarddocs.com/vsba/shenandoah/Board.nsf/files/BQTK954E1424/\\$file/SCPS%20Anti-Racism%20Resolution.pdf](https://go.boarddocs.com/vsba/shenandoah/Board.nsf/files/BQTK954E1424/$file/SCPS%20Anti-Racism%20Resolution.pdf).

history of racism, slavery, and violence associated with the use of Confederate names and explained that their use contradicts the school system's goals to be inclusive and nondiscriminatory towards all races. Subsequently, Payne wrote a letter to Defendant School Board identifying herself as the creator of a petition to change the names of the schools, offering to send the signatures to Defendant School Board, and requesting to speak at the next Board meeting on July 9, 2020.

76. On July 6, 2020, Virginia Governor Ralph Northam wrote a letter to the chairs of Virginia school boards, requesting that the school boards “change school names and mascots that memorialize Confederate leaders or sympathizers.”²³ Governor Northam noted the troubling history behind these school names and symbols and the harmful effects they have on students, families, teachers, and staff:

[T]he names of public places, streets, and schools send messages to our children about what we value most as a society. When those names reflect our broken and racist past, they also perpetuate the hurt inextricably woven into this past. When our public schools are named after individuals who advanced slavery and systemic racism, and we allow those names to remain on school property, we tacitly endorse their values as our own. This is no longer acceptable. . . . As with the Confederate statues, these school names and symbols have a traumatizing impact on students, families, teachers and staff of all backgrounds. The financial costs of changing school names are minimal compared to the generations that suffered through American slavery, the Confederacy, the Jim-Crow era, massive resistance, and contemporary manifestation of systemic racism, like the school to prison pipeline.

Recognizing the harmful impact these school names have on our children, I am calling on school boards to evaluate the history behind your school names. Now is the time to change them to reflect the inclusive, diverse, and welcoming school community every child

²³ Office of Governor Ralph A. Northam, *Letter to School Board Chairs of the Commonwealth* (July 6, 2020), available at [https://go.boarddocs.com/vsba/loudoun/Board.nsf/files/CJXMPP5BA4D8/\\$file/School%20Names%20Letter%2007.06.20_Gov%20Northam.pdf](https://go.boarddocs.com/vsba/loudoun/Board.nsf/files/CJXMPP5BA4D8/$file/School%20Names%20Letter%2007.06.20_Gov%20Northam.pdf).

deserves, and that we, as leaders of the Commonwealth, have a civic duty to foster.²⁴

77. On July 4, 2020, Defendant School Board published the agenda for its July 9, 2020 School Board meeting. Included in the agenda for the virtual meeting was the action item “Next Steps for Resolution condemning racism and affirming the division’s commitment to an inclusive school environment for all.”

78. The recommended action provided “that the names of Stonewall Jackson High School and Ashby Lee Elementary School be retired as well as the Rebel mascot at North Fork Middle School. The Board directs the Superintendent to develop a process and timeline in accordance with Board Policy FFA for selection of new names and a new mascot to bring back to the Board at their August 13 Meeting.”²⁵

79. Petitions for and against potential school name changes were circulated prior to the July 9 meeting of Defendant School Board.

80. At the July 9 meeting, the public comments portion lasted approximately 80 minutes and drew approximately 25 speakers on the action item “Next Steps for Resolution condemning racism and affirming the division’s commitment to an inclusive school environment for all.”

81. At the July 9 meeting, Defendant School Board passed, in a 5-1 vote, the action item “Next Steps for Resolution condemning racism and affirming the division’s commitment to an inclusive school environment for all,” which retired the Confederate names of Stonewall

²⁴ *Id.*

²⁵ Shenandoah Cnty. Sch. Bd., Meeting Agenda (Jul 9, 2020), <https://go.boarddocs.com/vsba/shenandoah/Board.nsf/goto?open&id=BR4TAJ766DE8>.

Jackson HS and Lee Ashby ES, to signal Defendant School Board's new commitment to racial equity in its schools.²⁶

82. Contemporaneous statements from members of Defendant School Board readily acknowledged that naming the schools in honor of Confederate generals had conveyed a harmful and racially discriminatory message.²⁷

83. In statements following the vote, Board member Cynthia Walsh stated: "The issue before us tonight is not the product of recent national events, although I do think the rhetoric on both sides is informed by those events. We were not forced to do this by a commentary piece in the local paper or a recent graduate's petition. It became a more pressing issue for me when alumni at SJHS—black, biracial, and white—came to us with their stories. Some endured outright racism. Some endured subtle racial tension."

84. Walsh also stated: "[W]hether you think of Stonewall Jackson as a great man who did some bad things or a bad man who did some good things, the fact remains that he was a Confederate general and the Confederacy was all about states' rights. But people keep forgetting to finish that sentence and to finish that sentence is: 'the Confederacy was all about states' rights to continue the practice of slavery in our country.'"

85. Board member Andrew Keller stated: "There's no way to preserve the traditions and heritage of one group and ease [] the inequity that another group may have felt. You can't keep a name and remove racist implications from it. You can't claim to be inclusive, which we do[,] and have students who feel like they're excluded. . . . The essential question that I feel like

²⁶ Shenandoah Cnty. Sch. Bd., Agenda Item Details (Jul. 9, 2020), <https://go.boarddocs.com/vsba/shenandoah/Board.nsf/goto?open&id=BR4TAJ766DE8>.

²⁷ Shenandoah Cnty. Sch. Bd., School Board Meeting (Jul. 9, 2020), https://www.youtube.com/watch?v=_tjOZ2ZmMmU&t=2251s.

I've got to answer . . . is 'which is more important: someone's heritage regarding a school's name or someone's inclusion into that school, their right to feel welcome?'"

86. Board member Shelby Kline stated: "[I]t's imperative that we as a school division actively acknowledge and address and prevent racial bias that occurs as a result of our division's policies practices and actions. It's really important that we create an environment where every child is respected and valued for who they are regardless of their skin color . . . and I think that in order for us to continue the work of creating an inclusive environment for all kids we need to consider the names of the mascots that are on our southern campus schools. I can tell you this has been something that has been weighing heavily on my heart."

87. Board member Michelle Manning stated: "[M]y reason for voting now is because we have received an overwhelming amount of emails and petitions and there is much repetition within all of those emails and I don't know that there is going to be anything more that comes to light than what we've already read and heard. . . . [A]s a board member, I feel that our primary responsibility is to the best interest of the children of Shenandoah County. We focus a lot on social and emotional learning, and I think, between that and our unanimous vote on our resolution and our last meeting, those things we cannot set that aside."

88. Finally, Chairwoman Karen Whetzel stated: "As one high school student from Stonewall Jackson challenged me today 'if you vote to keep the name, you would be making a conscious decision to maintain a symbolic reference to a time of inequality and racism. School should be welcoming to all; a place of education, forward thinking, and bettering ourselves. How can we move forward if our school's name is only looking backwards[?]"

89. At the next meeting of Defendant School Board on August 13, 2020, the agenda included "Next Steps for Resolution condemning racism and affirming the division's commitment

to an inclusive school environment for all: draft process for renaming schools and/or mascots.” The purpose of the agenda item was to discuss the Superintendent’s proposed process for renaming Stonewall Jackson HS and Ashby Lee ES, and to name a new mascot for North Fork Middle School.²⁸ During the meeting, the Board noted that it would vote on the Superintendent’s proposed process at its September 10 meeting.

90. At the September 10 meeting, Defendant School Board approved, again in a 5-1 vote, “Motion Regarding Renaming Southern Campus High School and Elementary School and a New Mascot at the Southern Campus Middle School.” Defendant School Board’s Motion “reaffirm[ed] its July 9, 2020 action” to retire the Confederate school names and any derivations of those names, sought public input into new school names, and adopted a process for the re-naming.²⁹

91. The revised process, as outlined by the Superintendent and approved by Defendant School Board, established a committee comprised of students, staff, and community members of each of the schools. The committee was tasked with gathering input on the school names and presenting Defendant School Board with recommendations. The process directed an online form to be created to allow for name suggestions to be provided by members of the community from September 22 through October 31.³⁰

²⁸ Shenandoah Cnty. Sch. Bd., Meeting Agenda (Aug. 13, 2020), <https://go.boarddocs.com/vsba/shenandoah/Board.nsf/goto?open&id=BRXH9Z454E51>.

²⁹ Shenandoah Cnty. Sch. Bd., Meeting Minutes (Sept. 10, 2020), <https://go.boarddocs.com/vsba/shenandoah/Board.nsf/goto?open&id=BSSGU6452C09>.

³⁰ Shenandoah Cnty. Sch. Bd., *REVISED DRAFT - Process for Renaming Schools/Mascots on the Southern Campus* (Sept. 10, 2020), [https://go.boarddocs.com/vsba/shenandoah/Board.nsf/files/BT3LY9574A70/\\$file/Slides%20Deck%20Revised%20DRAFT%20-%20Process%20for%20Renaming%20Schools%20Powerpoint%20-%20Friday%209-2-20.pdf](https://go.boarddocs.com/vsba/shenandoah/Board.nsf/files/BT3LY9574A70/$file/Slides%20Deck%20Revised%20DRAFT%20-%20Process%20for%20Renaming%20Schools%20Powerpoint%20-%20Friday%209-2-20.pdf).

92. Defendant School Board supported and engaged in the actions outlined in the Superintendent's revised process plan and chose the names Mountain View HS and Honey Run ES to reflect the geographic and historical features of the area, in alignment with the Superintendent's suggested criteria.

93. The names Mountain View HS and Honey Run ES took effect on June 1, 2021, nearly eleven months after the July 9, 2020 vote by Defendant School Board that "the names Stonewall Jackson High School and Ashby Lee Elementary School be retired."³¹

E. Campaign to Reinstate Confederate School Names

94. Immediately following the July 9, 2020 vote, residents of Shenandoah County who objected to Defendant School Board's decision to rename Stonewall Jackson HS and Ashby Lee ES and to remove North Fork Middle School's rebel mascot planned protests, threatened to remove Defendant School Board members who voted in favor of the name change, and planned to take legal action against the Board.

95. From August 10, 2020 to November 4, 2021, attorney and member of the Shenandoah County Board of Supervisors Brad Pollack engaged in a series of official and legal actions to pressure Defendant School Board to reinstate the Confederate school names, including challenging the funding for the name changes and moving to remove Defendant School Board members.

96. On August 10, 2020, Pollack filed a petition in Shenandoah County Circuit Court against Defendant School Board on behalf of about 140 parents of students attending the schools

³¹ Shenandoah Cnty. Sch. Bd., Agenda Item Details (Jul. 9, 2020), <https://go.boarddocs.com/vsba/shenandoah/Board.nsf/goto?open&id=BR4TAJ766DE8>.

in question. The petition sought for the Board to review its July 9 action item, pursuant to Virginia Code § 22.1-87.³²

97. The complaint, among many other unfounded claims, made the following allegations: (1) parent petitioners were “aggrieved in that they love the [Confederate] names and changing them [would] cause great upset and discord in their homes, these schools, and the community;” (2) the Board violated Virginia Code by authorizing funding for removal of the names; (3) the Board violated Board policy by conducting the vote in a virtual meeting; and (4) the Board violated Board policy by not considering the views of the divisions’ communities or soliciting input from the public.³³

98. The Circuit Court dismissed the petition in March 2021, and the Virginia Supreme Court denied the parents’ appeal.

99. On April 12, 2021, Pollack filed a petition to overturn the reallocation of \$300,000 budgeted to pay for changing the names on school property.³⁴ Again, the Circuit Court dismissed Pollack’s case, and the Virginia Supreme Court denied hearing the case on appeal.

100. During the 2021 campaign for School Board, candidates seeking election to Defendant School Board stated their intention to reinstate the Confederate school names, and did so by positioning themselves against “cancel cultural,” “wokeness,” and “political correctness” which are coded ways to describe policies and practices that affirm racial equity.

³² *Alger v. Shenandoah Cnty. Sch. Bd.*, Case No. CL20000984-00, SCV 210608 (Va. Cir. Ct. Shenandoah Cnty., filed Aug. 10, 2020), available at <https://bloximages.newyork1.vip.townnews.com/nvdaily.com/content/tncms/assets/v3/editorial/0/4d/04dd042e-68bb-55ad-a45a-471694fa806d/5f32dfea710d2.pdf.pdf>.

³³ *Id.*

³⁴ *Stover v. Shenandoah Cnty. Sch. Bd.*, SCV 210608, (Va. Cir. Ct., filed Apr. 12, 2021; *app. denied* Nov. 4, 2021).

101. Current Defendant School Board chair Dennis Barlow sought election to Defendant School Board in 2021, stating that the “school name-change issue caught my attention” and that he became concerned that “an era of political indoctrination was in full swing and [he] want[ed] to return our schools to quality objective teaching.”³⁵

102. During her 2021 campaign, current Defendant School Board member Brandi Rutz said: “I am absolutely against ‘retiring’ the name of Stonewall Jackson.”³⁶

³⁵ Tommy Keeler Jr, *Retired Army Veteran, Professor Seeks Shenandoah School Board Seat*, N. Va. Daily (Jul. 28, 2021),

https://web.archive.org/web/20210728235238/https://www.nvdaily.com/nvdaily/retired-army-veteran-professor-seeks-shenandoah-school-board-seat/article_e16eccaf-47fa-5f43-8c60-47731e76dde0.html.

³⁶ Brandi Rutz- School Board-District 5, Facebook (May 24, 2021),

<https://www.facebook.com/rutzforschoolboardD5/posts/pfbid0iwG9XJFpHno53dtVY4x73i2VcVk8LErVyxCE7XCFdMEVnumrkJukh4TnpGkkvgbfl>.



Brandi Rutz - School Board-District 5

May 24, 2021 · 🌐



A sad day in the county.

I am absolutely against "retiring" the name of Stonewall Jackson.

Cancel Culture makes it own rules. It does not to restore anything, and ANYONE can be it's victim. It has no rules, no morality. It answers to no one. My husband always says, "If you keep pushing folks off the back of the bus, eventually, you are the only one left"

It cancels the idea of Grace. It defines a person not by the breadth of a persons life, but by what the "movement" decides is righteous.

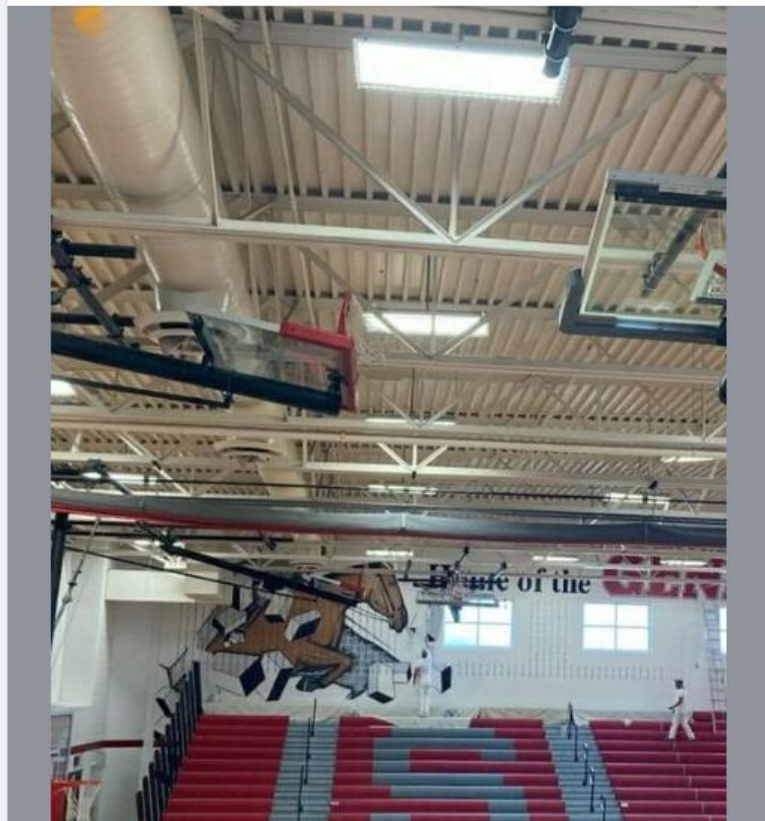
Anyone want to "cast the first stone" on that one?

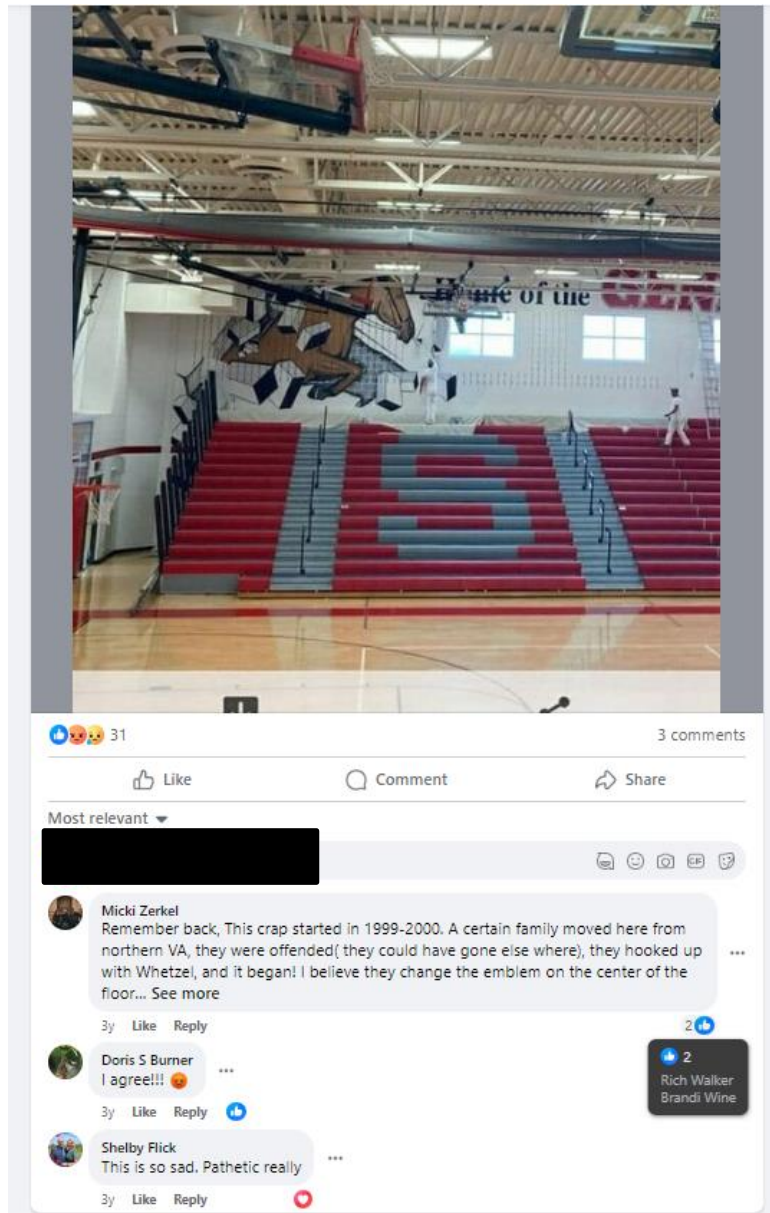
This robs many folks, like myself who have (3) red and white tassels, (3) Stonewall Jackson High Diplomas, (3) HS Commencement announcements and those Senior pictures with the name Stonewall proudly displayed in a sports picture.

It robbed the county citizenry of precious resources.

Oh what 300k could have been used for...

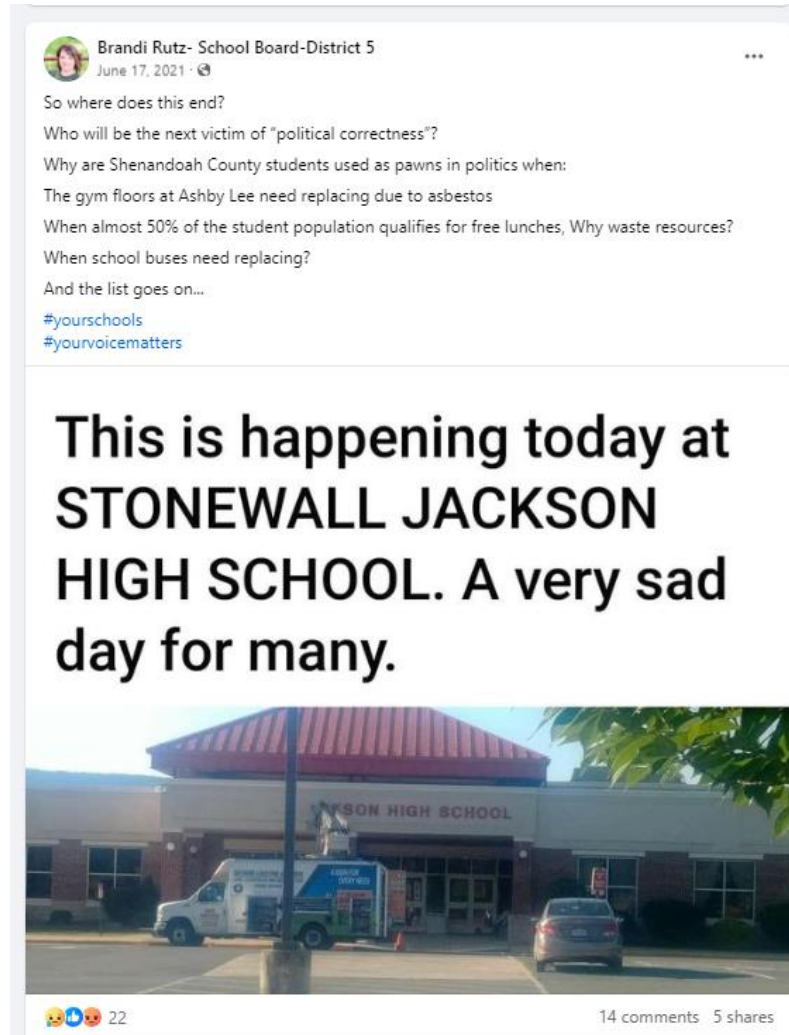
The administration and school board members that decided this cannot end their terms fast enough for me.





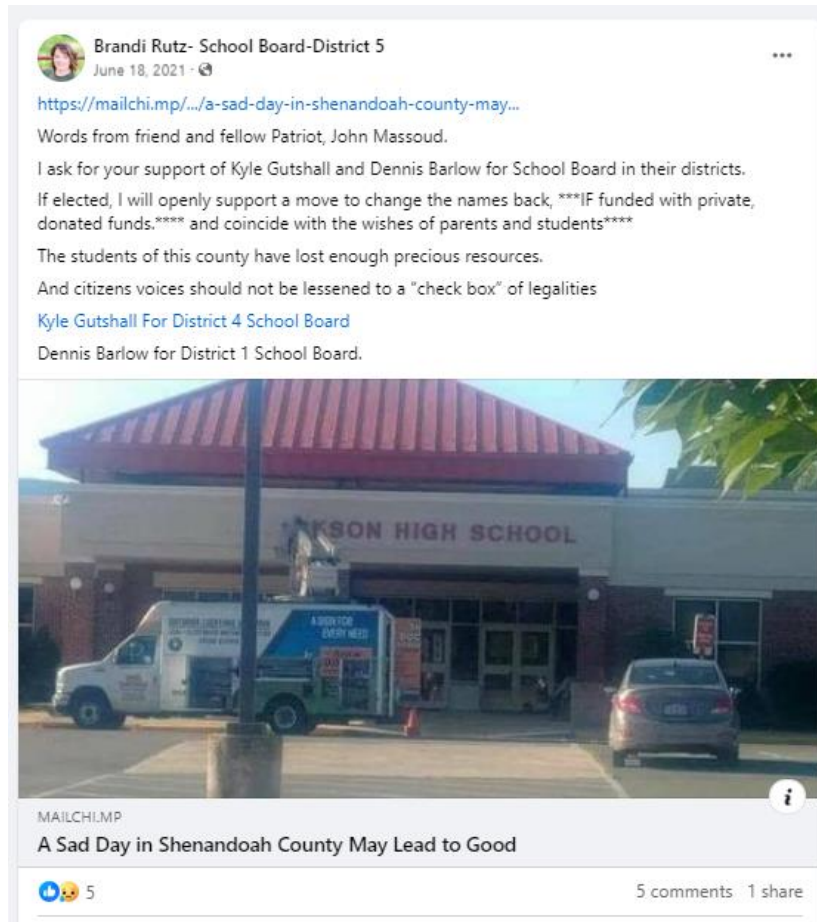
103. Rutz posted on Facebook decrying the removal of the Confederate names and asking, “Who will be the next victim of ‘political correctness?’”³⁷

³⁷ Brandi Rutz- School Board-District 5, Facebook (Jun. 17, 2021), <https://www.facebook.com/rutzforschoolboardD5/posts/pfbid08TQUjaGeJm4niaTEcHVNAu1J6goCa4XboDrCCeqV6NopwNFqmxHxoGuAACv776znl>.



104. Rutz posted on Facebook that, if elected, she would “openly support a move to change the names back” and shared an article from “friend and fellow Patriot, John Massoud.” In the article, Massoud stated that Rutz is “sick of the woke crowd and wants our kids to learn the 3 R’s (Reading Writing, Arithmetic) and not CRT.” Massoud also denounced the name change, writing: “Only race pimps spend their time focusing on skin color or ethnicity.”³⁸

³⁸ Brandi Rutz- School Board-District 5, Facebook (Jun. 18, 2021), <https://www.facebook.com/rutzforschoolboardD5/posts/pfbid0NKX6KpPDthaZua4jUy9MQUbECMejEsutzaJKBvrSQCjuQUA5vNtuzHGGKkzcQdu5l>; John Massoud, *A Sad Day in Shenandoah County*, MailChimp, https://mailchi.mp/64cd181956fa/a-sad-day-in-shenandoah-county-may-lead-to-good?e=e099bf8b29&fbclid=IwZXh0bgNhZW0CMTAAAR17EcPgv4JuGz34OXDIPGj4vwUQ5FS1BjKPseHeg4sjj0xi4LUNfrb2yC8_aem_AcoXH_YXmwaV4dfliMHePCGhNHac0DdhYmep9iZZwQqP3pP (continued...)



105. On November 3, 2021, Rutz and Barlow were elected to replace two members of Defendant School Board as of January 1, 2022.

106. Once officially seated on Defendant School Board, Rutz and Barlow sought to restore the Confederate names to Mountain View HS and Honey Run ES. On June 9, 2022, Barlow brought, and Rutz seconded, a motion to reinstate the Confederate school names, but, with a 3-3 tied vote, the School Board did not approve the motion. Among those voting not to reinstate the Confederate school names was Board member Marty Helsley, who had been the sole Defendant School Board member to vote to keep the Confederate names in 2020.

adjB7r7GN0h6hbwnyPfH_D1oCDZ6RzD0c_g5yF6sl (last visited Jun. 9, 2024).

107. Helsley explained why he changed his vote: He indicated that the advantage of restoring the name was because alumni wanted continuity in the name between when they attended and the present. He identified the disadvantage as including that current students are “offended” by the name. In addition, he said that in his view, if the Confederate names were reaffirmed, “no one will ever want to bring a family here or come to work in our education system. Lots of people feel this way but don’t want to say it because of how the people acted the last time. The people that want to keep the names of Ashby Lee and Stonewall Jackson were very threatening to the people that did not want to change back.”³⁹

108. In 2023, Gloria Carlineo, Michael Rickard, and Thomas Streett ran for Shenandoah County School Board in a “conservative bloc” and indicated their desire to reinstate the Confederate school names.⁴⁰

109. During the 2023 campaign, Carlineo told the Freedom Press that she would “seriously consider any requests submitted to the board” to revert the schools to the prior Confederate names.⁴¹

110. During the 2023 campaign, Streett refused to refer to Mountain View HS as such, instead referring to it as Stonewall Jackson HS.

111. On November 7, 2023, Carlineo, Rickard, and Streett were elected to replace three members of Defendant School Board as of January 1, 2024.

³⁹ Shenandoah Cnty. Sch. Bd., Meeting Minutes (Jun. 9, 2022), <https://go.boarddocs.com/vsba/shenandoah/Board.nsf/goto?open&id=BRHJXK4E9A8C>.

⁴⁰ Trey Rorie, „*Shenandoah County Voters to Select School Board Reps in Three Districts*, N. Va. Daily (Nov. 2, 2023), https://www.nvdaily.com/nvdaily/shenandoah-county-voters-to-select-school-board-reps-in-three-districts/article_1e60d689-9080-524f-ba87-8ed5c27f0cc0.html.

⁴¹ The Freedom Press, Facebook (Nov. 6, 2023), <https://www.facebook.com/photo/?fbid=754162650057495&set=a.452240880249675>.

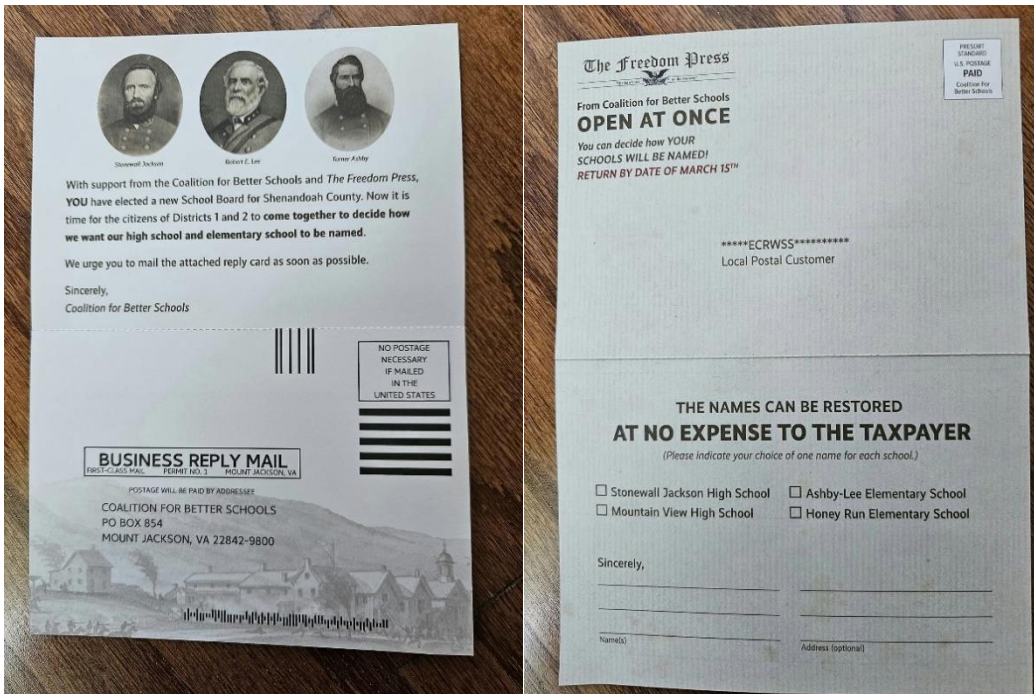
112. Mountain View HS and Honey Run ES retained their names through the 2022-2023 and 2023-2024 school years.

F. The Sham “Survey” Conducted in March 2024 by Private Groups Openly Advocating for Reinstatement of Confederate School Names

113. In March 2024, the Freedom Press—which for years had been openly and aggressively advocating for reinstatement of the Confederate public school names—in partnership with another private pro-Confederate group calling itself the Coalition for Better Schools, renewed their campaign by claiming to have mailed postcards to all residents located in School Districts 1 and 2 and parts of District 3 of Shenandoah County seeking community views on the school names.

114. Upon information and belief, the “survey” was not distributed by any other means.

115. The postcards included a sham “survey”—designed and conducted entirely by the Freedom Press and the Coalition for Better Schools—purporting to prompt residents to indicate their “choice” of name for each school. As shown in the image below, the postcard included portraits of Stonewall Jackson, Ashby Turner, and Robert E. Lee. It also made the claim—in bold and capitalized font—“**THE NAMES CAN BE RESTORED AT NO EXPENSE TO THE TAXPAYER.**” The postcards sent by the Freedom Press—a group whose own Facebook page confirms it to be a hyper-partisan organization with a history of publicly mocking and intimidating community members with which it disagrees—asked respondents to identify their name and address, which discouraged responses from those opposed to reinstating the Confederate school names. Of the postcards mailed, only 13.6 percent were returned, comprising less than 3 percent of Shenandoah County residents.



116. Many residents of Shenandoah County, including some Plaintiffs in this case, did not receive these postcards or the “survey.”

117. Based on Freedom Press and Coalition for Better School’s claim that 90 percent of the “survey” respondents were in favor of the Confederate school names, on April 3, 2024, the Coalition for Better Schools requested that members of Defendant School Board consider reinstating the Confederate school names of Stonewall Jackson HS and Ashby Lee ES.

118. At its April 22, 2024 meeting and work session, Defendant School Board added this item to the agenda for the Board’s May 9 meeting.

G. May 10 Vote to Reinstate Confederate School Names

119. On May 9, 2024, Defendant School Board held a public meeting. The open session began at approximately 7:30 P.M. and opened with a prayer led by Defendant School Board member Brandi Rutz.

120. The six members of Defendant School Board at the time were Dennis Barlow, Chairman; Kyle L. Gutshall, Vice Chairman; Thomas A. B. Streett; Gloria E. Carlineo; Brandi K.

Rutz; and Michael D. Rickard. None of the six members had been Board members at the time of Defendant School Board’s July 9, 2020 vote to retire the Confederate school names.

121. The agenda included Action Item 6.6, titled “Request from the Coalition of Better Schools to Restore School Names.”⁴²

122. During the open session, Defendant School Board heard over three hours of public comments regarding the proposed reinstatement of Confederate school names, from a total of 78 individuals.⁴³ Speakers were limited to two minutes. Of the 78 individuals, 52 spoke against the reinstatement of the Confederate school names, while 23 spoke in favor of reinstating the Confederate school names. Three did not state an opinion but criticized the 2020 process by which the school names were changed.⁴⁴ Several Mountain View HS students spoke in opposition to the reinstatement of the Confederate school names.⁴⁵

123. Among the speakers at the May 9 meeting were: one of the first Black students to integrate Warren County High School in 1959; the son of an instrumental figure in integrating Virginia’s schools; one of the first Black students to attend Stonewall Jackson HS; and the sister of another of the first Black students to integrate Stonewall Jackson HS. One speaker talked about how she was raised by the great-grandson of James Ashley, one of the authors of the Thirteenth Amendment.⁴⁶

⁴² Shenandoah Cnty. Sch. Bd., Meeting Agenda (May 9, 2024), <https://go.boarddocs.com/vsba/shenandoah/Board.nsf/goto?open&id=BRHJXK4E9A8C>.

⁴³ Ryan Fitzmaurice, *Public Sounds Off at Hearing on School Name Changes*, N. Va. Daily (updated May 14, 2024), https://www.nvdaily.com/nvdaily/public-sounds-off-at-hearing-on-school-name-changes/article_965d3d69-9d32-5397-ad81-666e7acbea4e.html.

⁴⁴ *Id.*

⁴⁵ *See* Shenandoah Cnty. Sch. Bd., Meeting (May 9, 2024), <https://www.youtube.com/live/q9jUbnQYDeo>.

⁴⁶ *Id.*

124. At the May 9 meeting, many community members emphasized in their public comments the context in which Stonewall Jackson HS was initially named in 1959. As one community member put it, “in 1959, Shenandoah County, Virginia, built their own reminder to Black students, Stonewall Jackson HS. And that preserved bigotry over history.” Another community member, who was among the first to integrate a neighboring county’s high school, stated that “naming public buildings after Confederate soldiers is a slap in the face for civil rights.”⁴⁷

125. Another community member—the first student of color to attend Stonewall Jackson HS—told Defendant School Board how that experience had scarred her for life. She explained that she now has two grandchildren in county schools and does not want them to go through what she went through.⁴⁸

126. Other community member comments included:

- a. A family whose grandparents had to make a formal request to Defendant School Board in 1963 to provide their children with an equal educational opportunity and who stated: “Sixty-one years later, and here I stand formally making the same request for their great-grandchildren.”⁴⁹
- b. A parent stating “it’s a loud and clear message to me as a parent and to any students of color that our wellbeing is none of your concern.”⁵⁰
- c. A student telling Defendant School Board that she would not be proud to graduate from a school called Stonewall Jackson because Stonewall Jackson was passionate

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

in his belief that the Black race was inferior, and had he won, she would not be permitted to attend public school and would not be speaking before the School Board.⁵¹

- d. A student urged Defendant School Board that the private funds could be used for improving the school. In response to the argument on the other side, he noted that “if we say the old Board wasted the money, why would we do it again?”⁵²

127. After the public comment period ended, in the early hours of the morning of May 10, 2024, Defendant School Board reached Action Item 6.6. Defendant School Board member Thomas Streett brought the motion to vote, which was seconded by Defendant School Board member Gloria Carlineo. The Board members then explained their justification for voting on the motion to reinstate the Confederate school names.

128. Streett’s remarks relied heavily on the “survey” conducted by the partisan and openly pro-Confederate groups the Freedom Press and the Coalition for Better Schools, and stated that the views of any resident that did not respond to the “survey” should not be considered. He further stated that on “the topic of racism, [] I don’t really like to talk about it a lot because I don’t believe in it.”⁵³

129. Streett also confirmed that he was voting to reinstate the Confederate school names because of his desire to honor Stonewall Jackson: “[W]hen you read about this man, who he was, what he stood for, his character, his loyalty, his leadership, how Godly a man he was, those standards that he had were much higher than any leadership of the school system in 2020, and are

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

higher than anybody now, and yet we want to put that individual down. We don't want to look at him as a person.”⁵⁴

130. In explaining her vote, Carlineo minimized the history and legacy of discrimination, noting “we've had a Black President, a Black Attorney General, and some of our richest billionaires are Black. Is that what oppression looks like?” She further stated her view that “if you really want to stop this racism and prejudice, let's just stop finding racism and prejudice into [sic] everything.”⁵⁵

131. Rutz, who had made her pro-Confederacy views on the issue clear before she was even elected to Defendant School Board, spoke third. She indicated that she was relying on the “survey” as evidence that the majority of residents were in favor of reinstating the Confederate school names.⁵⁶

132. Gutshall, the sole vote against reinstating the Confederate school names, recognized that the “survey” had a limited number of respondents. He then noted that, contrary to the “survey,” an “overwhelming[.]” majority of the residents in his district were opposed to reinstating the Confederate school names.⁵⁷

133. In his remarks, Chairman Barlow discussed Massive Resistance and openly admitted that the original naming decision in 1959 was motivated by discriminatory intent: “I understand some of those things really happened. They're not fiction, that there were people using the school system at that point for kind of a last-ditch effort to save what they saw as their world.” But he discussed his childhood memories of 1959, which he (as a White child) remembered not as

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

an era of Massive Resistance, but rather as the centennial of the Civil War, and noted that “the Confederates are [not] the only ones that did nasty things, or that did nasty things to Black people.” He added his view that, “at the same time, we still have great soldiers, great heroes.”⁵⁸

134. Chairman Barlow acknowledged that the reinstatement of Confederate school names would have a uniquely adverse impact on Black students: “[Y]es, I did say that I would feel unsettled if I were Black and going through this. Are you kidding? Of course I would be.” However, he continued that being “unsettled” would not be the “most horrible thing that ever happened. I mean, most of the Black soldiers that I soldiered with, I don’t think that they would think that going to Stonewall Jackson High School was the biggest threat that ever happened to them.”⁵⁹

135. From the history of the Confederate names of the schools, the public statements and Defendant School Board’s own statements connected with the 2020 retirement of the Confederate names, and Defendant School Boards’ and public comments at the May 9, 2024 School Board meeting, Defendant School Board was aware of the messages of exclusion and segregation that the Stonewall Jackson and Ashby Lee names convey.

136. Despite this, after these remarks, in the early morning hours of May 10, 2024, the members of Defendant School Board voted 5-1 in favor of the following resolution:

I move that the names Stonewall Jackson High School and Ashby Lee Elementary School be restored to the schools now named Mountain View High School and Honey Run Elementary School respectively. The funds required to implement the restoration must be provided by private donations exclusively and not borne by the school system or government tax funds, though the SCPS will oversee disbursement relating to restoration costs.⁶⁰

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Shenandoah Cnty. Sch. Bd., Meeting Agenda, Item 6.6 (May 9, 2024), (continued...)

H. The Swift Reinstatement of the Confederate School Names

137. Chairman Barlow said that the name Mountain View HS would remain through the end of the current school year and “the board is in no rush” to reinstate the names “and will take from May to August to follow through with the transformation.”⁶¹

138. Yet, by May 31, 2024—less than three weeks after the members of Defendant School Board had voted—signs with the Confederate school names had been reinstated at both schools.⁶²

<https://go.boarddocs.com/vsba/shenandoah/Board.nsf/goto?open&id=BRHJXK4E9A8C>.

⁶¹ Trey Rorie, *School Board Chairman Dennis Barlow Says Restoring School Names Will Take Several Weeks*, N. Va. Daily (updated May 17, 2024), https://www.nvdaily.com/nvdaily/school-board-chairman-dennis-barlow-says-restoring-school-names-will-take-several-weeks/article_c30affb4-ba9b-5d25-a885-aa37a5f70b08.html.

⁶² The Freedom Press, Facebook (May 31, 2024), <https://www.facebook.com/FPSHenco/posts/pfbid0pcK13TzZnkzvYBGLeUshLNBWUrhYUtACVq1SmTtisXoMsh6rTdVrDMcmJuW3EV11>.

 **The Freedom Press**
May 31 at 1:45 PM · 🌐

Name Restoration work is in progress, the exterior signage is being installed on the buildings and look for refurbished entrance signs in the near future.

Not one dollar of public funding will be used for these restorations.
Private Donations are still coming in and being accepted.
Mail any Donations to Coalition for Better Schools
PO Box 854
Mt. Jackson, VA
22842



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139. On or before June 5, 2024, Defendant School Board replaced the sign at the main entrance to Stonewall Jackson HS by reinstalling the old sign that had been removed four years earlier. The reinstalled sign includes a Confederate flag being carried by a Confederate soldier on

horseback.⁶³ Although that portion of the sign has been covered with black duct tape,⁶⁴ many in the community are aware of the image underneath.



⁶³ John Hood WTKR, Facebook (July 9, 2020), https://www.facebook.com/photo/?fbid=989833998100346&set=a.598028027280947&paipv=0&eav=AfbDaUccke1M2tvVlr8A537IA_za-nyCXXHr0IVr9gaeh4xWU0Ifzn_siiSEQRNGvqI (posting image reflecting prior version of the sign with horse and soldier image).

⁶⁴ Trey Rorie, *Shenandoah County Public Schools Puts Signage in Storage*, N. Va. Daily (June 10, 2024), https://www.nvdaily.com/nvdaily/shenandoah-county-public-schools-puts-signage-in-storage/article_c36490b3-b69e-5292-8271-bcdba3801b32.html.

I. The Impact of the School Names on Plaintiffs and the Community

140. Approximately 500 students are enrolled at Mountain View HS, less than 2 percent of whom are Black.⁶⁵ Over 675 students are enrolled at Honey Run ES, less than 1 percent of whom are Black.⁶⁶ Black students make up less than 3 percent of students enrolled in Shenandoah County public schools.⁶⁷

141. D.D. is a Black student who will start high school as a ninth grader at Mountain View HS in August 2024. D.D. plans to play sports for Mountain View HS and hopes to apply to participate in the Massanutten Regional Governor’s School at Mountain View HS as a junior.

142. The Governor’s School is a half-day program that allows students from the top 15 percent of students from Shenandoah and the surrounding counties to participate in a comprehensive, intellectually challenging project-based program for advanced learners that extends and enriches their education. Students who attend the Governor’s School typically receive high school credit and college credit for their participation. The Governor’s School is located at Mountain View HS.

143. While in middle school, D.D. participated in activities at Mountain View HS. D.D. took advanced classes at Mountain View HS and played on the high school volleyball, basketball, and soccer teams.

⁶⁵ Va. Dep’t of Ed., *Mountain View High Quality Profile*, available at <https://schoolquality.virginia.gov/schools/mountain-view-high-2#fndtn-desktopTabs-enrollment>. See also Campbell Robertson, *Stonewall Jackson’s Name Fell Fast, and a Fury Quickly Followed*, N.Y. Times (June 10, 2022), <https://www.nytimes.com/2022/06/10/us/stonewall-jackson-shenandoah-county-virginia.html> (“[Stonewall Jackson HS] was named when it was built in 1959 It was desegregated several years later, though there have rarely been many more than a half-dozen Black students at a time.”).

⁶⁶ Va. Dep’t of Ed., *Honey Run Elementary Quality Profile*, available at <https://schoolquality.virginia.gov/schools/honey-run-elementary#fndtn-desktopTabs-enrollment>.

⁶⁷ Va. Dep’t of Ed., *Shenandoah County Public Schools Quality Profile*, available at <https://schoolquality.virginia.gov/divisions/shenandoah-county-public-schools#desktopTabs-3>.

144. D.D. disagrees vehemently with Defendant School Board's decision to honor Confederate leaders by reverting to Mountain View HS's prior name, Stonewall Jackson HS, because the name symbolizes the glorification of Confederate values.

145. As a Black student, Defendant School Board's decision to restore the names of the Confederate generals communicates to D.D. that her community does not value her and as a result, she feels unwanted in that community and school. She feels uncomfortable attending a school named after a Confederate general who fought to ensure her ancestors remained in bondage.

146. If the Confederate school names are maintained, D.D. will be confronted daily with signs, apparel, and school materials bearing the name of Stonewall Jackson. These visual reminders will undoubtedly cause D.D. to feel inferior to her White peers and damage her self-esteem.

147. The decision to restore the Confederate school names impacts D.D.'s ability to receive an education and participate in school sponsored sports.

148. D.D. will be required to participate in school activities as a member of the Stonewall Jackson "Generals." In order to participate in sports, she will wear athletic uniforms adorned with a name and logo that symbolizes hatred, White supremacy, and Massive Resistance to integration. Based on her experience participating in sports at Mountain View HS, D.D. believes that if she refused to wear the odious team uniforms, the school would not permit her to participate in sports or she would be subjected to ostracization. D.D. also believes wearing the team uniforms would mean endorsing a threatening message aimed at the Black students on opposing teams.

149. Even aside from the school uniforms, D.D. will be confronted with signage and symbols bearing the name of the Stonewall Jackson "Generals" when she participates in sports at

Stonewall Jackson HS. Any score that D.D. makes while participating in sports will be attributed to the Stonewall Jackson “Generals.”

150. Participation in school sports enriches the academic experience of students by building self-confidence, teaching social and developmental life skills, and improving academic engagement and achievement. If D.D. does not participate in sports to avoid being forced to endorse a message with which she disagrees and which harms her, she will miss out on the opportunities that being a student-athlete offers her. As a top athlete, not participating in sports in high school could greatly impact D.D.’s ability to play at the collegiate level.

151. Not being able to fully participate in school sports, school activities, and advanced academic opportunities, such as the Governor’s School, will harm D.D. during her time at Mountain View HS and will also impact her future opportunities, including her college applications.

152. Because of the harm caused by Defendant School Board’s decision to honor Confederate generals by reinstating the name Stonewall Jackson HS, D.D. is prevented from fully accessing the equal educational experience to which she is entitled.

153. J.D. is a Black student who attends Honey Run ES. J.D. plays basketball through the Shenandoah County Parks & Recreation and soccer through the Shenandoah County Soccer League.

154. J.D. disagrees with Defendant School Board’s decision to honor Confederate leaders by reverting to Honey Run ES’s prior name, Ashby Lee ES, because the name symbolizes a legacy of slavery and segregation. J.D. believes that by making this decision, Defendant School Board is signaling to her a desire to celebrate and return to a time where she would have been

enslaved and held as property. Because of this, J.D. fears the prospect of attending a school named in honor of Confederate generals.

155. Defendant School Board's decision to restore the names of the Confederate generals signals to J.D., a young and impressionable child, that Ashby and Lee and their legacy of slavery and segregation should be revered.

156. J.D. will be confronted daily with signs, apparel, and school materials bearing the names of Ashby and Lee. As a Black student, these visual reminders will undoubtedly cause J.D. to feel inferior to her White peers and damage her self-esteem.

157. Because of the psychological harm caused by Defendant School Board's decision to honor Confederate generals by reinstating the name Ashby Lee ES, J.D. is prevented from fully accessing the equal educational experience to which she is entitled.

158. A.C. is a Biracial student who studies college-level science, math, and visual arts at the Governor's School at Mountain View HS. A.C. is also completing a two-year independent research project.

159. A.C. is on the football, soccer, and swim teams at a Shenandoah County public school; these teams occasionally compete at Mountain View HS.

160. A.C. disagrees with Defendant School Board's decision to reinstate Mountain View HS's prior name, Stonewall Jackson HS, because the name symbolizes the glorification of Confederate values.

161. As a student of Black descent, A.C. believes that Defendant School Board's decision to restore the names of the Confederate generals indicates a desire to discourage Black and Brown students like himself from entering or attending the schools.

162. As a student of Black descent, Defendant School Board's decision to restore the Confederate school names impacts A.C.'s ability to receive an education and participate in school sponsored sports.

163. A.C. will confront the name Stonewall Jackson and symbols representing the "Generals" every day when he attends the Governor's School at the Stonewall Jackson HS campus.

164. A.C. will confront signage and symbols bearing the name of the Stonewall Jackson "Generals" when he participates in sports competitions held at Stonewall Jackson HS. These visual reminders will undoubtedly cause A.C. to feel inferior to his White peers and damage his self-esteem.

165. Participation in school sports enriches the academic experience of students by building self-confidence, teaching social and developmental life skills, and improving academic engagement and achievement. If A.C. does not participate in sports to avoid exposure to signs and symbols promoting racism that will harm him psychologically, he will miss out on the opportunities that being a student-athlete offers.

166. Not being able to fully participate in school sports and advanced academic opportunities, such as the Governor's School, will harm A.C. during his time in high school and will negatively impact his future opportunities, including his college applications.

167. Because of the harm caused by the School Board's decision to honor Confederate generals by reinstating the name Stonewall Jackson HS, A.C. is prevented from fully accessing the equal educational experience to which he is entitled.

168. A.J. is a White student who attends Mountain View HS. Prior to the School Board's 2020 name and mascot changes, A.J. was homeschooled. Following the name and mascot change,

in 2020, A.J. chose to attend Mountain View HS. A.J. is in the marching band and on the track and field team at Mountain View HS.

169. A.J. opposes Defendant School Board's decision to reinstate the name Stonewall Jackson HS because he believes the Confederate name wrongly idolizes a heritage of enslavement, segregation, and racial injustice.

170. A.J. will be required to participate in school activities as a member of the Stonewall Jackson "Generals." In order to participate, he will wear uniforms adorned with a name and logo that symbolizes hatred, White supremacy, and Massive Resistance to integration. A.J. does not want to wear these uniforms, as he disagrees with their message and believes uniforms adorned with the school name and logo would send a threatening message toward the Black students on opposing teams. Based on his experience at Mountain View HS, A.J. believes that if he refuses to wear the odious school uniforms, the school will not allow him to continue to participate in these programs, and he will be subjected to verbal bullying.

171. Even aside from the school uniforms, any achievement that A.J. makes while participating in sports will be attributed to the Stonewall Jackson "Generals" and he will be publicly announced as a member of the Stonewall Jackson "Generals."

172. If A.J. does not want to identify as part of the Stonewall Jackson "Generals," his only option is to resume homeschooling. If homeschooled, A.J. would not be able to participate in sports or activities in the Shenandoah County Public School system. A.J. would also not be able to attend the Governor's School, as the program requires enrollment in a Shenandoah County public school or neighboring county public school. There are no alternatives to the Governor's School or for the sports and activities that A.J. participates in if A.J. is homeschooled.

173. Participation in school sports enriches the academic experience of students by building self-confidence, teaching social and developmental life skills, and improving academic engagement and achievement. If A.J. does not participate in sports to avoid being forced to endorse a message with which he disagrees, he will miss out on the opportunities that being a student-athlete offers him.

174. Not being able to fully participate in school sports, school activities, and advanced academic opportunities, such as the Governor's School, will harm A.J. and also impact his future opportunities, including his college applications.

175. B.B. is a Black student who attends the Governor's School at Mountain View HS. B.B. participates in Envirothon at the Governor's School—an environmental and natural resources conservation problem-solving, leadership experience, and academic competition for high school students across the United States, Canada, China, and Singapore. Envirothon exposes students to Science, Technology, Engineering, and Math principles, hands-on learning, and outdoor field experiences. Through the program, students develop critical thinking skills to create inventive solutions to the complex local and global environmental and natural resource issues facing our world today. B.B.'s participation requires her to stay after school some days at Mountain View HS.

176. B.B. disagrees with Defendant School Board's decision to reinstate the Confederate school name, Stonewall Jackson HS, because she believes the name promotes an air of discrimination at the school and in the Shenandoah County community.

177. As a student of Black descent, Defendant School Board's decision to reinstate the Confederate school names makes B.B. feel unwelcome at Stonewall Jackson HS.

178. B.B. will see the name Stonewall Jackson and symbols representing the “Generals” every day when she attends the Governor’s School at the Stonewall Jackson HS campus. B.B. will be confronted with a name and logo that symbolizes hatred, White supremacy, and Massive Resistance to integration. These visual reminders will undoubtedly cause B.B. to feel inferior to her White peers and damage her self-esteem.

179. If B.B. refuses to attend Stonewall Jackson HS, B.B. would not be permitted to attend the Massanutten Regional Governor’s School or participate in Envirothon, and she would be deprived of a valuable and career-enhancing educational opportunity.

180. Not being able to fully participate in extracurricular activities and advanced academic opportunities, such as the Governor’s School and Envirothon, will harm B.B. during her time in high school and also impact her future opportunities, including her college applications.

181. Because of the harm caused by the School Board’s decision to honor Confederate generals by reinstating the name Stonewall Jackson HS, B.B. is prevented from fully accessing the equal educational experience to which she is entitled.

182. Plaintiff Virginia State Conference NAACP and its members oppose the reinstatement of the Confederate names and published the following press release decrying Defendant School Board’s embrace of Confederate name and values:

The [Virginia NAACP] condemns all efforts to add or retain the names/images of Confederate leaders on public property. Our reasoning is sound: Military leaders of the Confederate States of America took up arms against the United States of America and fought to preserve and expand the peculiar institution of slavery. These hateful, white supremacist ideals should not be memorialized anywhere the public—which includes descendants of enslaved Africans—is required to support financially. The mission of the NAACP requires us to work to eliminate discrimination. Returning names of Confederate leaders to public buildings runs counter to this mission.

Shenandoah County’s “Coalition for Better Schools” wants to change the names of Mountain View High School and Honey Run Elementary School back to Stonewall Jackson and Ashby-Lee, respectively. In 2020, the Shenandoah County School Board voted to change schools named after Confederate leaders and to remove the rebel mascot from North Fork Middle School. The subject of restoring the names came before the school board again in 2022, the decision was split 3-3, and the Confederate names were not restored. November 2023 brought new members to the school board. Confederate sympathizers have declared their desire to change the names of the public schools. The Virginia NAACP vehemently opposes this effort and hopes that all citizens committed to racial justice will do the same.⁶⁸

183. Members of the Virginia NAACP who live in Shenandoah County and attend Mountain View HS and Honey Run ES are experiencing the same impacts from the reinstatement of Confederate names as Individual Plaintiffs. In order to attend school, NAACP members will be subjected to messages that that Black people are inferior. They will be forced to endorse a message with which they disagree and object or forgo meaningful educational and extra-curricular opportunities. Black members of the NAACP will be denied equal educational opportunities.

184. Because the school signs have already been changed, students participating in summer activities at these schools are already forced to represent a legacy of slavery and racial inferiority that they disagree with while participating in these extracurricular activities.

185. Multiple teachers and staff have already announced that they will leave the school system, and at least one revoked their acceptance of an offer to teach next year, citing the decision to reinstate the Confederate school names as a basis for those decisions.

186. By honoring Confederate leaders who fought for a cause associated with racial oppression, Defendant School Board is subjecting Black students, including Individual Plaintiffs

⁶⁸ *Virginia NAACP Condemns Efforts to Name Schools after Confederate Generals*, Virginia NAACP (Apr. 22, 2024), <https://naacpva.org/virginia-naacp-condemns-efforts-to-name-schools-after-confederate-generals/>.

and members of the NAACP, to a different and inferior educational experience than that experienced by White students.

187. Persistent exposure to racially negative messages, images, and symbols impacts a student's sense of self-worth and has short- and long-term impacts on a student's academic achievement, adult success, and well-being.

188. The American Academy of Pediatrics recognizes that positive racial identity is a significant determinant of health outcomes. In its statement on the Impact of Racism on Child and Adolescent Health, the Academy (2019) recognized that students may experience racism in schools and that "[t]he impacts of structural and personally mediated racism may result in internalized racism (internalizing racial stereotypes about one's racial group). A positive racial identity mediates experiences of discrimination and generates optimal youth development outcomes. The importance of a prosocial identity is critical during adolescence, when young people must navigate the impacts of social status and awareness of personally mediated discrimination based on race."⁶⁹

189. Black students at Ashby Lee ES and Stonewall Jackson HS will have to confront everyday messages from the school that they are less worthy than their White counterparts. These messages are harmful and cause long-lasting injury.

190. Individual Plaintiffs and members of the NAACP are also dissuaded from participating in academic and extracurricular activities because, by participating, they will be forced to champion the racial inferiority that is inherent in the school names, team and student-

⁶⁹ Maria Trent et al., *The Impact of Racism on Child and Adolescent Health*, Am. Acad. of Pediatrics, (July 2019), <https://nj.gov/dcf/about/divisions/dcsc/e20191765.full.pdf>.

body names, and culture of schools that were named after prominent Confederate generals and which were built and named as part of Massive Resistance to prevent integration of schools.

V. FIRST CAUSE OF ACTION

**VIOLATION OF THE FIRST AMENDMENT
Pursuant to 42 U.S.C. § 1983**

(On behalf of Plaintiffs NAACP, D.D., and A.J.)

191. Plaintiffs re-allege and incorporate by reference as if fully set forth herein the allegations in all preceding paragraphs.

192. The First Amendment to the United States Constitution affords citizens the right to free speech, including the right not to express a view with which a person disagrees.

193. By virtue of the Fourteenth Amendment to the United States Constitution, the First Amendment applies to the actions of state and local officials, including Defendant.

194. The Confederate school names and mascots represent a particular ideological view that Black people are inferior and that is pro-slavery, see ¶¶ 36–45 and that endorses current-day White Supremacist movements, see ¶¶ 59–67. Among the well-known values of the Confederacy are the vehement defense of the institution of slavery and the treatment of Black individuals as inferior. The use of Stonewall Jackson “Generals” imbues the name with the Confederacy’s racist, pro-slavery ideologies.

195. Moreover, because the names were those originally selected by Defendant School Board for a White-only school seeking to resist integration as mandated in *Brown*, the names further represent the history of Massive Resistance in Shenandoah County and its attempt to illegally exclude Black students from Defendant’s schools and maintain White supremacy.

196. By reinstating the Confederate school names and requiring students participating in school activities and in extracurricular activities to wear uniforms or use other apparel while

participating as a member of the Stonewall Jackson “Generals,” Defendant is compelling Individual Plaintiffs and members of the NAACP to express a view with which they disagree.

197. By reinstating the Confederate school names and requiring students participating in school activities and in extracurricular activities to identify as Stonewall Jackson “Generals,” including by identifying the team name on scoreboards and signs, and in announcements, Defendant is compelling Individual Plaintiffs and members of the NAACP to express a view with which they disagree.

198. Upon information and belief, students who are unwilling to wear a uniform or apparel with the name Stonewall Jackson “Generals,” or are unwilling to participate on a team as a member of the Stonewall Jackson “Generals,” will be excluded from full participation in certain extracurricular activities.

199. Individual Plaintiffs and members of the NAACP who wish to attend the school and participate in extracurricular activities at the school disagree with the values of slavery and racism associated with the Confederacy and do not wish to endorse those views.

200. Among the members of the NAACP are students who participate in academics, sports, and other extracurricular activities at Stonewall Jackson HS and, in order to avoid being excluded from those activities, despite their disagreement, will participate despite being forced to display the message of honoring the values of slavery and racism associated with the Confederacy.

201. Among the members of the NAACP are students who will choose not to participate in academics, sports, and other extracurricular activities at Stonewall Jackson HS because of their disagreement with the values of slavery and racism associated with the Confederacy they would be forced to display if they participated.

202. As set forth above in ¶¶ 141–152, D.D. participates in academics, sports, and other extracurricular activities at Mountain View HS and will now be forced to participate in those activities as a Stonewall Jackson “General,” despite her disagreement with the values of slavery and racism associated with the Confederacy, or else be excluded from those activities.

203. As set forth above in ¶¶ 169–174, A.J. participates in academics, sports, and other extracurricular activities at Mountain View HS and will now be forced to participate in those activities at Stonewall Jackson HS, despite his disagreement with the values of slavery and racism associated with the Confederacy, or else be excluded from those activities.

204. The requirement that students who wish to participate in extracurricular activities wear uniforms or other apparel bearing names honoring the Confederacy, or to participate in those activities as a member of student bodies named after Confederate leaders, is not narrowly tailored to serve a compelling government interest.

205. The requirement that students who wish to participate in extracurricular activities wear uniforms or other apparel bearing names honoring the Confederacy, or to participate in those activities as a member of the Stonewall Jackson “Generals,” violates the right to freedom of speech guaranteed by the First and Fourteenth Amendments to the United States Constitution.

206. The actions of the Defendant described herein constitute an official policy and deliberate choice made under the color of state law in direct violation of Plaintiffs’ constitutional rights and are therefore actionable under 42 U.S.C. § 1983.

VI. SECOND CAUSE OF ACTION

VIOLATION OF THE FOURTEENTH AMENDMENT EQUAL PROTECTION CLAUSE Pursuant to 42 U.S.C. § 1983

(On behalf of Plaintiffs NAACP, B.B., A.C., D.D., and J.D.)

207. Plaintiffs re-allege and incorporate by reference as if fully set forth herein the allegations in all preceding paragraphs.

208. The Equal Protection clause of the Fourteenth Amendment prohibits the states from “deny[ing] to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.

209. The Equal Protection Clause of the Fourteenth Amendment prohibits states and state actors from discriminating on the basis of race or national origin. Defendant School Board is a state actor under the Fourteenth Amendment.

210. The Equal Protection Clause of the Fourteenth Amendment prohibits both facially discriminatory state action and purportedly neutral actions and decisions that discriminate on the basis of race or national origin.

211. The Equal Protection Clause of the Fourteenth Amendment prohibits racial discrimination in state-supported institutions, such as public elementary schools and high schools.

212. The Equal Protection Clause of the Fourteenth Amendment prohibits racial discrimination in extracurricular activities of state-supported institutions, such as public elementary schools and high schools.

213. The Equal Protection Clause imparts a duty on school boards to “eliminate racial discrimination ‘root and branch’” so as to make their services equally available to all. *St. Tammany Parish Sch. Bd.*, 316 F. Supp. at 1176 (quoting *Green v. Cnty. Sch. Bd.*, 391 U.S. 430, 438 (1968)). In *Smith*, this meant ordering the removal of “[a]ll Confederate flags, banners, signs expressing the school board’s or its employees’ desire to maintain segregated schools, and all other symbols or indicia of racism.” *Id.* at 1177.

214. Defendant School Board’s decision to restore the original Confederate names to Shenandoah County schools was motivated by a discriminatory intent or purpose.

The Confederacy and its leadership are inextricably intertwined with the history of slavery in America and continue to be viewed as symbols of racial oppression.

215. As evident from the numerous historical events, patterns of actions, and statements surrounding Defendant School Board’s actions at the schools’ founding and naming, including those set forth above at ¶¶ 59–65, a motivating purpose for the School Board’s decision to name the schools “Stonewall Jackson” and “Ashby Lee” was to discriminate against Black students and their families.

216. The names “Stonewall Jackson” and “Ashby Lee” were originally selected as school names by Defendant School Board in 1959 and 1975 for the purpose of honoring Thomas “Stonewall” Jackson, Ashby Turner, and Robert E. Lee, prominent leaders of the Confederacy, and the values that they endorsed, including the values of racial oppression and segregation.

217. The names “Stonewall Jackson” and “Ashby Lee” were also originally selected as school names by Defendant School Board for the purpose of discouraging Black students from integrating the schools.

218. The action in 2020 by Defendant School Board to retire the Confederate school names, as set forth above at ¶¶ 72–93, was intended to signal Defendant School Board’s disagreement with the values of the Confederacy and the White supremacist values that the Confederate names represent today and, as Board member Shelby Kline stated, “to continue the work of creating an inclusive environment for all kids.”

219. As evident from numerous historical events, patterns of actions, and statements surrounding Defendant School Board’s actions to restore the names in 2024, as set forth above at

¶¶ 127–138, including the flimsy rationale accompanying the decision and the School Board’s comments in support of their May 10, 2024 decision to reinstate the Confederate school names, a motivating purpose for Defendant School Board’s decision was to discriminate against Black students and their families.

220. Defendant School Board’s 2024 actions reinstating of the school names “Stonewall Jackson” and “Ashby Lee,” including those set forth above in ¶¶ 127–138, were taken with full knowledge of the historical context of the original naming, with full knowledge of the reasons why Defendant School Board voted to retire the names in 2020, and after hearing from both Black and White members in the community who expressed their view that the names in the present day continue to glorify the values of the Confederacy and discriminate against Black students. One member of Defendant School Board acknowledged this outright while voting in favor of the name change, as set forth in ¶¶ 133–135. Yet, Defendant School Board chose to reinstate the Confederate school names that honor prominent Confederate leaders, which venerates the Confederacy and celebrates those who fought to preserve the enslavement of Black people.

221. Further, evidence of discriminatory purpose is found in the comments of members of Defendant School Board in the early morning hours of May 10, 2024, including those as set forth above at ¶¶ 128–136, purporting to rely on a sham “survey” as a pretext to justify their vote to reinstate the Confederate school names.

222. Defendant School Board’s decision to restore the original Confederate names to Shenandoah County schools has a discriminatory impact on Black students who attend those schools.

223. The school names of “Stonewall Jackson” and “Ashby Lee” and the team name of the Stonewall Jackson “Generals” create a school environment that denies Black students,

including the Individual Plaintiffs and members of the NAACP, an equal opportunity to an education.

224. The Confederate school names, and team and student-body names, disparage, humiliate, and harm Black students and their families by using a government stamp of approval to honor leaders of the Confederacy.

225. The school names and team names discriminatorily affect Individual Plaintiffs and Black members of the NAACP by using a government stamp of approval to affirmatively honor the Confederacy and all that the symbols of the Confederacy stand for today. As set forth in ¶¶ 186–190, the deliberate reinstatement of these names creates a stigma against and feeling of inferiority among Black students who attend Stonewall Jackson HS and Ashby Lee ES.

226. As set forth in ¶¶ 186–190, the school names and team names treat Individual Plaintiffs and Black members of the NAACP differently because the names and team names cause particularized psychological harm that affects their sense of self-worth and have short- and long-term impacts on their well-being that are not experienced by White students.

227. The school names and team names treat Individual Plaintiffs and Black members of the NAACP differently because the names constructively prevent them from attending Stonewall Jackson HS and Ashby Lee ES, burdening Black students and their families who are forced to move, to travel to a school located farther from home, to forgo academic opportunities like participation in the Massanutten Regional Governor’s School, or to homeschool their children rather than endure the humiliation and discriminatory impact of attending those schools.

228. The school names and team names treat Individual Plaintiffs and Black student members of the NAACP differently because the names constructively prevent them from participating in school-sponsored events and activities—such as athletic teams, activities taking

place in school facilities, fundraising activities involving school paraphernalia, and many similar activities—because such activities involve Confederate speech and symbolism that further disparages and humiliates Black students and their families.

229. As a result of the discriminatory impact of the schools’ decisions, Black students, including Individual Plaintiffs and members of the NAACP, will not receive the same curricular and extracurricular experience at Ashby Lee ES and Stonewall Jackson HS that their White peers experience.

230. By reinstating the names “Ashby Lee” and “Stonewall Jackson,” Defendant has violated, and continues to violate, the Equal Protection Clause of the Fourteenth Amendment.

231. The actions of Defendant described herein constitutes an official policy and deliberate choice made under color of state law in direct violation of Plaintiffs’ constitutional rights and are therefore actionable under 42 U.S.C. § 1983.

VII. THIRD CAUSE OF ACTION

VIOLATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 42 U.S.C §§ 2000d - 2000d-7

(On behalf of Plaintiffs NAACP, B.B., A.C., D.D., and J.D.)

232. Plaintiffs re-allege and incorporate by reference as if fully set forth herein the allegations in all preceding paragraphs.

233. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

234. The programs and activities of the Shenandoah County Public Schools, including education and extra-curricular activities, receive federal financial assistance.

235. As described in paragraphs ¶¶ 124–136 Defendant School Board’s decision to restore the original Confederate names to Shenandoah County schools was motivated by a discriminatory intent and has a discriminatory effect on Black students who attend those schools.

236. As described in paragraphs ¶¶ 143–168 and ¶¶ 175–190, Defendant School Board’s decision to reinstate the Confederate school names, and team and student-body names, discriminates against Black students on the basis of race because it disparages, humiliates, and harms Black students and their families by using a government stamp of approval to honor leaders of the Confederacy.

237. As described in paragraphs ¶¶ 143–168 and ¶¶ 175–190, Defendant School Board’s decision discriminates against Black students on the basis of race because Black students, including Individual Plaintiffs and members of the NAACP, will not receive the same curricular and extracurricular experience at Ashby Lee ES and Stonewall Jackson HS that their White peers experience.

238. By choosing to reinstate and maintain the school names “Ashby Lee” and “Stonewall Jackson,” Defendant has violated, and continues to violate, Title VI of the Civil Rights Act of 1964.

VIII. FOURTH CAUSE OF ACTION

VIOLATION OF THE EQUAL EDUCATIONAL OPPORTUNITIES ACT, 20 U.S.C. §§ 1701–1758

(On behalf of Plaintiffs NAACP, B.B., A.C., D.D., and J.D.)

239. Plaintiffs re-allege and incorporate by reference as if fully set forth herein the allegations in all preceding paragraphs.

240. The Equal Educational Opportunities Act (“EEOA”) provides that “[n]o State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or

national origin, by . . . the failure of an educational agency which has formerly practiced such deliberate segregation to take affirmative steps . . . to remove the vestiges of a dual school system.”

20 U.S.C. § 1703(b).

241. Defendant formerly practiced deliberate segregation on the basis of race, as set forth in ¶¶ 60–67.

242. Defendant defied federal anti-segregation efforts, and judicial intervention was necessary to permit the admission of Black students in Ashby Lee ES and Stonewall Jackson HS. Defendant willfully engaged in Massive Resistance as described in ¶¶ 61–65 to exclude Black students on the basis of race by resisting desegregation.

243. Defendant further sought to deter the integration of Black students into Stonewall Jackson HS and Ashby Lee ES by branding their public schools with Confederate school names, as set forth in ¶¶ 61–65.

244. By choosing to reinstate the Confederate school names “Stonewall Jackson” and “Ashby Lee,” Defendant has failed to take affirmative steps towards removing the vestiges of the dual, segregated system.

245. Individual Plaintiffs and Black members of the NAACP are denied equal educational opportunities on account of their race because of Defendant’s decision to reinstate these vestiges of the dual, segregated system.

246. As set forth in ¶¶ 143–168 and ¶¶ 175–189, Black students are denied equal educational opportunities because the deliberate retention of the school names creates a stigma against and feeling of inferiority among Black students who attend Ashby Lee ES and Stonewall Jackson HS. Black students are negatively impacted by the exposure to Confederate names, symbolism, and imagery and experience psychological, emotional, and academic harm. Black

students who choose not to attend Ashby Lee ES and Stonewall Jackson HS will have to travel farther and will bear the financial and psychological burden of attending schools outside of their neighborhoods or county, including home schools.

247. By choosing to reinstate and maintain the school names “Ashby Lee” and “Stonewall Jackson,” Defendant has violated, and continues to violate, the Equal Educational Opportunities Act.

CONCLUSION AND RELIEF REQUESTED

WHEREFORE, Plaintiffs respectfully request that the Court:

1. Declare that Defendant is violating the Fourteenth Amendment and First Amendment of the United States Constitution, Title VI of the Civil Rights Act of 1964, and the Equal Educational Opportunities Act by maintaining and reinstating the school names Stonewall Jackson HS and Ashby Lee ES, and the team name/mascot the “Generals”;

2. Enter injunctive relief requiring Defendant to remove the Confederate names and mascots, and to prevent any future naming involving Confederate leaders or references to the Confederacy;

3. Enter injunctive relief requiring Defendant to remove all remaining vestiges of the dual school system previously operated in Shenandoah County;

4. Award reasonable attorneys’ fees to Plaintiff, pursuant to 42 U.S.C. § 1988;

5. Award costs of litigation to Plaintiff, pursuant to 42 U.S.C. §§ 1920 and 1988; and

6. Award such other and further relief as this Court may deem appropriate and in the interests of justice.

Date: June 11, 2024

Respectfully submitted,

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