

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

VIRGINIA STATE CONFERENCE
NAACP, *et al.*,

Plaintiffs,

v.

COUNTY SCHOOL BOARD OF
SHENANDOAH COUNTY,

Defendant.

Case No. 5:24-cv-00040
PLAINTIFFS' PROPOSED FINDINGS OF
FACT

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Introduction

This case concerns whether the Shenandoah County School Board's 2024 decision to restore the names Stonewall Jackson High School and Ashby-Lee Elementary School re-entrenches symbols that were originally adopted to resist racial equality and, thus, discriminate against and deny educational opportunities to Black students today.

The evidence at trial establishes that the 1959 naming of Stonewall Jackson High School and the 1974 naming of Ashby-Lee Elementary School did not occur in a neutral or apolitical context. Those decisions were made during, and in the wake of, Virginia's campaign of "Massive Resistance" to *Brown v. Board of Education*. At the time, Shenandoah County was actively maintaining a dual, segregated school system. Black students were excluded from newly constructed White schools, bused out of the County for secondary education, denied equal facilities and opportunities, and deprived of a meaningful political voice in school governance. In that climate—when Confederate imagery was widely deployed as a symbol of defiance to federal desegregation mandates—the School Board departed from its longstanding naming practices and chose to honor Confederate military leaders whose primary historical significance lies in their defense of slavery and White supremacy.

The record further shows that these names functioned as more than historical references. They were selected in a period when Confederate symbols had renewed salience as markers of opposition to integration and as signals about who was—and was not—intended to belong in public schools. Expert testimony and lay testimony alike demonstrate that such symbols convey messages of racial hierarchy, exclusion, and hostility; that they operate as vestiges of the former dual school system; and that their continued official endorsement by the School Board harms Black students by undermining their sense of safety, belonging, and equal status within the school community.

In 2020, following public testimony and reflection, the School Board voted to retire the Confederate names as part of its resolution condemning racism and affirming its commitment to an

inclusive school environment. In 2024, however, the Board reversed course and restored the names. These findings set forth the historical context of the Confederacy and Lost Cause mythology; Shenandoah County’s segregated school system and participation in Massive Resistance; the circumstances surrounding the 1959 and 1974 naming decisions; the School Board’s actions to retire the names and the subsequent campaign to reinstate them; and the impact and ongoing harm to Black students in Shenandoah County Public Schools. Taken together, the record demonstrates that the Confederate school names originated as part of a broader effort to preserve racial hierarchy in the County’s schools and that their restoration today perpetuates that legacy and its harms.

Procedural History

On June 11, 2024, Plaintiffs filed the Complaint in this case, bringing claims under the First Amendment, Fourteenth Amendment Equal Protection Clause, Title VI of the Civil Rights Act of 1964, and the Equal Educational Opportunities Act. The Court denied Defendant’s motion to dismiss for failure to state a claim on January 22, 2025. Motion to Dismiss Op., ECF. No. 61. The Court granted Plaintiffs’ motion for summary judgment with regard to the First Amendment claims, ECF No. 171 (acknowledging that the “uniquely symbolic” school name conveys a message and forces students to choose between association with that name and participation in “essential educational experiences”), but deferred entry of final judgment on those claims in order to “conclusively establish[]” “the full scope of the injunctive relief required.” ECF No 173.

The three remaining claims proceeded to trial in December 2025. Over the five-day trial, Plaintiffs introduced evidence supporting their claims and called the following fact witnesses: Plaintiff Kay Doe, the parent of Plaintiff D.D. and Plaintiff J.D.—students at Stonewall Jackson High School and Ashby-Lee Elementary School; Plaintiff Briana Brown (“B.B.”), a former student at Stonewall Jackson High School; Plaintiff A.D. Carter (“A.C.”), a former student at Stonewall

Jackson High School; and Reverend Cozy Bailey, President of the NAACP Virginia State Conference.

Plaintiffs proffered, and this Court admitted, the following expert witnesses: Brigadier General Ty Seidule, Dr. Brian Daugherty, Dr. Adiaha Spinks-Franklin, and Dr. Amy Bass.

Brigadier General Ty Seidule was admitted as an expert in the history of the Confederacy, the lives of Confederate generals, and Confederate commemoration. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 153:19-22, 154:07-11. Brig. Gen. Seidule is a Visiting Professor of History at Hamilton College in Clinton, New York. Seidule CV, ECF No. 242-63; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 144:23-24. He previously served as a professor and head of the Department of History at the United States Military Academy at West Point, teaching Civil War history, American history, and European history. Seidule CV, ECF No. 242-63; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 144:24-145:13. He served in the U.S. Army from 1984 to 2020. Seidule CV, ECF No. 242-63; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 145:14-16. He received a bachelor's degree in history from Washington and Lee University, and a master's and Ph.D. in history from the Ohio State University. Seidule CV, ECF No. 242-63; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 148:18-22. His scholarship and public speaking focuses on U.S. military history, the Confederacy, and Confederate commemoration. Seidule CV, ECF No. 242-63; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 149:11-150:06, 152:07-16. In 2021, he published his book *Robert E. Lee and Me: A Southerner's Reckoning with the Myth of the Lost Cause*, telling his story of growing up on Confederate idolatry and the harm that commemoration has caused in his environments, which was awarded three distinguished writing awards from the Army Historical Foundation and top book of the year in several different publications. Seidule CV, ECF No. 242-63; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 149:11-150:6, 152:17-22. From 2021 to 2023, Brig. Gen. Seidule served as Vice Chair of the on the Commission on the Naming of Items of

the Department of Defense that Commemorate the Confederate States of America or Any Person Who Served Voluntarily with the Confederate States of America—a commission authorized by Congress to rename or remove any Department of Defense assets that commemorated Confederates, who Congress determined did not reflect the values of the U.S. military. Seidule CV, ECF No. 242-63; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 146:16-148:15. Most recently, Brig. Gen. Seidule published *Promise Delivered: Ten American Heroes and the Battle to Rename Our Nation's Military Bases*, a book detailing the Naming Commission's efforts to remove and replace nine military bases that honored Confederates. Seidule CV, ECF No. 242-63; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 150:10-21. His opinions are based on his education, scholarship and research, professional and personal experience, and review of various materials identified in the evidentiary record, including School Board meeting minutes as well as yearbook and other images taken from Stonewall Jackson High School. Seidule Expert Report, ECF No. 242-64, at 39-45; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 155:18-156:5.

Dr. Brian Daugherty was admitted as an expert in the history of school desegregation and integration in Virginia. Testimony of Dr. Brian Daugherty, ECF No. 244, at 245:11-13, 245:24-246:4. Dr. Daugherty is a Professor of History at Virginia Commonwealth University in Richmond, Virginia. Daugherty CV, ECF No. 242-65; Testimony of Dr. Brian Daugherty, ECF No. 244, at 240:1-3. He teaches courses on the history of the civil rights movement, the history of Virginia, and the history of the United States since 1865. Daugherty CV, ECF No. 242-65; Testimony of Dr. Brian Daugherty, ECF No. 244, at 241:13-15. He has a bachelor's degree and Ph.D. in history from the College of William and Mary, a master's degree in history from the University of Montana, and a master's degree in education from the University of Mississippi. Daugherty CV, ECF No. 242-65; Testimony of Dr. Brian Daugherty, ECF No. 244, at 241:25-242:13. His scholarship focuses on the implementation of the Supreme Court's 1954 *Brown v. Board of Education* decision in Virginia.

Daughterity CV, ECF No. 242-65; Testimony of Dr. Brian Daughterity, ECF No. 244, at 242:13-15. He published the book *Keep On Keeping On: The NAACP and the Implementation of Brown v. Board of Education in Virginia*, a collection of essays about the implementation of *Brown v. Board of Education* around the country in which he wrote a chapter on Virginia. Daughterity CV, ECF No. 242-65; Testimony of Dr. Brian Daughterity, ECF No. 244, at 243:01-07. He has received the VCU College of Humanities and Sciences Distinguished Teaching Award and the Virginia Museum of History and Culture's William M.E. Rachal Award. Daughterity CV, ECF No. 242-65; Testimony of Dr. Brian Daughterity, ECF No. 244, at 243:19-244:05. He also has served on several advisory boards related to African American studies and history, including co-chairing the Desegregation of Virginia Education ("DOVE") project, which documents, publicizes, and preserves historical records related to school desegregation in Virginia, including first-person accounts from people who experienced desegregation. Daughterity CV, ECF No. 242-65; Testimony of Dr. Brian Daughterity, ECF No. 244, at 244:06-14. His opinions are based on his education, scholarship, professional experience, and review of various materials identified in the evidentiary record, including School Board meeting minutes, Stonewall Jackson High School yearbook images, and historic local newspaper articles. Daughterity Expert Report, ECF No. 242-66, at 59-63; Testimony of Dr. Brian Daughterity, ECF No. 244, at 249:24-250:22.

Dr. Adiaha Spinks-Franklin was admitted as an expert in the field of developmental behavioral pediatrics and on racism as a health determinant in children. Testimony of Dr. Adiaha Spinks-Franklin, ECF No. 246, at 70:22-23, 77:11-14, 77:19-22, 161:24-162:10. Dr. Spinks-Franklin is a board-certified Developmental-Behavioral Pediatrician with more than 20 years of clinical experience. Spinks-Franklin CV, ECF No. 242-118. She completed medical school at Meharry Medical College School of Medicine and received a master's in public health from the Harvard School of Public Health. Spinks-Franklin CV, ECF No. 242-118; Testimony of Dr. Adiaha Spinks-

Franklin, ECF No. 246, at 71:12-16. Her research focuses on the impact of racism on child development, behavior, and health, transgenerational transfer of racial and colonial trauma, developmental disabilities, and behavioral health conditions. Spinks-Franklin CV, ECF No. 242-118; Testimony of Dr. Adiaha Spinks-Franklin, ECF No. 246, at 75:02-10. She has published peer-reviewed articles on the effect of trauma and racism on the development, behavior, and health of children. Spinks-Franklin CV, ECF No. 242-118; Testimony of Dr. Adiaha Spinks-Franklin, ECF No. 246, at 73:02-06. Her opinions were based on her education, scholarship, professional experience, and review of various materials identified in the evidentiary record, including transcripts from the School Board meetings, media interviews of D.D., Ms. Brown, and Mr. Carter, and transcripts from the depositions of D.D., J.D., Ms. Brown, and Mr. Carter. Updated Spinks-Franklin Expert Report, ECF No. 242-189, at 34-38; Testimony of Dr. Adiaha Spinks-Franklin, ECF No. 246, at 79:14-79:20, 114:25-115:25.

Dr. Amy Bass was admitted as an expert on the benefit of scholastic sport participation for K-12 students and its intersection with culture, including, among other things, how symbols associated with racial hierarchies such as Confederate figures shape student experience in school-based athletics. Testimony of Dr. Amy Bass, ECF No. 247, at 15:18-21, 16:02-15. Dr. Bass is a Professor of Sport Studies at Manhattanville University in Purchase, NY, where she chairs the Division of Social Science and Communication. Bass CV, ECF No. 242-146; Testimony of Dr. Amy Bass, ECF No. 247, at 9:6-12. Additionally, she serves as Manhattanville's Faculty Athletics Representative to the National Collegiate Athletic Association. Bass CV, ECF No. 242-146. Her scholarship and teaching focuses on the intersection of sport, culture, and politics, and she possesses an expertise in African American history, gender equity, identity politics, and sport culture and ethics. Bass CV, ECF No. 242-146; Testimony of Dr. Amy Bass, ECF No. 247, at 10:14-21. Dr. Bass's research has included evaluating how cultural and political symbols in sports environments

can affect certain racial groups differently. Bass CV, ECF No. 242-146; Testimony of Dr. Amy Bass, ECF No. 247, at 13:02-05. Her teaching also includes looking at symbols associated with racial hierarchies, such as Confederate figures, and how it shapes student experiences in school-based athletics. Bass CV, ECF No. 242-146; Testimony of Dr. Amy Bass, ECF No. 247, at 15:03-11. Her opinions are based on her education, scholarship, professional experience, and review of various materials identified in the evidentiary record, including Stonewall Jackson High School yearbook images and athletics policies. Bass Expert Report, ECF No. 242-147, at 24-28; Testimony of Dr. Amy Bass, ECF No. 247, at 17:07-14.

Defendant called the following fact witnesses: Defendant School Board Members Dennis Barlow, Kyle Gutshall, and Gloria Carlineo and former Stonewall Jackson High School Principal Michael Dorman. The Parties designated the deposition testimony of the following fact witnesses: former Board Member Brandi Rutz, Coalition for Better Schools leader Michael Scheibe, and Shenandoah County Superintendent Melody Sheppard. The Parties also designated the deposition testimony of expert witness Gib Kerr. Defendant proffered and this Court admitted, subject to limitation and further evaluation, Gib Kerr as an expert on Robert E. Lee's motivation to fight for the Confederacy and Lee's position on slavery. Motion in Limine Op., ECF No. 226, at 18. The Defendant did not put forth any other contrary expert opinions.

Proposed Findings of Fact

I. Shenandoah County School Board

1. Defendant Shenandoah County School Board ("School Board") or ("Defendant") is the policy-making body for the Shenandoah County public school system and has final authority over the names of Stonewall Jackson High School and Ashby-Lee Elementary School. Third Joint Statement of Stipulated Facts, ECF No. 242-3, at #81.

2. Shenandoah County Public Schools receive federal financial assistance for education and some extracurricular activities. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #225.

3. The School Board is bound by prohibitions against discrimination pursuant to Shenandoah County School Board Major Policy GBA/JHFA and Policy GB, as well as the Virginia Human Rights Act, and Title VI, Title VII, Title IX, and the Fourteenth Amendment. *Id.* at #204; *see also* Joint Deposition Designations for Melody Sheppard, ECF No. 242-62; Sheppard Deposition Tr., ECF No. 213.1, at 31:11-20, 33:08-23 (acknowledging duty to not discriminate).

II. Defendant School Board Reinstates Confederate Schools Names at Two Schools in Shenandoah County.

4. In May 2024, the School Board voted 5-1 to restore the names Stonewall Jackson High School and Ashby-Lee Elementary School. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #42.

5. The School Board had voted to retire those names four years earlier in July 2020, also by a vote of 5-1, and had ultimately renamed the schools Mountain View High School and Honey Run Elementary School. *See id.* at #19, #25. The July 2020 vote to retire the names was proposed as a “next step” for a resolution the School Board had unanimously adopted the prior month—a “[r]esolution condemning racism and affirming the division’s commitment to an inclusive school environment for all.” *See id.* at #13, 14, 17, 19; Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #157. A related proposal to postpone taking action on retiring the names did not pass. SCSB Meeting Minutes, ECF No. 242-151, at 5-6.

6. Stonewall Jackson High School, built between 1957 and 1959, was named by the Shenandoah County School Board to honor the Confederate General Stonewall Jackson. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #3-4. Ashby-Lee Elementary School, built between 1973 and 1975, was named by the Shenandoah County School Board in 1974 in honor of

Confederate Officer Turner Ashby and Confederate General Robert E. Lee. Second Joint Statement of Stipulated Facts, ECF No. 242-2, at #59-62.

7. The Shenandoah County School Board retired the Confederate school names in 2020 because they were discriminatory, noninclusive, and had a negative impact on Black students. Testimony of Kay Doe, ECF No. 244, at 89:08-12; Testimony of Dennis Barlow, ECF No. 247, at 143:07-144:08; *see also* Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #157 (the School Board retired the names in part to implement the June 25, 2020 Resolution Condemning Racism and Affirming the Division’s Commitment to an Inclusive School Environment for All).

III. History of the Confederacy and the Lost Cause

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

8. The preservation and expansion of slavery was the single animating purpose of the Confederacy. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 156:7-19. The evidence is overwhelming that Southerners were motivated to secede and fight in the Civil War by fears that slavery would be eliminated or severely limited. *Id.* at 168:18-25, 169:01-04; First Joint Statement of Stipulated Facts, ECF No. 242-1, at #2.

9. For example, because slavery was the lynchpin of the Southern economy, most Confederates had a deep economic interest in the institution, which further supports the notion that slavery was the animating purpose of the Confederacy. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 198:07-10.

10. Evidence from Confederate states’ secession documents also illustrates that the protection and expansion of slavery was the Confederacy’s animating purpose. *Id.* at 157:12-25, 158:01. Mississippians declared that their “position is thoroughly identified with the institution of slavery.” Seidule Expert Report, ECF No. 242-64, at 3. South Carolina railed against “an increasing hostility on the part of the non-slaveholding States to the institution of slavery.” *Id.* Texas seceded

to protect the “beneficent and patriarchal system of African slavery.” *Id.* Even Virginia complained about “the oppression of the Southern Slaveholding States.” *Id.*; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 158:04-24, 160:11-13.

11. The Confederate Constitution was explicit in its guarantee of the right to own enslaved people for perpetuity. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 160:11-13; Seidule Expert Report, ECF No. 242-64, at 3.

12. In 1854, when Jefferson Davis was Secretary of War, the future Confederate president asserted that “African slavery, as it exists in the United States, is a moral, a social, and a political blessing.” Seidule Expert Report, ECF No. 242-64, at 3.

13. Consistent with Jefferson Davis’s message six years earlier, in the weeks before the Civil War began, Confederate Vice President Alexander Stephens proclaimed in “the Cornerstone Speech” that the Confederacy was founded 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.” *Id.*; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 158:4-24, 160:11-13.

14. Any seemingly innocuous purpose attributed to the Confederacy’s founding ultimately comes back to slavery. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 157:01-11. For example, Confederate sympathizers argue that secession was necessary to protect “states’ rights” generally, but the “states’ rights” motivating Southerners to secede was the right to slavery. *Id.* at 156:24-25, 157:01-11.

B. Turner Ashby, “Stonewall” Jackson, and Robert E. Lee were prominent Confederate military leaders.

15. Turner Ashby was a Virginian Cavalry Commander in the Civil War. Second Joint Statement of Stipulated Facts, ECF No. 242-2, at #59; Seidule Expert Report, ECF No. 242-64, at 5; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 162:12-13. After the death of his brother in an ambush by U.S. Army near Kelly’s Island in 1861, Ashby “was driven by a vengeance that

bordered on bloodlust.” Seidule Expert Report, ECF No. 242-64, at 12; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 162:20-22. He led a cavalry unit that became part of Stonewall Jackson’s Corps. Seidule Expert Report, ECF No. 242-64, at 12; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 162:18-19, 162:22-24. Ashby died early in the war, in June 1862, and became a martyr for White Virginians. Seidule Expert Report, ECF No. 242-64; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 162:18-19, 162:23-25, 176:21-177:4. For over a century, Ashby symbolized the myth of the White cavalier tradition and the nobility of White Virginians fighting for the Confederacy. Seidule Expert Report, ECF No. 242-64. He is known exclusively for his role as a Confederate officer. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 163:01-04.

16. Even prior to the war, Ashby defended Virginia’s practice of slavery. Seidule Expert Report, ECF No. 242-64, at 5. After Virginian abolitionist John Underwood made a strong antislavery speech at the first Republican National Convention in 1856, Ashby led a committee that accused Underwood of creating the “impression that [his] obnoxious principles were gaining a foothold in our State, which we pronounce as a libel upon our institutions. And an insult to us as citizens.” *Id.* at 5-6. Ashby’s committee demanded that Underwood “leave the State as speedily as he can find it in his power to do so.” *Id.* at 6; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 216:16-18. When Underwood later tried to return to Virginia, Ashby threatened him, asking his friend if they “ought to give [Underwood] a coat of tar” because of his antislavery principles. Seidule Expert Report, ECF No. 242-64.

17. Thomas “Stonewall” Jackson was another Confederate general, First Joint Statement of Stipulated Facts, ECF No. 242-1, at #1, and a slaveowner who sought to inculcate a proslavery ideology in enslaved children at a Sunday School he ran. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 168:01-05; Seidule Expert Report, ECF No. 242-64, at 7. The Sunday School was itself an instrument of White supremacy, reflecting Jackson’s belief that Black people’s religions and

methods of observance were inferior. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 167:21-25, 168:01-05; Seidule Expert Report, ECF No. 242-64, at 7. The school promoted pro-slavery theology to counter Northern religious leaders who challenged the morality of slavery. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 168:1-5; Seidule Expert Report, ECF No. 242-64, at 7. Jackson's school also aimed to prevent Black religious leaders stirring insurrection by the enslaved, as was the case in 1831 with preacher Nat Turner's rebellion. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 168:01-05; Seidule Expert Report, ECF No. 242-64, at 7. Jackson was a firm believer in slavery, holding that God sanctioned the subjugation of Black people. Seidule Expert Report, ECF No. 242-64, at 7. Jackson's logistics personnel, especially cooks and teamsters, were enslaved. *Id.*

18. Before the war, Jackson was a poorly regarded Virginia Military Institute professor who the cadets nicknamed "Tom Fool." Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 167:18-20; Seidule Expert Report, ECF No. 242-64, at 12. While he served successfully as a junior officer in the Mexican War, he was virtually unknown until he gained his nickname, the most famous of the war, at the Battle of Bull Run in 1861. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 167:17-25, 168:01-17; Seidule Expert Report, ECF No. 242-64, at 6-7, 12. Jackson's primary legacy is as a Confederate general who fought and died to create a slave republic. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 194:16-24; Seidule Expert Report, ECF No. 242-64, at 12.

19. Robert E. Lee was the General-in-Chief of the Confederate Army and commander of the Army of Northern Virginia. Second Joint Statement of Stipulated Facts, ECF No. 242-2, at #60; Seidule Expert Report, ECF No. 242-64, at 6. Lee was a staunch believer in the Confederacy's mission to preserve slavery, positing that slavery was ordained by God and that Black people were undeserving of freedom. Seidule Expert Report, ECF No. 242-64, at 6. He was a cruel enslaver who separated families and ordered women whipped, believing that "painful discipline" was

“necessary for their instruction as a race.” *Id.* Lee was offered command of the U.S. Army, but declined, left the United States, and accepted a commission in the Confederate Army. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 164:23-25, 165:01-06. Of nine U.S. Army Colonels from Virginia in 1861, eight remained loyal to the United States; only one—Lee—chose treason, in part because he was a slaveowner and had an immense economic interest in the institution of slavery. *Id.* at 164:23-25, 165:9-13. General Lee’s forces killed more U.S. Army soldiers than any other enemy general in American history. *Id.* at 200:14-17; Seidule Expert Report, ECF No. 242-64, at 6. Lee’s army captured free Black Americans living in the United States outside the South and brought them into the Confederacy for sale; his army also slaughtered Black prisoners of war because they could not accept Black soldiers as soldiers. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 166:15-25, 167:01-07; Seidule Expert Report, ECF No. 242-64, at 6.

20. Lee espoused views about the supposed superiority of the White race. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 233:1-16. For example, ten days after President Lincoln issued the Emancipation Proclamation, Lee sent a letter to the Confederate Secretary of War warning that the South must win the War, or else they would suffer the “pollution” of their families—a reference to Whites’ fear that freed Black men would sexually exploit White women throughout the South—and loss of their social system, i.e., slavery. *Id.* at 233:01-16. After the War, he testified before Congress in 1866 about African Americans in Virginia, saying he thought “it would be better for Virginia if she could get rid of them,” a form of ethnic cleansing. Seidule Expert Report, ECF No. 242-64, at 6.

21. Lee would go on to perpetuate the “Lost Cause” narrative that Black Americans were inferior and that the Confederate’s war against the North to preserve slavery was a heroic cause. *Id.*; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 165:13-25, 166:01-21, 167:01-15, 200:14-17, 232:18-25, 233:01-16.

22. Defendant, through its expert Gib Kerr, asserted that Lee's primary motivation for fighting for the Confederacy was loyalty to his home state of Virginia rather than the defense of slavery. Gibson Kerr Deposition, ECF No. 242-211, at 44:09-46:03. Yet Kerr himself—a commercial real estate agent whose sole work on Lee is a single, non-peer-reviewed book written in his spare time—conceded that slavery was an issue in the Civil War and that Lee was racist by modern standards. *Id.* at 51:12-52:23, 91:09-14, 75:18-76:12.

23. Turner Ashby, Stonewall Jackson, and Robert E. Lee are most well-known for their service to the Confederacy. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 194:16-24; Seidule Expert Report, ECF No. 242-64, 12. Testimony of Dennis Barlow, ECF No. 247, 137:11-21, 138:06-16. All of the commemorations to them in the South, and all of the paintings created to honor them, feature them dressed in their Confederate uniforms. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 194:16-24.█

C. After Reconstruction, Confederate sympathizers propounded the myth of the “Lost Cause” and commemorated Confederate leaders to legitimize and perpetuate a rigid racial hierarchy in the South.

24. Upon Confederates' loss in the Civil War, the prospect of continuing slavery perished with the Thirteenth Amendment to the U.S. Constitution; the Fourteenth Amendment brought equal protection under the law; and the Fifteenth Amendment gave the vote to all men, regardless of race. *Id.* at 172:8-12; Seidule Expert Report, ECF No. 242-64, at 7. Between 1865 and 1877—a period known as the Reconstruction Era—the United States took significant steps to enfranchise the Southern Black population: the Freedmen's Bureau court system was established to give equal representation to the formerly enslaved, two thousand Black men held elected office, and a Black senator was elected to Congress in Mississippi, among other achievements. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 171:1-15, 172:8-22; Seidule Expert Report, ECF No. 242-64, at 7.

25. During the Reconstruction Era, White Southerners reacted to the expanded political rights of freed slaves with a lynching campaign that killed thousands of Black men, women, and children. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 174:1-2, 180:1-23; Seidule Expert Report, ECF No. 242-64, at 7. By the early 20th century, extrajudicial violent terrorism helped to restore White supremacy, and the Supreme Court's decisions in *United States v. Cruikshank* (1876) and *Plessy v. Ferguson* (1896) had kneecapped the promise of equal protection enshrined in the Fourteenth Amendment, allowing for the creation of *de jure* and *de facto* segregation. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 172:8-22; Seidule Expert Report, ECF No. 242-64, at 7.

26. Southern states refashioned their state constitutions to establish a two-tiered, “Jim Crow” society. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 172:16-22. This involved instituting laws to prevent the integration of society in Southern states, including suppressing Black participation in politics through tools such as poll taxes. *Id.* at 175:13-23, 179:11-16.

27. The “Lost Cause of the Confederacy” was a pseudohistorical myth that Confederate sympathizers developed to explain their role and defeat in the War and to provide ideological support for their Jim Crow society. *Id.* at 172:24-25, 173:20-23; Seidule Expert Report, ECF No. 242-64, at 7. The Lost Cause's central tenets included that: (1) the South fought the War to protect “states' rights”—not to maintain and expand the institution of slavery; (2) the North was the initial aggressor and only won because of its comparative resource advantage; (3) slavery was a benevolent institution and a civilizing force, consisting of relationships between “happy slaves and kind masters”; and (4) Reconstruction was an abject failure because Black people were not ready for the vote. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 173:7-19. This belief system established the ideological underpinnings of an apartheid state. *Id.* at 172:24-25, 173:1-25, 174:1-3; Seidule Expert Report, ECF No. 242-64, at 7.

28. Confederate leaders—and Robert E. Lee and Stonewall Jackson in particular—were the Christ- and disciple-like figures of the Lost Cause movement, and proponents of the Lost Cause commemorated them in innumerable ways. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 176:21-25, 177:01-04, 185:05-25, 186:01-12; Seidule Expert Report, ECF No. 242-64, at 7-8. Lee died only five years after the War ended—his death led to a mourning period for Confederate sympathizers that lent more energy to the creation of the Lost Cause. Seidule Expert Report, ECF No. 242-64, at 7-8. At the end of the Battle of Chancellorsville, Jackson was felled by one of his own troops who mistook him for the enemy. *Id.* at 8. He died eight days later at a plantation house that was later renamed the “Stonewall Jackson Shrine.” *Id.* As the name implies, the building was a place of reverence with a minute-by-minute account of his last words and death. *Id.* For Confederate sympathizers, Jackson’s death became one of the great “what ifs” of the war, and Lost Cause proponents posited that if Jackson had been alive at the battle of Gettysburg, the Confederacy may not have been defeated and may have ultimately triumphed as a result. *Id.* Jackson’s nickname also made him popular. *Id.* Both Lee and Jackson are buried in Lexington, Virginia, which for decades called itself, “The Shrine of the South.” *Id.*

29. White Southerners named countless cities, counties, streets, and schools after these and other Confederate leaders. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 177:5-16; Seidule Expert Report, ECF No. 242-64, at 9.

30. Confederate sympathizers erected statutes honoring Confederate leaders in public places, frequently in front of courthouses. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 192:1-3; Seidule Expert Report, ECF No. 242-64, at 8-9. A Lost Cause icon hung in many Southern homes after the Reconstruction Era was a painting titled “The Last Meeting,” which featured a fictional meeting between Lee and Jackson on horseback discussing their plan for Chancellorsville,

the last significant Confederate victory of the war. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 177:5-16; Seidule Expert Report, ECF No. 242-64, at 8.

31. By contrast, the Lost Cause movement never commemorated General James Longstreet—who was perhaps Lee’s best corps commander in the Confederate Army and one of the most successful Confederate generals during the War—because, after the War, Longstreet became a Republican, befriended General and later President Grant, and fought with Republicans as part of a biracial militia in New Orleans. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 188:14-18. General Longstreet was shunned by the Lost Cause movement because he turned his back on the White South to fight for biracial democracy, which undermines the notion that commemoration was meant to celebrate military achievement. *Id.* at 188:18-25, 189:01-04.

32. Confederate commemorations served several purposes. Confederate commemorations were a visible symbol, often outside courthouses and schools, that the “the white tribe was back in the saddle,” dominating political and educational life. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 186:14-25, 187:01-08; Seidule Expert Report, ECF No. 242-64, at 11.

33. Confederate commemorations also served to educate the next generation of their “heritage,” uniting White citizens around the values of the Confederacy and perpetuating the Lost Cause myth. Seidule Expert Report, ECF No. 242-64, at 11.

34. The Lost Cause myth was propounded most successfully by an advocacy group called the United Daughters of the Confederacy (“UDC”), which funded Confederate commemorations throughout the South and sought to infuse Lost Cause mythology into Southern education. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 181:23-25, 182:1-12; Seidule Expert Report, ECF No. 242-64, at 8-9.

35. In part as a result of UDC's efforts, the Lost Cause myth was adopted into formal education in Southern states, including in Virginia. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 182:13-25; Seidule Expert Report, ECF No. 242-64, at 9.

36. In 1950, the Virginia General Assembly created a Virginia History and Textbook Commission to write Virginia History Textbooks for 4th, 7th, and 11th graders, the purpose of which was to teach that Black Americans benefitted from slavery and that the experiment of integration and biracial democracy under Reconstruction was a failure. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 182:24-25, 183:1-25, 184:1-1; Seidule Expert Report, ECF No. 242-64, at 9. The textbooks' purpose was to support the "racial order" against the disruption of Civil Rights. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 182:24-25, 183:1-25; Seidule Expert Report, ECF No. 242-64, at 9. To that end, the textbooks misrepresented the institution of slavery, and the lives and conditions of enslaved people in the pre-war South. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 183:021-184:02; Seidule Expert Report, ECF No. 242-64, at 9-10. The 7th grade textbook, for example, showed a depiction of a family coming from Africa into perpetual enslavement, misrepresenting the horrors of the Middle Passage by showing a family united, above deck, and not restrained. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 183:02-184:02; Seidule Expert Report, ECF No. 242-64, at 9-10. The 11th grade book, which was used in both Black and White segregated schools, called slavery "comprehensive social security." Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 184:02-04; Seidule Expert Report, ECF No. 242-64, at 9. The books also looked favorably on Confederate generals, especially Lee and Jackson, while calling the Civil War "the War Between the States," a name meant to create the false impression that the war was between two sovereign nations, not a failed insurrection. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 181:02-22; Seidule Expert Report, ECF No. 242-64, at 10. These textbooks would have been used in Shenandoah County when Stonewall Jackson High School was

named. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 184:08-11; Seidule Expert Report, ECF No. 242-64, at 10.

37. Historically, the largest volume of Confederate commemoration and symbology has occurred during periods of backlash by a White majority in response to Black Americans' movement toward or demand for equal rights. Seidule Expert Report, ECF No. 242-64, at 14-15. The largest volume of Confederate commemorations was made between 1890 and 1920, a period when, in response to Reconstruction, every Southern state established Jim Crow constitutions, Black people lost the right to vote, and extrajudicial killings of Black Americans—which were commonly performed as a form of public spectacle—reached its peak. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 177:18-22, 178:01-25, 179:01-09; Seidule Expert Report, ECF No. 242-64, at 14-15.

38. The second spike in Confederate commemoration occurred following the issuance of a report by President Harry Truman's Civil Rights Commission in 1947 that recommended the "elimination of segregation based on race, color, creed, or national origin from American life," and the Supreme Court's decision in *Brown v. Board of Education* mandating integration of public schools across the country. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 177:18-78:03; Seidule Expert Report, ECF No. 242-64, at 16. In response to those events, Virginia Senator Harry Byrd instructed Southerners to engage in so-called "Massive Resistance" to prevent integration. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 189:05-23; Seidule Expert Report, ECF No. 242-64, at 16. Byrd tried to persuade Virginia Governor Lindsay Almond to call out the National Guard. Some accounts even say that Byrd ordered Almond to shoot children if necessary. Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 189:12-17; Seidule Expert Report, ECF No. 242-64, at 17. Almond allegedly replied, "I'll do it Harry, if you put it in writing." Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 189:12-17; Seidule Expert Report, ECF No. 242-64, at 17.

39. During this period, opponents of equal rights continued to brandish Confederate symbology and motifs of the Lost Cause myth to signal their White supremacist beliefs, this time through the vehicle of Massive Resistance. Seidule Expert Report, ECF No. 242-64, at 10, 15, 18; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 177:18-25, 182:13-185:04; *see also infra* Section IV.C.

IV. Confederate Symbolism in the Era of Massive Resistance to School Desegregation

A. Shenandoah County Public Schools was originally designed and maintained as a racially segregated, separate and unequal system.

40. From their creation in the 1870s until 1962, public schools in Shenandoah County were segregated by race. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #10; Testimony of Dr. Brian Daugherty, ECF No. 244, at 256:08-23; Testimony of Dr. Brian Daugherty, ECF No. 245, at 25:25-26:03.

41. The Virginia State Constitution mandated public schools throughout the state be segregated at their inception. Testimony of Dr. Brian Daugherty, ECF No. 244, at 256:08-23.

42. The Supreme Court later upheld segregation in its *Plessy v. Ferguson* holding, permitting separate but equal public facilities. *Id.* at 260:12-19.

43. Thus, as required by federal and state law, Black children in Shenandoah County attended separate schools from their White peers. *Id.* at 260:20-23.

44. During the time that schools were segregated, Defendant School Board operated a school system that was separate but unequal. *Id.* at 258:06-10, 267:06-09.

45. Compared to White students, Black students experienced significant disparities in their educational opportunities. *Id.* at 258:06-10. School buildings for Black students were far more likely to lack basic facilities such as indoor plumbing and cafeterias. *Id.* at 258:13-17; SCSB Meeting Minutes, ECF No. 242-50, at 13-14. Inequities extended to staffing, with Black teachers routinely assigned significantly larger classes with multiple grades to teach and were paid less than their White

counterparts. Letter to Superintendent, ECF No. 242-69; Testimony of Dr. Brian Daugherty, ECF No. 244, at 258:16-20. The disparity was also evident in the instructional materials provided to Black students, who were typically given hand-me-down textbooks and other second-rate supplies. Testimony of Dr. Brian Daugherty, ECF No. 244, at 258:20-21.

46. The most significant educational disparity facing Black students in Shenandoah County was the complete absence of a high school for them. *Id.* at 258:22-25. While the County operated multiple high schools for White students, it provided none for its Black students. *Id.* at 258:22-25.

47. Black children in Shenandoah County who sought to complete their secondary education were forced to leave the county, taking buses several miles and hours away, to attend segregated high schools administered by neighboring school districts—experiencing higher barriers to participation in extracurricular activities and athletics than their White peers. *Id.* at 259:04-259:17.

48. For example, Kay Doe’s father and his siblings were not permitted to attend White schools in Shenandoah County Public Schools. Testimony of Kay Doe, ECF No. 244, at 89:23-90:13. Kay Doe’s father and some of his siblings were “bussed out to a tiny school in Woodstock that housed several grades.” *Id.* at 90:03-90:04. His other siblings were “bussed to Harrisonburg to attend the high school there at the expense of [Kay Doe’s] grandparents.” *Id.* at 90:05-07. While White students watched her father and his siblings get on the bus to be bussed out to non-White schools, those White students called Kay Doe’s father, his siblings, and other Black students “bumblebees,” meaning “the Black kids on the yellow school bus,” a slur that her family members still discuss today. *Id.* at 90:07-13.

B. In the wake of the Supreme Court’s *Brown v. Board of Education* decision, Virginia’s governing bodies embarked upon a program of “Massive Resistance” to school integration, which aimed to maintain segregated schools and the invidious system of White supremacy undergirding it.

49. On May 17, 1954, the Supreme Court unanimously held in *Brown v. Board of Education of Topeka* that racial segregation in public schools violated the Equal Protection Clause of the Fourteenth Amendment. 347 U.S. 483 (1954); Testimony of Dr. Brian Daugherty, ECF No. 244, at 267:14-23. Rejecting the “separate but equal” doctrine established in *Plessy v. Ferguson*, the Supreme Court concluded that segregated schools were inherently unequal and detrimental to Black children’s educational and personal development. *Brown I*, 347 U.S. at 494-95; Testimony of Dr. Brian Daugherty, ECF No. 244, at 267:14-23. A year later, the Supreme Court issued *Brown II*, directing states and local authorities to implement desegregation “with all deliberate speed.” *Brown v. Board of Education of Topeka*, 349 U.S. 294, 301 (1955); Testimony of Dr. Brian Daugherty, ECF No. 244, at 267:14-23.

50. Rather than comply with the Supreme Court’s ruling, Virginia officials—including officials of Shenandoah County—openly declared their intention to violate the U.S. Constitution and to defy the federal government’s efforts to protect the fundamental rights of Black citizens living in Virginia through a practice known as “Massive Resistance.” Historical Newspaper, ECF No. 242-68, at 2; Testimony of Dr. Brian Daugherty, ECF No. 244, at 274:14-23.

51. Massive Resistance—term originally coined by Virginia’s U.S. Senator Harry Byrd Sr.—was a set of measures employed by the state and local governments expressly designed to prevent the implementation of school desegregation in Virginia following the *Brown* decisions. Testimony of Dr. Brian Daugherty, ECF No. 244, at 271:16-24, 272:06-25, 273:22-274:02.

52. Massive Resistance included state and local policies and laws as well as alterations to state constitutions across the South. *Id.* at 271:16-24, 272:06-25, 273:22-274:02.

53. In Virginia, these measures included statutes requiring the governor to close public schools that had been ordered desegregated by federal courts, the establishment of a tuition-grant system to support segregated schooling, and revisions to Virginia's pupil-placement procedures to keep students segregated by race. *Id.* at 272:18-22. The legislature also amended the Virginia Constitution and implemented policy changes across multiple executive departments and state agencies, all with the purpose and effect of preserving racial segregation. *Id.* at 272:22-25.

54. Segregationists in Virginia saw their leadership of the Massive Resistance movement as akin to their role during the Civil War era—leading the South against federal mandates. *Id.* at 271:25-272:03.

55. One key tool the Massive Resistance movement used to preserve racial segregation in schools was the state Pupil Placement Board—a three-person, governor-appointed board that assigned all public-school students in the state of Virginia to schools. *Id.* at 273:02-19.

56. Beginning in 1956, Virginia's Pupil Placement Board served as the centralized mechanism for assigning students to public schools throughout the state. Testimony of Dr. Brian Daugherty, ECF No. 245, at 13:10-13. Under this system, Black parents seeking to enroll their children in the then all-White schools were required to initiate the process by submitting transfer applications to their local school board or school district. *Id.* at 13:13-18. These applications were typically forwarded to the Pupil Placement Board for final decision-making, depending on the period and the degree of local—state coordination. *Id.* at 13:18-21. The system placed the full burden of requesting access to integrate schools on Black families rather than requiring school boards to take affirmative steps to desegregate. *Id.* at 13:22-25.

57. Virginia's Massive Resistance policies successfully stalled the state's movement towards a desegregated school system. Testimony of Dr. Brian Daugherty, ECF No. 244, at 276:12-14.

58. During the Massive Resistance era, several school districts rejected efforts to perpetuate school segregation and took steps to comply with *Brown v. Board of Education*.

Shenandoah County, however, did not. *Id.* at 276:17-22.

C. During the period of Massive Resistance, Confederate symbols—which had originally represented the pro-slavery cause—took on new salience as signifiers of resistance to federal desegregation mandates.

59. A central component of the Massive Resistance era was the renewed invocation of “states’ rights,” the doctrine historically associated with the defense of slavery and later used by the Confederacy to justify secession during the Civil War. Testimony of Dr. Brian Daugherty, ECF No. 245, at 16:02-17. Segregationists in the South reframed this ideology to argue that states possessed the sovereign authority to maintain racially segregated public spaces, portraying *Brown v. Board of Education* as an illegitimate federal intrusion on that authority. *Id.* at 16:02-17. This reliance on states’ rights rhetoric formed a deliberate link between segregationists and earlier arguments advanced by Confederates. *Id.* at 16:02-17; Rosen Letter to Editor, ECF No. 242-213.

60. For this reason, in the years leading up to and following *Brown v. Board*, opponents of school desegregation in Virginia frequently framed their resistance through the language and imagery of the Civil War and Lost Cause ideology. Daugherty Expert Report, ECF No. 242-66, at 13-14; Testimony of Dr. Brian Daugherty, ECF No. 244, at 253:17-20. Leaders of Virginia’s Massive Resistance movement regularly employed military metaphors, with Senator Byrd asserting that Virginia would lead the South in resistance and warning “[i]f Virginia surrenders, if Virginia’s line is broken, the rest of the South will go down, too.” Daugherty Expert Report, ECF No. 242-66, at 14; Testimony of Dr. Brian Daugherty, ECF No. 244, at 253:21-25. Mid-1950s newspaper coverage and political cartoons routinely depicted Civil War battles, uniforms, and soldiers in their discussions on the school desegregation issue. Testimony of Dr. Brian Daugherty, ECF No. 244, at 254:01-03.

61. This period also saw a resurgence in the public display of the Confederate battle flag. *Id.* at 254:04-05; Daugherty Expert Report, ECF No. 242-66, at 13-14. At the 1956 convening of the Virginia General Assembly in a special legislative session for the purpose of adopting a package of Massive Resistance laws, *see supra* FOF ¶ 53, numerous Confederate battle flags were displayed in the galleries by the White Virginians who attended to demonstrate support for Massive Resistance and continued school segregation. Daugherty Expert Report, ECF No. 242-66, at 14; Testimony of Dr. Brian Daugherty, ECF No. 244, at 254:11-19.

62. During the period of Massive Resistance, Virginia and states across the South experienced a significant increase in the naming of public schools after Confederate military leaders. Daugherty Expert Report, ECF No. 242-66, at 13-14; Testimony of Brig. Gen. Ty Seidule, ECF No. 244, at 184:13-20; Testimony of Dr. Brian Daugherty, ECF No. 244, at 254:21-255:11; Testimony of Dr. Brian Daugherty, ECF No. 245, at 38:17-39:04.

D. Defendant School Board of Shenandoah County participated in Massive Resistance to school desegregation and integration.

63. Shenandoah County, like many other localities in Virginia, experienced strong opposition to the Supreme Court's desegregation orders. Historical Newspaper, ECF No. 242-68; Rosen Letter to Editor, ECF No. 242-213.

64. Following the Supreme Court's *Brown II* decision, White members of the Shenandoah County community advocated for the maintenance of segregated schools and a cross was burned on a lawn—an unmistakable symbol of racial intimidation used by White supremacist to reinforce racial hierarchies. Historical Newspaper, ECF No. 242-68; Rosen Letter to Editor, ECF No. 242-213; Testimony of Dr. Brian Daugherty, ECF No. 244, at 269:20-25.

65. Defendant School Board intentionally maintained segregation in the County's public school system in the years immediately following *Brown v. Board of Education*, taking no discernable

steps to comply with federal mandates. Testimony of Dr. Brian Daugherty, ECF No. 245, at 9:04-13, 25:15-20.

66. Defendant School Board continued to operate a dual-school system that deprived Black students of equal educational opportunities, making affirmative decisions intended to preserve segregation within its schools. *Id.* at 10:03-11, 11:05-17; SCSB Meeting Minutes, ECF No. 242-50, at 1, 9-14. For example, in 1959, the same year that the first schools were integrated in Virginia, Shenandoah County School Board minutes recorded that the Board authorized the Superintendent “to continue to explore possibilities of . . . taking the colored students in New Market [in Shenandoah County] to school in Harrisonburg [in Rockingham County.]” SCSB Meeting Minutes, ECF No. 242-50, at 9; Testimony of Dr. Brian Daugherty, ECF No. 245, at 10:12-17, 11:18-07. The County tried to avoid integrating even though the expense of maintaining extra schools was significant. Seidule Expert Report, ECF No. 242-64, at 20; Testimony of Dr. Brian Daugherty, ECF No. 245, at 22:11-15; Historical Newspaper, ECF No. 242-44, at 3-4.

67. After years of complaints from Black parents regarding the quality of the Black elementary schools, Defendant School Board began considering improvements to those facilities only as a last-ditch effort to prevent Black parents from requesting transfers into White schools and to perpetuate segregation within the County schools. SCSB Meeting Minutes, ECF No. 242-50, at 9-14; Historical Newspaper, ECF No. 242-44, at 1; Testimony of Dr. Brian Daugherty, ECF No. 245, at 12:08-13:09, 14:15-15:17, 16:20-17:20.

68. Despite the relatively small number of high school-aged Black students in Shenandoah County, Defendant School Board continued to force those students to take buses to neighboring counties in order to receive a high school education rather than integrating the County’s high schools. Historical Newspaper, ECF No. 242-44, at 1; Testimony of Dr. Brian Daugherty, ECF No. 245, at 18:05-19:16.

69. For their part, some Black parents resisted formally requesting their children be transferred to the all-White schools, recognizing that Black people who challenged the system of racial segregation risked substantial danger to themselves and their families or other consequences. Testimony of Dr. Brian Daugherty, ECF No. 244, at 261:10-16; Testimony of Dr. Brian Daugherty, ECF No. 245, at 71:19-22.

70. By 1959, following challenges in federal court, the Virginia's Pupil Placement Board's authority to assign students to public schools statewide was significantly curtailed. Testimony of Dr. Brian Daugherty, ECF No. 245, at 19:25-22:05. The Virginia General Assembly amended state law to permit local school districts to opt out of the centralized placement system and assume control of pupil assignments—a change commonly referred to as “local option.” *Id.* at 20:07-22.

71. Many districts adopted the local option in the early 1960s as a means of accelerating school desegregation. *Id.* at 20:23-21:01. Defendant School Board, however, declined to assume control of its school desegregation processes and continued relying on the Pupil Placement Board for all transfer decisions. *Id.* at 19:22-22:19; Newspaper Articles, ECF No. 242-45, at 13. Consequently, Black parents in Shenandoah County seeking admission to all-White schools were required to submit transfer applications to Defendant School Board, which forwarded them to the state Pupil Placement Board without offering recommendations on whether the students should be admitted. Newspaper Articles, ECF No. 242-45, at 13; Testimony of Dr. Brian Daugherty, ECF No. 245, at 21:05-21:13.

72. Defendant School Board's decision to maintain reliance on the Pupil Placement Board, despite the availability of local option to desegregate schools further indicates its desire to preserve its unequal, dual school system. Testimony of Dr. Brian Daugherty, ECF No. 245, at 21:10-14.

73. Defendant School Board possessed the authority to increase school desegregation within the County by assuming control over the student transfer assignment process and evaluating applications according to its own purview. *Id.* at 22:02-05. Desegregation would not have conflicted with state practice since, by that time, school desegregation had occurred throughout Virginia. *Id.* at 22:05-10. Further, desegregation would have been particularly feasible in Shenandoah County, where the number of Black students was relatively small, in lieu of the County incurring substantial costs by funding two separate school systems. *Id.* at 22:11-15. Moreover, if Defendant School Board had desired, it could have fostered broader social benefits by bringing about a society where its residents, both Black and White, could study, work, and live together. *Id.* at 22:15-19. It did not do any of these things.

74. It is in this context that Defendant School Board chose to construct and name brand new high schools intended to serve exclusively White students. *Id.* at 11:05-11; SCSB Meeting Minutes, ECF No. 242-50, at 1, 6.

1. Stonewall Jackson High School

75. In 1958, Defendant School Board approved the construction of three new high schools to serve exclusively White students, including what is currently known as Stonewall Jackson High School. SCSB Meeting Minutes, ECF No. 242-50, at 1, 6.

76. Defendant School Board named Stonewall Jackson High School in honor of the Confederate general, Stonewall Jackson. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #4. Stonewall Jackson High School was named in 1959, one of the peak years of Massive Resistance and the same year that the first Black students in Virginia went to previously all White high schools. Testimony of Brian Daugherty, ECF No. 245, at 20:01-15, 40:04-17, 42:06-15; Seidule Expert Report, ECF No. 242-64, at 17, 19.

77. The naming of Stonewall Jackson High School was undertaken by Defendant School Board, in part, to dissuade Black students from requesting transfers into the newly constructed all-White high school. Testimony of Dr. Brian Daugherty, ECF No. 245, at 44:03-06.

78. Defendant School Board's decision to name its new high school "Stonewall Jackson High School" in 1959 represented a clear departure from the School Board's previous naming practices. *Id.* at 44:07-09. Historically, the County had named its public schools after towns, communities, geographic features, or local educators and civic leaders. *Id.* at 44:09-12. In contrast, the selection of a Confederate military leader broke with that tradition and was accompanied by procedural irregularities. *Id.* at 44:12-24. At the January 12, 1959 School Board meeting, Board chairman, Gordon Bowman, temporarily relinquished his role as presiding officer in order to introduce the naming motion himself—a step not reflected elsewhere in the Board's minutes. SCSB Meeting Minutes, ECF No. 242-50, at 6; Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #161; Testimony of Dr. Brian Daugherty, ECF No. 245, at 44:12-24.

79. Stonewall Jackson High School was built between 1957 and 1959. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #3.

80. As the school foundation was laid, White community members flew the Confederate flag—an act that was intended to send a message to Black students and their parents. *Id.* at #5; SJHS Images, ECF No. 242-47; Testimony of Dr. Brian Daugherty, ECF No. 245, at 45:22-46:01. Coiner Rosen advocated for the selection of the name Stonewall Jackson High School, Historical Newspaper Articles, ECF No. 242-212, and likely flew Confederate flags as the school's foundation was laid to protest desegregation, SJHS Images, ECF No. 242-47 (caption on photo in Stonewall Jackson High School yearbook of the school being built, including man holding Confederate flag, indicates photos were provided by "Mr. Conard Rosen," likely a reference to Coiner Rosen given his advocacy for the name and for the Confederacy). Mr. Rosen was an avowed segregationist who

explicitly likened Virginia's Massive Resistance to school integration to the Confederacy's resistance during the Civil War. Rosen Letter to Editor, ECF No. 242-213.

81. Stonewall Jackson High School opened to White students in the fall of 1959. *See* First Joint Statement of Stipulated Facts, ECF No. 242-1, at #6-7.

82. The mascot of Stonewall Jackson High School was a soldier on horseback carrying a Confederate flag. Yearbook Cover, ECF No. 242-46.

83. In the years following the school's founding, Stonewall Jackson High School used Confederate symbols in its educational facilities and extracurriculars and athletics. Wrestling Team photo, ECF No. 242-48; SJHS Images, ECF No. 242-49.

84. 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 High School when it opened in 1959 and were instead bused to high schools in Harrisonburg and Winchester. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #7; Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #162; Testimony of Kay Doe, ECF No. 244, at 86:20-23; Testimony of Dr. Brian Daugherty, ECF No. 245, at 18:14-21.

85. Black public-school students in Shenandoah County Public Schools were only permitted to attend separate schools for non-White students until the fall of 1963. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #10.

86. Segregation in Shenandoah County public schools only came to an end because Black parents forced the Defendant School Board's hand by submitting transfer requests to the Pupil Placement Board. Daugherty Expert Report, ECF No. 242-66, at 7-9; Testimony of Dr. Brian Daugherty, ECF No. 245, at 9:09-13.

87. In 1962, after submitting a transfer request to the weakened Pupil Placement Board, the first Black students—three young, women—were admitted into two of Shenandoah County's

three all-White high schools, Central High School and Strasburg High School. Historical Newspaper, ECF No. 242-44, at 5-7, 19, 22-23; Testimony of Dr. Brian Daugherty, ECF No. 245, at 25:25-26:12.

88. The first Black students were enrolled in Stonewall Jackson High School for the 1963-1964 school year. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #9; Newspaper Articles, ECF No. 242-45, at 4, 6, 8.

89. Nearly a decade after *Brown*, in 1964, the Pupil Placement Board approved the assignment of the remaining Black students in Shenandoah into the County's formerly all-White schools. Historical Documents, PTX80 (admitted 12/12/2025) at 30. Defendant School Board made a public statement clarifying the Board did not request these assignments, emphasizing the Board's intent to maintain segregation in its school. *Id.* at 36, 38, 40; Testimony of Dr. Brian Daugherty, ECF No. 245, at 35:01-06.

2. Ashby-Lee Elementary School

90. Although by 1964 all Black students in Shenandoah County were admitted into the County's formerly all-White schools, the school system continued to exhibit multiple vestiges of the dual, segregated system. Testimony of Dr. Brian Daugherty, ECF No. 245, at 36:01-03. No Black teachers or administrators were employed in the school system and, as noted earlier, no Black individuals served on the School Board during this period. *Id.* at 36:06-09. Black students who entered previously all-White schools reported experiencing academic setbacks, social isolation, and a lack of support despite earlier success in their segregated schools. *Id.* at 36:09-12. These circumstances reflected an environment in which racial barriers persisted long after the formal admission of Black students to White schools. *Id.* at 36:09-12.

91. Defendant School Board's facility decisions further illustrated its reluctance to pursue meaningful integration. *Id.* at 36:13-21. Rather than using existing Black schools as part of a

broader plan to integrate the school system, Defendant School Board moved to close those schools. *Id.* at 36:13-21; Historical Documents, PTX80 (admitted 12/12/2025) at 42-43, 46. At the same time, it was shuttering Black schools, the County invested public funds to expand White schools, including an expansion of Stonewall Jackson High School in 1964 and the construction of new elementary schools. Testimony of Dr. Brian Daugherty, ECF No. 245, at 36:13-19.

92. Beginning in 1968 through the early 1970s, federal law shifted from requiring the formal end of segregation policies to mandating the active integration of public schools. *Id.* at 54:03-55:09. Local districts were no longer permitted to rely on gradual or symbolic efforts but were required to eliminate all vestiges of the former dual school system and to do so immediately. *Id.* at 54:12-55:09. In the school desegregation context, “vestiges” is a term used to describe remnants, signs, or legacies of a formerly segregated school system. *Id.* at 60:20-61:07. Federal courts emphasized measurable results and identified specific factors for determining whether a school system had achieved a truly unified structure. *Id.* at 54:12-55:09.

93. Under prevailing standards, “integration” required the elimination of all vestiges and remnants of segregation and the establishment of a unitary school system in which students would be able to participate in all aspects of the school experience without reflection of race—meaning integrated athletics, extracurriculars, curriculum, disciplinary systems within the school, and teaching staff. *Id.* at 56:09-19.

94. The process of school desegregation in Virginia changed fundamentally beginning in 1968 as a result of a series of United States Supreme Court decisions that required affirmative, immediate integration. *Id.* at 54:03-56:01. In *Green v. Cnty. Sch. Bd. of New Kent Cnty., Va.*, 391 U.S. 430 (1968), the Supreme Court went further than the limited remedial approach of *Brown* and mandated that school districts bore the burden of actively and immediately integrating their school systems including eliminating all vestiges of segregation and operating schools on a unitary basis. *Id.*

at 54:12-55:01. The Supreme Court reinforced this mandate the following year in *Alexander v. Holmes County*, 396 U.S. 1218 (1969) and further clarified the mechanisms for achieving integration in *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971). *Id.* at 55:02-09. These decisions prompted intensified federal court oversight in Virginia, where district courts ordered additional measures such as busing when necessary to achieve meaningful integration. *Id.* at 55:19-56:01.

95. Importantly, in localities across Virginia, including Shenandoah County, these developments in federal law prompted renewed racial tension and opposition from White Virginians as districts were compelled to abandon minimal compliance strategies and adopt plans that produced real school integration under close federal scrutiny. *Id.* at 56:02-08.

96. At the time of these pivotal school integration cases, Defendant School Board had not yet dismantled the structures and practices inherited from its segregated past. *Id.* at 36:01-03. Although Defendant School Board complied with federal desegregation mandates in a narrow and minimal sense, it continued to resist full integration and maintained vestiges of its formerly segregated school system. *Id.* at 35:17-36:06. When Ashby-Lee Elementary School opened in 1975, it did not employ any Black teachers. Second Joint Statement of Stipulated Facts, ECF No. 242-2, at #63.

97. Against this backdrop, Defendant School Board planned for the construction of a new primary school neighboring Stonewall Jackson High School. Testimony of Dr. Brian Daugherty, ECF No. 245, at 56:21-23.

98. Beginning in 1972, Defendant School Board—comprised mostly of the same Board members as in 1959—began to refer to what would eventually be known as Ashby-Lee Elementary School as “Stonewall Jackson Primary School” or “Stonewall Jackson School.” *Id.* at 57:07-19.

99. In 1974, Defendant School Board officially named the school Ashby-Lee Elementary School to honor Confederate officer Turner Ashby and general Robert E. Lee, a name the Board

had previously considered for Stonewall Jackson High School. Second Joint Statement of Stipulated Facts, ECF No. 242-2, at #62; Testimony of Dr. Brian Daugherty, ECF No. 245, at 58:08-15.

100. The name Ashby-Lee Elementary School was chosen in part to reflect Defendant School Board's opposition to federal school integration mandates and the broader Civil Rights Movement. Testimony of Dr. Brian Daugherty, ECF No. 245, at 59:16-19. The name "Ashby-Lee" had been considered for the high school that was ultimately named Stonewall Jackson in the late 1950s, and the selection of Ashby-Lee for the elementary school in the 1970s was essentially a resurrection of the suggestion from 1950s and the height of massive resistance. *Id.* at 58:08-59:25. The historical context surrounding the naming, including the time period in which it occurred, the continued lack of integration in Shenandoah County schools, and the connection to the high school naming effort from the 1950s all support that the selection of the name Ashby-Lee was tied to anti-integration and anti-Civil Rights Movement sentiments. *See id.* at 59:16-21; *see supra* ¶¶ 90-99.

101. Because Defendant School Board's 1959 and 1974 school naming decisions were made in part to discourage Black families from seeking admission or from attending these schools, these school names function as vestiges of the formerly segregated, dual school system. Testimony of Dr. Brian Daugherty, ECF No. 245, at 62:03-63:07.

102. During the period in which Defendant School Board selected the school names Stonewall Jackson High School and Ashby-Lee Elementary School, Black residents in the County had little meaningful access to political participation. *Id.* at 60:01-19. Prior to the passage of federal voting rights legislation in the mid-1960s, Black residents in the County—and in Virginia more broadly—remained largely disenfranchised and lacked practical opportunities to influence local governmental decisions through voting or other formal channels. *Id.* at 60:06-12. As a result, Black County residents had no effective avenue for involvement in the school-naming decisions or other educational policies, and available records contain no indication that they played any role in the

selection of the Confederate-themed school names. *Id.* In its nearly 100-year history, there has never been a Black member of the Shenandoah County School Board. Def.'s Amended Answer to Complaint, ECF No. 88, at ¶ 5.

V. Defendant Shenandoah County School Board Retired the Confederate Public School Names in 2020

A. 2020 Resolution and Retiring of the Confederate Names

103. In 2020, a reckoning with racism and discrimination was taking place in the world more broadly and within the Shenandoah County community. Testimony of Kay Doe, ECF No. 244, at 59:07-09.

104. Beyond the national outcry over the killing of George Floyd, there were local issues of racism in Shenandoah County, such as an incident where a local pastor of color was racially profiled. *Id.* at 59:15-22.

105. During 2020, Shenandoah County community members engaged in protests against racism and discrimination. *Id.* at 59:20-22.

106. On June 25, 2020, the Shenandoah County School Board voted 6-0 in favor of a “[r]esolution condemning racism and affirming the division’s commitment to an inclusive school environment for all.” *Id.* at 59:09-10, 60:07-09; School Board Resolution, ECF No. 242-42, at 1; First Joint Statement of Stipulated Facts, ECF No. 242-1, at #13; Joint Deposition Designations for Melody Sheppard,¹ ECF No. 242-62, at 39-40.

107. People who had previously defended the Confederate school names were starting to recognize their racist implications and speaking out against the names. Testimony of Kay Doe, ECF No. 244, at 63:17-22.

¹ Testimony of Melody Sheppard was submitted by deposition designation and a video of the designated portions was played at trial. A list of the designations was admitted as ECF No. 242-62, and the transcript reflecting the substance of the designations can be found at ECF No. 213.1.

108. Shenandoah County community members met with individual School Board members and asked them to live up to the Resolution Condemning Racism by retiring the Confederate school names. *Id.* at 62:18-22.

109. On June 6, 2020, Virginia Secretary of Education Atif Qarni wrote an open letter urging 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.” News Article, ECF No. 242-61, at 2; First Joint Statement of Stipulated Facts, ECF No. 242-1, at #11-12; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 48.

110. Additionally, Secretary Qarni noted that “[t]he offensive names have a traumatizing impact on the psyche of our children, families, teachers and staff of color.” News Article, ECF No. 242-61, at 2; First Joint Statement of Stipulated Facts, ECF No. 242-1, at #11-12; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 48.

111. On July 6, 2020, Virginia Governor Ralph Northam wrote a letter to the chairs of Virginia school boards stating that the school boards should “change school names and mascots that memorialize Confederate leaders or sympathizers.” Governor Northam 2020 Request, ECF No. 242-60, at 1; First Joint Statement of Stipulated Facts, ECF No. 242-1, at #15; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 45.

112. Virginia Governor Ralph Northam’s July 6, 2020, letter stated: “[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.” Governor Northam 2020 Request, ECF No. 242-60, at 1; First Joint Statement of Stipulated Facts, ECF No. 242-1, at #16;

Testimony of Kay Doe, ECF No. 244, at 65:02-05, 65:17-21; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 45.

113. On July 4, 2020, the School Board published the agenda for its July 9, 2020 School Board meeting. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #14; SCSB Meeting Agenda, ECF No. 242-20, at 1; *see* Testimony of Dennis Barlow, ECF No. 247, at 82:25-83:03.

114. 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.” First Joint Statement of Stipulated Facts, ECF No. 242-1, at #14; SCSB Meeting Agenda, ECF No. 242-20, at 10; School Board Resolution, ECF No. 242-42.

115. The recommended action stated: “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.” First Joint Statement of Stipulated Facts, ECF No. 242-1, at #17; SCSB Meeting Agenda, ECF No. 242-20, at 15; Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #167; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 17, 19, 30-31, 52:23-53:06, 56-57.

116. The July 9, 2020 School Board meeting had a virtual citizen comment period that immediately preceded the vote to retire the names of Stonewall Jackson High School and Ashby-Lee Elementary School. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #168.

117. At the July 9, 2020 School Board 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.” *Id.* at #18; SCSB Meeting Minutes, ECF No. 242-19, at 5-6; SCSB Meeting

Video Transcription, ECF No. 242-28, at 5-76; SCSB Meeting Video, PTX290 (admitted 12/11/2025), at 3:50-1:24:40; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 54.

118. At the July 9, 2020 School Board meeting, Kay Doe, speaking on behalf of her daughters D.D. and J.D., stated, “

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] SCSB Meeting Video Transcription, ECF No. 242-28, at [REDACTED]; Testimony of Kay Doe, ECF No. 244, at 68:24-70:14.

119. At the July 9, 2020 School Board meeting, Dennis Barlow—who at the time was not a member of the School Board—delivered public statements opposing the retirement of the Confederate school names. Dennis Barlow Statement to School Board, ECF No. 242-107; Testimony of Dennis Barlow, ECF No. 247, at 190:02-09. One of his reasons for opposing the name change was because he believed it went against the School Board’s resolution condemning racism, disagreeing with the Board’s interpretation of racism as White supremacy. Dennis Barlow Statement to School Board, ECF No. 242-107; Emails between Brandi Rutz, Dennis Barlow, and Helsley, ECF No. 242-178, at 3; Testimony of Dennis Barlow, ECF No. 247, at 190:02-09, 191:02-193:02.

120. On July 9, 2020, the Shenandoah County School Board passed, in a 5-1 vote, a motion to retire the names Stonewall Jackson High School and Ashby-Lee Elementary School. SCSB Meeting Minutes, ECF No. 242-19, at 5-6; SCSB Meeting Agenda, ECF No. 242-20, at 15; SCSB Meeting Video, PTX290 (admitted 12/11/2025), at 2:33:26-3:03:12; First Joint Statement of Stipulated Facts, ECF No. 242-1, at #19; Testimony of Kay Doe, ECF, 244, at 59:07, 67:08-09, 71:01-04; Testimony of Brandi Rutz,² ECF No. 246, at 265:06-09; Testimony of Dennis Barlow, ECF No. 247, at 142:24-143:06; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 54.

² Testimony of Brandi Rutz was submitted by deposition designation and a video of the designated portions was played at trial. The designations in transcript form were admitted as ECF No. 242-188 and the video was admitted as PTX-0339B.

121. The July 9, 2020 School Board meeting complied with regular process for allowing public comment. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #169.

122. There was nothing about the School Board's 2020 vote to retire the Confederate school names that was inconsistent with the School Board's procedure for voting on agenda items. *Id.* at #171.

123. The vote to retire the Confederate school names at the July 9, 2020 School Board meeting followed voting procedure. *Id.* at #172.

124. The School Board retired the names Stonewall Jackson High School and Ashby-Lee Elementary School in part to implement the June 25, 2020, Resolution Condemning Racism and Affirming the Division's Commitment to an Inclusive School Environment for All. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #157; Testimony of Kay Doe, ECF No. 244, at 74:21-25; Testimony Dennis Barlow, ECF No. 247, at 144:05-08; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 55:11-16.

125. Immediately following his vote on July 9, 2020 to retire the names Stonewall Jackson High School and Ashby-Lee Elementary School, 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." First Joint Statement of Stipulated Facts, ECF No. 242-1 at #21; Testimony of Kay Doe, ECF No. 244, at 71:15-22.

126. Immediately following his vote on July 9, 2020 to retire the names Stonewall Jackson High School and Ashby-Lee Elementary School, Board Member Andrew Keller stated: "Which is more important? Someone's heritage regarding a school name or someone's inclusion into that school, their right to feel welcome?" First Joint Statement of Stipulated Facts, ECF No. 242-1, at #22; Testimony of Kay Doe, ECF No. 244, at 71:23-72:03.

127. Immediately following her vote on July 9, 2020 to retire the school names Stonewall Jackson High School and Ashby-Lee Elementary School, Board Chairwoman Karen Whetzel stated: “As one high school student from Stonewall Jackson challenged me today, ‘if you vote to keep the name, you’ll 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[?]’” First Joint Statement of Stipulated Facts, ECF No. 242-1, #23; Testimony of Kay Doe, ECF No. 244, at 72:04-13.

128. Immediately following her vote on July 9, 2020 to retire the names Stonewall Jackson High School and Ashby-Lee Elementary School, Board Member Cynthia Walsh 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.” First Joint Statement of Stipulated Facts, ECF No. 242-1, at #20; Testimony of Kay Doe, ECF No. 244, at 73:06-15.

129. Immediately following her vote on July 9, 2020 to retire the names Stonewall Jackson High School and Ashby-Lee Elementary School, Board Member Cynthia Walsh stated: “The issue before us tonight is not the product of recent national events, although I do think that some of the rhetoric on both sides is informed somewhat by those events. The Board does not enter into this vote lightly. We were not forced to do this by a commentary piece in the local paper or a recent graduate doing a petition or anything like that. It became a more pressing issue, for me at least, when alumni of Stonewall Jackson High School, Black, biracial, and White, came to us with their

stories. Some endured outright racism. Some endured other racial tensions.” Third Joint Statement of Stipulated Facts, ECF No. 242-3, at #82; Testimony of Kay Doe, ECF No. 244, at 72:16-73:03.

130. Immediately following her vote on July 9, 2020 to retire the names Stonewall Jackson High School and Ashby-Lee Elementary School, Cynthia Walsh also stated: “Fast-forward 100 years to 1959 when Stonewall Jackson High School was built. It was after *Brown v. Board of Education*. It was a time when schools were being integrated, but many southern states, including Virginia, were practicing Massive Resistance to integration [S]urely, Superintendent and School Board at the time had to know that naming a high school after a Confederate general would send a clear message to Black families that they were not welcomed in that brand-new school that they have to drive by every day to drive to their Black school in Harrisonburg. Here we are, present day, and we’re still struggling to make sure that every student in our school feels safe, welcome, and included.” Third Joint Statement of Stipulated Facts, ECF No. 242-3, at #83; Testimony of Kay Doe, ECF No. 244, at 73:18-74:07; SCSB Meeting Minutes, ECF No. 242-19; SCSB Meeting Video Transcription, ECF No. 242-28; SCSB Meeting Video, PTX290 (admitted 12/11/2025).

131. Immediately following her vote on July 9, 2020 to retire the names Stonewall Jackson High School and Ashby-Lee Elementary School, Board Chairwoman Karen Whetzel quoted a letter from one of the first Black students to attend Stonewall Jackson High School, which stated: “To me, Stonewall Jackson, as a Confederate soldier, and Confederate flags, make people of color hurt. These symbolize hatred. People don’t think about how this makes others feel until it’s too late. I don’t want it to be too late. In recent years, my children and I have experienced heightened acts of hatred from our peers in the community. This has taken the form of hate speech, social media, and in person. With the experiences I and my five children had at and after leaving Stonewall Jackson High School the name should be changed to something more appropriate to comply with this new age. I know it’s old history, but it’s hate history, and we don’t need to continue that way.” Third

Joint Statement of Stipulated Facts, ECF No. 242-3, at #85. Karen Whetzel also stated that “In 1964, Black students were allowed to attend Stonewall Jackson High School for the first time even though *Brown v. Board of Education* was decided by the Supreme Court in 1954.” *Id.* at #84.

132. The Shenandoah County School Board retired the Confederate school names in 2020 because they were discriminatory, noninclusive, and had a negative impact on Black students. Testimony of Kay Doe, ECF No. 244, at 89:08-12; Testimony of Dennis Barlow, ECF No. 247, at 143:07-17.

133. Many people of color within Shenandoah County felt relieved and validated when the School Board voted to retire the Confederate school names in 2020. Testimony of Kay Doe, ECF No. 244, at 75:02-07; Testimony of Briana Brown, ECF No. 245, at 138:10-23; Testimony of Cozy Bailey, ECF No. 246, at 214:05-13.

134. Black students and their parents within the Shenandoah County community felt a sense of equality, belonging, and accountability due to the retirement of the Confederate school names. Testimony of Kay Doe, ECF No. 244, at 75:02-07; Testimony of Cozy Bailey, ECF No. 246, at 214:05-13.

135. Following the July 9, 2020 vote, D.D., J.D., and their family faced significant community backlash. Testimony of Kay Doe, ECF No. 244, at 93:04-20. Members of the community approached D.D., J.D., Kay Doe, and Edward Doe in the grocery store and yelled at them; sent “very threatening messages” to Kay Doe on social media, prompting her to block people and eventually stop checking her messages; followed D.D., J.D., Kay Doe, and Edward Doe around the community; and [REDACTED], resulting in other community members reaching out to the Doe family out of concern for their safety. *Id.* at 93:04-20. [REDACTED]

[REDACTED]. *Id.* at 93:13-16. Because of this

significant harassment and intimidation in the community, Kay Doe and Edward Doe developed “codewords for [D.D. and J.D.] when [they] were in public in case any of these people who had been threatening [them] showed up and were around.” *Id.* at 93:08-11. If Kay Doe and Edward Doe said one of these codewords, D.D. and J.D. knew they were to get in the car immediately and go. *Id.* at 93:11-12.

136. At the September 10, 2020 School Board meeting, the 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.” SCSB Meeting Minutes, ECF No. 242-31, at 6-7; First Joint Statement of Stipulated Facts, ECF No. 242-1, at #24.

137. The 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 of the schools. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #174; SCSB Meeting Minutes, ECF No. 242-31, at 6-7; SCSB Meeting Agenda, ECF No. 242-32, at 11-13; First Joint Statement of Stipulated Facts, ECF No. 242-1, at #24.

138. The September 10, 2020 School Board meeting followed the School Board’s voting procedures. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #175; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 74:01-04.

139. The School Board and Superintendent followed School Board Policy FFA in implementing the 2020 name change. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #175; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 30-31, 58:12-14.

140. Policy FFA outlines the School Board’s policy regarding naming schools or changing the names of schools. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #131.

141. Policy FFA expressly requires the School Board to seek input from the public prior to changing the names of schools. *Id.* at #131.

142. This policy was in effect in 2020 at the time the School Board retired the names Stonewall Jackson High School and Ashby-Lee Elementary School. *Id.*

143. The process to rename the schools, as outlined by the Superintendent and approved by Defendant School Board, included establishing a committee comprised of students, staff, and community members of each of the schools. School Board Process for Renaming Schools/Mascots, ECF No. 242-43, at 3-7.

144. The committee was tasked with gathering input on the school names and presenting the School Board with recommendations. *See* Testimony of Kay Doe, ECF No. 244, at 75:22-76:03; School Board Process for Renaming Schools/Mascots, ECF No. 242-43, at 5-7.

145. 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. School Board Process for Renaming Schools/Mascots, ECF No. 242-43.

146. The School Board supported and engaged in the actions outlined in the Superintendent's revised process plan and chose the names Mountain View High School to replace Stonewall Jackson High School and Honey Run Elementary School to replace Ashby-Lee Elementary School. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #25-26.

147. The new school names reflect the geographic and historical features of the area, in alignment with the Superintendent's suggested criteria. Testimony of Kay Doe, ECF No. 244, at 76:17-21.

148. At trial, School Board Chairman Dennis Barlow agreed that a view of a mountain was appropriate and reflective of Shenandoah County. Testimony of Dennis Barlow, ECF No. 247, at 158:13-22, 159:08-13.

149. On January 14, 2021, the School Board passed a resolution that established the names of Mountain View High School and Honey Run Elementary School. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #150.

150. The names Mountain View High School and Honey Run Elementary School took effect on June 1, 2021. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #25.

151. This was nearly eleven months after the July 9, 2020 vote by the School Board officially retired the Confederate school names. *Id.* at #25.

152. The names Mountain View High School and Honey Run Elementary School were used for the 2021-22, 2022-23, and 2023-24 school years. *Id.* at #26; *see* Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 24-25.

153. When the schools operated under non-Confederate names, students experienced the school environment as more neutral, inclusive, and conducive to learning. Under the name Honey Run Elementary School, J.D. did not associate the school's identity with racial meaning and did not experience distress tied to the school's name. Testimony of J.D., ECF No. 245, at 126:11-13. The non-Confederate name did not communicate to her that she and her sister were unwelcome members of the school community. *Id.* at 126:20-127:16; Testimony of D.D., ECF No. 245, at 110:23-111:01.

154. Similarly, when Mountain View High School was the name, A.D. Carter, Briana Brown, and D.D. were able to focus on their coursework and academic performance without concern that the school's identity signaled tolerance of racial prejudice. Testimony of Briana Brown, ECF No. 245, at 162:01-05; Testimony of A.D. Carter, ECF No. 246, at 53:21-54:9; Testimony of D.D., ECF No. 245, at 101:03-06. The absence of Confederate symbolism allowed the students to engage in an educational experience without questioning whether the school environment valued them equally as Black students.

B. The Campaign to Reinstate the Confederate School Names

155. The Coalition for Better Schools was formed by individuals opposed to the retirement of the names Stonewall Jackson High School and Ashby-Lee Elementary School. Testimony of Lewis Michael Scheibe,³ ECF No. 245, at 186:16-24; Testimony of Dennis Barlow, ECF No. 247, at 153:22-154:15.

156. The Coalition for Better Schools was formed by Lewis Michael (“Mike”) Scheibe and Richard (“Rick”) Moomaw in response to the School Board’s retirement of the Confederate school names in 2020. Testimony of Lewis Michael Scheibe, ECF No. 245, at 185:09-19; 186:16-24; Testimony of Dennis Barlow, ECF No. 247, at 153:1-24; ECF No. 242-163.

157. The Coalition for Better Schools is affiliated with the Freedom Press, a local Shenandoah County newspaper that began publishing shortly after, and in response to, the 2020 school name change vote. Testimony of Lewis Michael Scheibe, ECF No. 245, at 187:13-188:03. The Freedom Press is funded by the Coalition for Better Schools. *Id.* at 186:16-17.

158. In 2021, none of the term-limited incumbents who had voted to retire the Confederate school names sought reelection, resulting in a new slate of candidates. Testimony of Dennis Barlow, ECF No. 247, at 97:18-20. Dennis Barlow, Kyle Gutshall, and Brandi Rutz campaigned and won positions on the School Board in that election cycle. *Id.* at 97:21-22. All three opposed retiring the Confederate school names. Dennis Barlow Statement to School Board, ECF No. 242-107; Brandi Rutz Facebook Post, ECF No. 242-143; Testimony of Kyle Gutshall, ECF No. 247, at 219:18-20.

³ Testimony of Lewis Michael Scheibe was submitted by deposition designation and a video of the designated portions was played at trial. The designations were admitted in transcript form as ECF No. 242-187 and the video was admitted as PTX-0338B.

159. Dennis Barlow was a resident of Shenandoah County who spoke up against the retirement of the Confederate school names in 2020. Dennis Barlow Statement to School Board, ECF No. 242-107; Emails between Brandi Rutz, Dennis Barlow, and Helsley, ECF No. 242-178, at 3; Testimony of Dennis Barlow, ECF No. 247, at 190:02-09, 191:02-193:02.

160. Dennis Barlow began working with the Coalition for Better Schools, playing an active role in the group. Emails between Dennis Barlow and Joce Boblink, ECF No. 242-163; Emails between Rick Moomaw and Dennis Barlow, ECF No. 242-113; Testimony of Dennis Barlow, ECF No. 247, at 152:15-19, 153:06-155:01, 160:16-161:07.

161. During Dennis Barlow's 2021 campaign for School Board, his campaign posted "BARLOW'S TOP 10 PRIORITIES FOR THE SCHOOL BOARD" to Facebook, a list that included as #3: "Reject the forces of chaos which are using Critical Race Theory and Transgender issues to divide and destroy us." Dennis Barlow Campaign Facebook Post, ECF No. 242-58.

162. The same year he ran for election to the School Board, in an email discussing the creation of a logo for the Coalition for Better Schools, School Board Chairman Dennis Barlow wrote: "See the seal of our county, attached. [The woman looks like a Mexican sharecropper looking for something (someone?) to cut.]. If you want to use stars, please don't include the Mexican waif." Emails between Dennis Barlow and Joce Boblink, ECF No. 242-163, at 1; Testimony of Dennis Barlow, ECF No. 247, at 154:16-155:16. At trial, Mr. Barlow explained that he interpreted the image of the woman in a farmer's hat as a "lady wearing [a] sombrero" that "looked like Mexican," which was "not the message [the Coalition for Better Schools] want[ed] to send," but he did not find his comment to be derogatory. Testimony of Dennis Barlow, ECF No. 247, at 211:23-212:03.

163. Brandi Rutz, a Shenandoah County resident, launched her campaign for School Board in the Spring of 2021. Testimony of Brandi Rutz, ECF No. 246, at 267:22-23. She believed

that the students at Stonewall Jackson High School, which had been renamed Mountain View High School, were the victims of political correctness and that no one cared about the school names until the death of George Floyd and the resulting “national outcry” and movement based on his death. *Id.* at 268:20-269:13, 293:18-294:05.

164. Brandi Rutz disagrees with the School Board’s Resolution Condemning Racism because she believes the purpose of the School Board should be to educate children, not to fight racial justice [and] human and civil rights. *Id.* at 263:16-265:05. Brandi Rutz believes fighting for racial justice is taking a political stance. *Id.* at 264:5-20.

165. In response to an email from a constituent who expressed opposition to the reinstatement of the Confederate school names and suggested he would protest the name reversion by encouraging the School Board to get less funding, School Board Member Brandi Rutz replied to him suggesting he encourage the School Board reduce spending on minorities. Email from Jerry Jorgensen and Brandi Rutz, ECF No. 242-133, at 1 (“Please encourage the reduction of spending, especially to those minorities which reside on [sic].”); Testimony of Brandi Rutz, ECF No. 246, at 285:22-286:22. The constituent did not mention minorities in his email. Email from Jerry Jorgensen and Brandi Rutz, ECF No. 242-133, at 1.

166. Once on the School Board, Dennis Barlow and Brandi Rutz continued to work with members of the Coalition for Better Schools and their affiliate, the Freedom Press, on efforts to reinstate the Confederate school names. Emails between Brandi Rutz and Freedom Press, ECF No. 242-137; W. Denman Zirkle Emails to Kyle Gutshall, Brandi Rutz, and Dennis Barlow, ECF No. 242-115; Testimony of Dennis Barlow, ECF No. 247, at 174:01-14, 174:24-175:04. The Superintendent of Shenandoah County Public Schools attended a meeting hosted by the Coalition shortly after her nomination, at the invitation of School Board member Marty Helsley. Joint

Deposition Designations for Melody Sheppard, ECF No. 242-62, at 98:22-25, 99:1-25, 100:1-25, 101:1-25, 102:1-22.

167. Dennis Barlow, Brandi Rutz, Kyle Gutshall, and Marty Helsley discussed plans with the Coalition for Better Schools to replace the School Board's attorney in March 2022 with someone more open to reinstating the Confederate school names. Emails between Brandi Rutz and Freedom Press, ECF No. 242-137, at 2-3; Testimony of Dennis Barlow, ECF No. 247, at 162:16-165:23.

168. The plan was for the Coalition for Better Schools to submit a resolution for the Confederate school names to be reinstated after the attorney was replaced. Emails between Brandi Rutz and Freedom Press, ECF No. 242-137, at 2-3; Testimony of Dennis Barlow, ECF No. 247, at 162:16-165:23.

169. Members of the Defendant School Board replaced their existing attorney, who espoused "liberal positions" regarding the name change, with new counsel who "sa[id] the right things." Emails between Brandi Rutz and Freedom Press, ECF No. 242-137, at 1; Testimony of Dennis Barlow, ECF No. 247, at 165:11-23, 170:12-20.

170. Members of the Coalition for Better Schools and the Freedom Press expressed to Dennis Barlow and Brandi Rutz their approval of the Board's removal and replacement of its legal counsel and shared their plan to submit a resolution related to the name change following the Board's replacement of its attorney. Emails between Brandi Rutz and Freedom Press, ECF No. 242-137, at 1-2.

171. The School Board held a Special Called Meeting on June 1, 2022 to determine whether to conduct a survey on the school name change. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #182.

172. The School Board considered commissioning Hanover Group—a private company that the School Board had completed due diligence on and had been under contract with the

Board—to conduct the survey. Testimony of Dennis Barlow, ECF No. 247, at 149:16-19, 180:08-09.

173. Dennis Barlow, then School Board Vice Chair, noted Hanover Group’s reputable services, finding the company to have the requisite skill and training to develop clear and fair questions, and conduct reliable and measurable surveys. *Id.* at 150:03-22; Dennis Barlow Email to Constituent, ECF No. 242-109.

174. Ultimately, the School Board did not conduct the survey in 2022 because three out of six Board members—the incumbent members—indicated at the June 1, 2022 Special Called Meeting work session that they no longer wished to proceed with a survey regarding the school name change. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #183.

175. School Board Vice Chair Dennis Barlow believed regardless of the outcome of the survey, the status of the school names rests solely with the School Board. Dennis Barlow Email to Constituent, ECF No. 242-109; Testimony of Dennis Barlow, ECF No. 247, at 150:23-151:07.

C. 2022 (Failed) Vote to Reinstate the Confederate Names

176. At the June 1, 2022 School Board special meeting, members of the School Board indicated a motion would be made at the June 9, 2022 School Board meeting on reinstating the Confederate school names. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #184; SCSB Meeting Minutes, ECF No. 242-30, at 3; SCSB Meeting Video Transcription, ECF No. 242-27, at 47; Testimony of Kay Doe, ECF No. 244, at 80:24-81:03.

177. A motion to reinstate the Confederate school names at Mountain View High School and Honey Run Elementary School failed at the June 9, 2022 School Board meeting. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #27-28; Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #185; SCSB Meeting Agenda, ECF No. 242-22, at 2; SCSB Meeting Minutes, ECF No. 242-24, at 9-12; SCSB Meeting Video Transcription, ECF No. 242-26, at 133-183; First

Joint Statement of Stipulated Facts, ECF No. 242-1, at #27-28; Testimony of Kay Doe, ECF No. 244, at 80:11-12; Testimony of Kyle Gutshall, ECF No. 247, at 222:16-223:04; Testimony of Brandi Rutz, ECF No. 246, at 282:01-12, 291:01-03; Testimony of Dennis Barlow, ECF No. 247, at 100:9-15, 148:02-15; Testimony of Michael Dorman, ECF No. 248, at 67:11-16; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 74.

178. The June 9, 2022 vote complied with the School Board's procedures for hearing and voting on motions. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #186; SCSB Meeting Minutes, ECF No. 242-24, at 9-12; SCSB Meeting Video Transcription, ECF No. 242-26, at 133-183; Testimony of Brandi Rutz, ECF No. 246, at 282:13-283:02; Testimony of Kyle Gutshall, ECF No. 247, at 228:18-24.

179. Dennis Barlow, Brandi Rutz, and Kyle Gutshall were the three board members who voted to reinstate the Confederate school names at the June 9, 2022 School Board meeting. Testimony of Dennis Barlow, ECF No. 247, at 15-18; SCSB Meeting Minutes, ECF No. 242-24, at 12; SCSB Meeting Video Transcription, ECF No. 242-26, at 183.

180. At the June 9, 2022 School Board meeting, when discussing the issue of the school names, Dennis Barlow discussed how racism in the United States had been wiped out in many ways, and it was due to the death of George Floyd that people started looking for radical solutions, which included Black people blaming White people for being White. Testimony of Dennis Barlow, ECF No. 247, at 185:17-186:01; SCSB Meeting Minutes, ECF No. 242-24, at 12; SCSB Meeting Video Transcription, ECF No. 242-26, at 175.

181. Following the June 9, 2022 School Board meeting Dennis Barlow stated that the emotions that sprang from the death of George Floyd has led us to an unhelpful place where people are increasingly asked to support one race and to find another at fault, which he found to be unhelpful and damaging. Testimony of Dennis Barlow, ECF No. 247, at 193:13-17.

182. Despite voting against the retirement of the Confederate school names in 2020, School Board Chairman Marty Helsley voted against the reinstatement of the Confederate school names in 2022. *Id.* at 92:25-93:10; Testimony of Kay Doe, ECF No. 244, at 82:01-06; First Joint Statement of Stipulated Facts, ECF No. 242-1, at #29-30; SCSB Meeting Minutes, ECF No. 242-24, at 12; SCSB Meeting Video Transcription, ECF No. 242-26, at 183; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 67.

183. School Board member Marty Helsley felt very strongly that bringing the Confederate school names back would be detrimental to the school system. Testimony of Kay Doe, ECF No. 244, at 82:1-6; *see* Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 68.

184. While explaining why he voted not to restore the Confederate school names, School Board member Marty Helsley quoted a letter from a woman he said he agreed with: “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.” First Joint Statement of Stipulated Facts, ECF No. 242-1, at #31; SCSB Meeting Minutes, ECF No. 242-24, at 11-12; SCSB Meeting Video Transcription, ECF No. 242-26, at 160-172.

D. 2024 Vote to Reinstate the Confederate Names

185. During the 2023 School Board election cycle, the remaining term-limited incumbents who had voted to maintain the new school names were replaced with new Board members Gloria Carlineo, Michael Rickard, and Thomas Streett. Testimony of Dennis Barlow, ECF No. 247, 97:23-98:02.

186. Gloria Carlineo, in her campaign for School Board, said she was running against “a far-Left ideology that seeks to completely remove true Christian values from society and erase God

from our daily lives” and that she would “lead the charge against a demonic agenda.” Testimony of Gloria Carlineo, ECF No. 248, at 168:21-24, 169:6-11; Gloria Carlineo Article, ECF No. 242-59. She believes “diversity and acceptance” were used as a “Trojan horse” to “introduce pot use and drug abuse, sexual immorality, and the rejection of traditional values.” Testimony of Gloria Carlineo, ECF No. 248, at 169:20-23; Gloria Carlineo Article, ECF No. 242-59. In a June 12, 2020 Commentary for the Northern Virginia Daily, School Board Member Gloria Carlineo called the Black Lives Matter Movement “intrinsically racist,” “[radically] extremist” and about “degradation.” Article by Gloria Carlineo, ECF No. 242-177, at 1-2; Testimony of Gloria Carlineo, ECF No. 248, at 170:16-172:23. She also claims that the Black Lives Matter Movement caused “the destruction of black communities during the riots, something even the KKK never did.” Article by Gloria Carlineo, ECF No. 242-177, at 1-2; Testimony of Gloria Carlineo, ECF No. 248, at 172:14-23.

187. Gloria Carlineo’s campaign for School Board was endorsed by the Freedom Press. Testimony of Gloria Carlineo, ECF No. 248, 174:08-175:02. They also endorsed Thomas Street and Michael Rickard. Testimony of Lewis Michael Scheibe, ECF No. 245, at 266:24-267:09. The new Board members ran in part on restoring the Confederate names. Testimony of Lewis Michael Scheibe, ECF No. 245, at 236:21-237:21.

188. School Board Vice Chairman Kyle Gutshall and School Board member Gloria Carlineo disagreed with the Schools Board’s decision in 2020 to retire the Confederate school names. Testimony of Kyle Gutshall, ECF No. 247, at 219:18-20; Testimony of Lewis Michael Scheibe, ECF No. 245, at 251:03-21; Gloria Carlineo Facebook Post, ECF No. 242-178.

189. On April 3, 2024, members of the School Board received a request from the Coalition for Better Schools, which asked them to consider reinstating the school names Stonewall Jackson High School and Ashby-Lee Elementary School. Coalition for Better Schools Letter, ECF No. 242-74, at 1-2; Testimony of Dennis Barlow, ECF No. 247, at 151:08-15; Testimony of Kyle

Gutshall, ECF No. 247, at 233:13-16, 249:05-12; Testimony of Gloria Carlineo, ECF No. 248, at 175:21-25. There was consensus from the School Board members to add the letter to their April 11, 2024 agenda. Third Joint Statement of Stipulated Facts, ECF No. 242-3, at #86; Michael Rickard Email to Gloria Carlineo, ECF No. 242-171.

190. The Coalition for Better Schools was responsible for funding the reinstatement of the names Stonewall Jackson High School and Ashby-Lee Elementary School to school building signage, jerseys, and other materials. Testimony of Lewis Michael Scheibe, ECF No. 245, at 234:03-07; Testimony of Dennis Barlow, ECF No. 247, at 151:16-19.

191. The Coalition for Better Schools letter represented that it had conducted a survey that found that there was overwhelming support for the restoration of the Confederate school names. Coalition for Better Schools Letter, ECF No. 242-74, at 1.

192. The School Board did not conduct any due diligence on the Coalition for Better School to assess their skills or training to develop clear and fair questions or conduct a reliable and measurable survey. Testimony of Dennis Barlow, ECF No. 247, at 181:20-182:10.

193. The School Board did not conduct any due diligence on the Coalition for Better School's leadership and survey organizer, Michael Scheibe, to evaluate his honesty or integrity. *Id.* at 182:11-17.

194. The School Board does not know how the survey cards were mailed out. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #191. The School Board does not know how the Coalition for Better Schools verified the addresses to which they mailed the survey cards. *Id.* at #192. The School Board is not aware of what steps, if any, the individual members took to verify the results of the survey conducted by the Coalition for Better Schools. *Id.* at #193.

195. In fact, despite ostensibly being intended only for households in the two districts with children who attended the two schools at issue, the survey cards were sent indiscriminately to

all addresses within certain zip codes in the south part of Shenandoah County, including nonresidential addresses. Testimony of Lewis Michael Scheibe, ECF No. 245, at 192:12-193:06. Michael Scheibe was aware that people in the area reported not receiving a survey card, and others only received their survey cards after the posted deadline had already passed. *Id.* at 221:25-222:11, 224:22-24, 225:17-25. Some of the survey cards received after the deadline were just discarded. *Id.* at 218:02-06. There was no way to verify that the returned survey cards were from people in the relevant zip codes. *Id.* at 204:21-205:04.

196. Michael Scheibe, who created the survey, had no expertise or experience in conducting surveys of this kind, with his only prior experience being polling fellow Civil War reenactors on their related interests. *Id.* at 196:16-197:18, 198:22-199:07. He had no written procedures for how to count votes, and they came up with other protocols on the fly. *Id.* at 205:22-206:04, 208:12-14. Returned survey cards were counted even when the information provided was not sufficient to determine how many individuals were voting, where the votes were coming from, or if they were duplicate votes, such as when no names or addresses were provided. *Id.* at 203:10-205:04.

197. The survey cards bore pictures of the Confederate generals in their military grab, and branding for the Coalition for Better Schools and the Freedom Press. Tabulation of Survey, ECF No. 242-78 at 111; Testimony of Lewis Michael Scheibe, ECF No. 245, at 234:25-235:10. Michael Scheibe never considered adding the logos for Mountain View or Honey Run to the survey cards. Testimony of Lewis Michael Scheibe, ECF No. 245, at 236:11-13. Michael Scheibe acknowledged that people may have declined to respond to the survey cards because they disagreed with the Freedom Press, or because they did not agree with other messages on the face of the survey cards. *Id.* at 232:21-234:23. The response rate was 13 percent out of around 8,000 survey cards mailed. *Id.* at 237:22-238:2.

198. Michael Scheibe was aware of people who refused to fill out the survey cards because they were afraid of backlash or being targeted, including individuals who voted to keep the names Mountain View and Honey Run. *Id.* at 208:21-209:06, 210:07-10, 212:5-10, 212:22-25, 213:6-17. He did not recall any survey cards reflecting votes for the Confederate names sharing concerns about being harassed. *Id.* at 213:14-22.

199. The School Board did not conduct a community survey like the one done by the Coalition for Better Schools to solicit input on any other issues, nor did it administer any kind of survey or poll of the public to inform its consideration of policies or agenda items from 2020 through 2024. Testimony of Gloria Carlineo, ECF No. 248, at 178:08-14; Fifth Joint Statement of Stipulated Facts, at #154; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 78:03-16 (explaining when the District wanted surveys, they were usually done by a vendor for the School District); Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 82:18-83:01 (explaining she was not aware of any surveys done by the School Board or School District in connection with School board policies). Multiple School Board members referenced the survey in their comments during the May 2024 meeting where they voted to reinstate the Confederate names. SCSB Meeting Video Transcription, ECF No. 242-25, at 162:09-167:20-168:02 (comments of Thomas Streett and Gloria Carlineo).

200. School Board Chairman Dennis Barlow believed the Coalition for Better Schools and Michael Scheibe held biased views regarding the issue of whether the Confederate school names should be restored. Testimony of Dennis Barlow, ECF No. 247, at 185:07-15.

201. On April 8, 2024, members of the School Board received a request from a group called “Claim the Names,” including a letter with 450 signatories, which asked them to consider maintaining the names of Mountain View High School and Honey Run Elementary School. Claim

the Names Email to School Board, ECF No. 242-141, at 3-5; *see* Testimony of Kyle Gutshall, ECF No. 247, at 249:13-250:18.

202. A concerned community member sent a follow-up email on April 17, 2024 regarding this letter and request to keep the non-Confederate school names. Claim the Names Email to School Board, ECF No. 242-141, at 1-2; Testimony of Kyle Gutshall, ECF No. 247, at 249:13-250:18.

203. The agenda for the Shenandoah County School Board meeting on May 9, 2024 included Action Item 6.6, titled “Request from the Coalition of Better Schools to Restore School Names.” SCSB Meeting Agenda, ECF No. 242-21, at 22-23; Testimony of Kay Doe, at 83:23-84:11; Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 19. The relevant motion provided: “I move that the names of 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” SCSB Meeting Agenda, ECF No. 242-21, at 24.

204. The agenda for the Shenandoah County School Board meeting on May 9, 2024 did not include an action item addressing the request by Claim the Names to keep the names Mountain View High School and Honey Run Elementary School. Testimony of Kyle Gutshall, ECF No. 247, at 250:19-25; *see* SCSB Meeting Agenda, ECF No. 242-21.

205. The request from the Coalition for Better Schools and the request from Claim the Names were both valid ways to ask for an agenda item to be added to a School Board agenda. Testimony of Kyle Gutshall, ECF No. 247, at 250:19-25, 262:10-16.

206. During the open session of the May 9, 2024 School Board meeting, the Board heard over three hours of public comments regarding the proposed reinstatement of Confederate school names, from a total of 78 individuals. First Joint Statement of Stipulated Facts, ECF No. 242-1, at

#32; SCSB Meeting Minutes, ECF No. 242-18, at 2-14; SCSB Meeting Video Transcription, ECF No. 242-25, at 13-144; SCSB Meeting Video, PTX293 (admitted 12/11/2025), at 01:11:48-04:26:40.

207. Of the 78 individuals who spoke about the school names at the May 9, 2024 School Board meeting, 52 spoke against the reinstatement of the Confederate school names, while 23 spoke in favor of reinstating the Confederate school names; opponents of reinstatement who spoke at the meeting outnumbered proponents by a two-to-one margin. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #33; SCSB Meeting Minutes, ECF No. 242-18, at 2-14; SCSB Meeting Video Transcription, ECF No. 242-25, at 13-144; SCSB Meeting Video, PTX293 (admitted 12/11/2025), at 1:11:48-4:26:40.

208. At the May 9, 2024 School Board meeting, several Mountain View High School and Massanutten Regional Governor's School at Mountain View High School students spoke in opposition to the reinstatement of the Confederate school names. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #34; SCSB Meeting Minutes, ECF No. 242-18, at 2-14; SCSB Meeting Video Transcription, ECF No. 242-25, at 13-144.

209. At the May 9, 2024 School Board meeting, School Board members heard statements from Black students and community members who objected to the Confederate school names and expressed that they found the names to be discriminatory and harmful. SCSB Meeting Minutes, ECF No. 242-18, at 2-14; SCSB Meeting Video Transcription, ECF No. 242-25, at 13-144; Testimony of Dennis Barlow, ECF No. 247, at 197:18-198:10; Testimony of Kay Doe, ECF No. 244, at 100:07-101:20; Testimony of D.D., ECF No. 245, at 109:02-111:04; Testimony of A.D. Carter, ECF No. 246, at 62:08-10; Testimony of Gloria Carlineo, ECF No. 248, at 182:19-23.

210. Some School Board members ignored or refused to credit the testimony from Black students and community members about their experiences and the impact of the names. Testimony of Brandi Rutz, ECF No. 246, at 271:05-274:20, 278:06-17; Testimony of Dennis Barlow, ECF No.

247, at 138:17-140:08, 206:03-24; Testimony of Gloria Carlineo, ECF No. 248, at 152:23-153:6, 182:14 - 186:3.

211. The Virginia State Conference of the NAACP issued a press release on April 22, 2024 condemning efforts to name schools after Confederate generals. NAACP Press Release, ECF No. 242-119, at 1-2; Testimony of Cozy Bailey, ECF No. 246, at 210:12-211:02.

212. The Virginia State Conference of the NAACP emailed members of the Shenandoah County School Board ahead of the May 9, 2024 vote to reinstate the Confederate school names and urged School Board members to keep the non-Confederate names. Karen Jones Email to School Board, ECF No. 242-116, at 1; Testimony of Cozy Bailey, ECF No. 246, at 211:05-214:21. The School Board did not take any official steps to determine whether restoring the names Stonewall Jackson and Ashby-Lee would be discriminatory after receiving public comments at the May 9, 2024 School Board meeting that restoring the names would have a harmful impact on Black students. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #205.

213. The School Board did not speak with any staff at Stonewall Jackson and Ashby-Lee about the impact of restoring the names, prior to the 2024 vote. *Id.* at #208.

214. No new information had emerged between the vote to retire the Confederate school names in 2020 and the vote to reinstate the Confederate school names in 2024 that would negate the fact the School Board acknowledged in 2020 that the Confederate names have a discriminatory effect on Black students and families. *See id.* at #201; SCSB Meeting Video Transcription, ECF No. 242-25 (no evidence was presented at the meeting to negate Defendant's finding in 2020 that the Confederate school names were discriminatory).

215. In the early morning hours of May 10, 2024, the Shenandoah County School Board voted 5-1 to reinstate the names Stonewall Jackson High School and Ashby-Lee Elementary School. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #42; SCSB Meeting Minutes, ECF No.

242-18, at 21-22; SCSB Meeting Video Transcription, ECF No. 242-25, at 160-205; SCSB Meeting Video, PTX293 (admitted 12/11/2025), at 5:58:10-48; Testimony of Kay Doe, ECF No. 244, at 58:13-14, 80:13-14; 104:06-10.

216. The School Board voted to reinstate the Confederate school names despite hearing for several years that the Confederate school names had a negative impact on Black students and Black families. Testimony of Kyle Gutshall, ECF No. 247, at 248:09-249:04; SCSB Meeting Minutes, ECF No. 242-18, at 22, 24; SCSB Meeting Video Transcription, ECF No. 242-25, at 169:04-08, 173:06-08; Testimony of Dennis Barlow, ECF No. 247, at 139:03-140:08; Testimony of Gloria Carlineo, ECF No. 248, at 182:19-23, 184:17-185:17; Testimony of Brandi Rutz, ECF No. 246, at 268:08-14, 271:13-272:08, 284:16-20, 294:16-19.

217. Immediately following his vote on May 10, 2024 School Board to reinstate the school names Stonewall Jackson High School and Ashby-Lee Elementary School, Board Member Thomas Streett 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.” First Joint Statement of Stipulated Facts, ECF No. 242-1, at #36; SCSB Meeting Minutes, ECF No. 242-18, at 24; SCSB Meeting Video Transcription, ECF No. 242-25, at 199.

218. At the April 22, 2024 School Board meeting, School Board member Thomas Streett stated: “So I don’t know, I just thought it was interesting that the young lady said that she thought there was racism but she was voted as the Class President. Well how is it racism if your whole class voted you as President? To me that’s you know when I went to school you [] that’s an honor. To vote somebody to be your Class President you think highly of them. So I didn’t really understand that.” Third Joint Statement of Stipulated Facts, ECF No. 242-3, at #103; SCSB Meeting Minutes, ECF No. 242-33, at 6.

219. Immediately following his vote on May 10, 2024 School Board to reinstate the school names Stonewall Jackson High School and Ashby-Lee Elementary School, Board Member

School Board Member Thomas Streett explained his vote to restore the Confederate names, and in doing so discussed the “survey” conducted by the Coalition for Better Schools. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #35.

220. Immediately following the May 10, 2024 School Board vote to reinstate the school names Stonewall Jackson High School and Ashby-Lee Elementary School, Board Member Gloria Carlineo stated: “we’ve had a Black President, a Black Attorney General, and some of our richest billionaires are Black. Is that what oppression looks like?” Second Joint Statement of Stipulated Facts, ECF No. 242-2, at #69; SCSB Meeting Minutes, ECF No. 242-18, at 22; SCSB Meeting Video Transcription, ECF No. 242-25, at 173-174.

221. Immediately following the May 10, 2024 School Board vote to reinstate the school names Stonewall Jackson High School and Ashby-Lee Elementary School, Board Member Gloria Carlineo further stated her view that “[i]f you really want to stop this racism and prejudice, stop playing racism and prejudice into everything.” First Joint Statement of Stipulated Facts, ECF No. 242-1, at #37; SCSB Meeting Minutes, ECF No. 242-18, at 24; SCSB Meeting Video Transcription, ECF No. 242-25, at 196.

222. Immediately following the May 10, 2024 School Board vote to reinstate the school names Stonewall Jackson High School and Ashby-Lee Elementary School, Board Vice Chairman Kyle Gutshall—the sole vote against reinstating the Confederate school names—noted that an “overwhelming[]” majority of the residents in his district were opposed to reinstating the Confederate school names. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #39; SCSB Meeting Video Transcription, ECF No. 242-25, at 23-24; SCSB Meeting Video Transcription, ECF No. 242-25, at 188.

223. Prior to the May 10, 2024 vote to reinstate the school names, when discussing the issue of the school names at the April 22, 2024 School Board work session, Chairman Dennis

Barlow had stated: “If I were looking through the eyes of a black student or parent I’d be unsettled, I’d be unsettled about going back.” Second Joint Statement of Stipulated Facts, ECF No. 242-2, at #72; SCSB Meeting Minutes, ECF No. 242-33, at 6; Testimony of Dennis Barlow, ECF No. 247, at 120:13-18.

224. Following the May 10, 2024, School Board vote to reinstate the school names Stonewall Jackson High School and Ashby-Lee Elementary School, Board Chairman Dennis 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.” First Joint Statement of Stipulated Facts, ECF No. 242, at #40; SCSB Meeting Minutes, ECF No. 242-18, at 24; SCSB Meeting Video Transcription, ECF No. 242-25, at 190-191; Testimony of Dennis Barlow, ECF No. 247, at 199:12-19.

225. Following the May 10, 2024 School Board vote to reinstate the school names Stonewall Jackson High School and Ashby-Lee Elementary School, Board Chairman Dennis 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.” First Joint Statement of Stipulated Facts, ECF No. 242-1, at #41; SCSB Meeting Minutes, ECF No. 242-18, at 24; SCSB Meeting Video Transcription, ECF No. 242-25, at 193; Testimony of Dennis Barlow, ECF No. 247, at 200:02-12.

226. Chairman Barlow continued saying 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.” Second Joint Statement of Stipulated Facts, ECF No. 242-2, at #71; SCSB

Meeting Minutes, ECF No. 242-18, at 24; SCSB Meeting Video Transcription, ECF No. 242-25, at 193-94; Testimony of Dennis Barlow, ECF No. 247, at 200:02-12.

227. Following the May 10, 2024 School Board vote to restore the Confederate school names, School Board Vice Chairman Kyle Gutshall stated in an interview on the television program News Nation that race was a factor that needed to be considered when it came to reinstating the Confederate school names. Kyle Gutshall May 2024 News Interview, ECF No. 242-165, at 02:42-03:05; Testimony of Kyle Gutshall, ECF No. 247, at 246:01-04.

228. During the television interview, School Board Vice Chairman Kyle Gutshall acknowledged the importance of a Black student's perspective who spoke against the reinstatement of the Confederate school names at the May 9, 2024 School Board meeting. Kyle Gutshall May 2024 News Interview, ECF No. 242-165, at 02:42-03:05. Mr. Gutshall affirmed this at trial, stating, "we had to consider that as something when we make a decision to that magnitude." Testimony of Kyle Gutshall, ECF No. 247, at 247:07-22.

229. Following the May 9, 2024 vote, Kay Doe met with School Board member Brandi Rutz, speaking on behalf of her daughters D.D. and J.D. Testimony of Kay Doe, ECF No. 244, at 110:20-111:25. During the discussion, Kay Doe again shared her concerns about the Confederate school names and asked Ms. Rutz whether she was worried about a lawsuit by individuals that felt that they were being discriminated against. *Id.* at 111:04-05, 111:15-17. In response, Ms. Rutz stated, "Oh, no, we fully expect to be sued." *Id.* at 111:17-18.

230. By May 31, 2024, less than three weeks after the School Board voted to reinstate the Confederate school names, signs with Stonewall Jackson and Ashby-Lee were back in place throughout their respective schools. *Id.* at 110:11-19; Texts Between A.D. and Kim Carter, ECF No. 242-103, at 2.

231. Defendant granted the Coalition for Better Schools authority to select, oversee, and compensate contractors responsible for implementing the name change and granted the Coalition's leader, Michael Scheibe, authority to implement the name change, including to appear on school property. Joint Deposition Designations for Melody Sheppard, ECF No. 242-62, at 104:15-105:25, 106:1-107:21; 116:13-126:19; Testimony of Michael Dorman, ECF No. 248, at 38:15-39:03, 70:19-71:11, 71:11-72:07, 73:6-74:03.

232. The names Stonewall Jackson High School and Ashby-Lee Elementary School were reinstated before the 2024-2025 school year began. First Joint Statement of Stipulated Facts, ECF No. 242-1, at #43-44.

233. The School Board did not create a committee at any time to advise or make recommendations to the School Board on the naming of the schools before or after the May 2024 vote to reinstate the Confederate names of the schools. Fifth Joint Statement of Stipulated Facts, ECF No. 242-5, at #215.

234. The School Board did not consider any alternative names for the schools other than Stonewall Jackson High School and Ashby-Lee Elementary School prior to the May 2024 vote to restore the names Stonewall Jackson High School and Ashby-Lee Elementary School. *Id.* at #218.

235. The official team name for Stonewall Jackson High School is the "Generals." First Joint Statement of Stipulated Facts, ECF No. 242-1, at #45. The Stonewall Jackson High School logo reads "SJ Generals." *Id.* at #46. The "SJ" on the Stonewall Jackson High School logo stands for "Stonewall Jackson." *Id.* at #47. Since June 6, 2024, the main entrance to Ashby-Lee Elementary School has included the words, "Ashby-Lee Elementary School." Second Joint Statement of Stipulated Facts, No. ECF 242-2, at #73. In the current school year, Stonewall Jackson High School sports teams and student groups are sometimes referred to as "Stonewall Jackson," "Stonewall Jackson High School," or "Generals" in official written communications. First

Joint Statement of Stipulated Facts, No. 242-1, at #48-49. Most students refer to the high school as “Stonewall.” Testimony of Michael Dorman, ECF No. 248, at 39:15-40:03.

236. Students and teachers at Stonewall Jackson High wear apparel including the words “Stonewall Jackson,” “SJ,” “SJHS” and/or “Generals” during school hours. Second Joint Statement of Stipulated Facts, ECF No. 242-2, at #75. Students and teachers at Ashby-Lee Elementary School wear apparel including the words “Ashby-Lee” during school hours. *Id.* at #76. Students at Stonewall Jackson High School and Ashby-Lee Elementary school see signs, apparel, and school materials bearing these words daily. *Id.* at #77-78.

237. The Mountain View High School 2023-2024 Student Handbook shows language and pictures that call for students to personify the image of Stonewall Jackson and what it means to be a General, while also positioning the General as an authority figure. Mountain View High School Student Handbook, ECF No. 242-144, at 4-6; Testimony of Dr. Amy Bass, ECF No. 247, at 34:11-35:04.

238. The Mountain View High School 2023-2024 Student Handbook contains an image of Stonewall Jackson in a Confederate uniform holding a sword. Mountain View High School Student Handbook, ECF No. 242-144, at 6; Testimony of Dr. Amy Bass, ECF No. 247, at 35:13-36:21.

VI. Harm to Plaintiffs

A. VA NAACP

239. The Virginia State Conference of the National Association for the Advancement of Colored People (“VA NAACP”) was established in 1935. Testimony of Cozy Bailey, ECF No. 246, at 182:15-17. The VA NAACP is part of the national NAACP and is governed by the same constitution and bylaws as all other state conferences and local branches of the NAACP. *Id.* at 182:22-183:07.

240. Reverend Cozy Bailey is the President of the VA NAACP. *Id.* at 178:21-25.

241. There are approximately 12,000 members of the VA NAACP. *Id.* at 187:25-188:02. Members pay dues to join. *Id.* at 188:04-08.

242. The mission of the VA NAACP is “to achieve equity, political rights, and social inclusion by advancing policies and practices that expand human and civil rights, eliminate discrimination, and accelerate the well-being, education, and economic security of Black people and all persons of color.” NAACP About webpage, ECF No. 242-105; Testimony of Cozy Bailey, ECF No. 246, at 183:18-23.

243. The VA NAACP regularly communicates with its members regarding racial equity in Virginia, including monthly meetings with local branch presidents and regular written communication. Testimony of Cozy Bailey, ECF No. 246, at 190:11-21. The VA NAACP takes direction on what issues to focus on from its members. *Id.* at 186:9-18.

244. The members of the VA NAACP vote for delegates who in turn vote for state conference elected officials and approve policy. *Id.* at 189:12-190:3.

245. The VA NAACP holds monthly executive committee and general membership meetings. *Id.* at 186:09-13.

246. The VA NAACP engages in a variety of education justice advocacy, including at the national, state, and local levels. *Id.* at 185:13-16. Prior to the restoration of the school names Stonewall Jackson High School and Ashby-Lee Elementary School in Shenandoah County, the VA NAACP was previously involved in campaigns to retire Confederate school names in other counties in Virginia, including Prince William County and Hanover County. *Id.* at 190:22-191:20.

247. In setting its policy and advocacy agenda each year, the VA NAACP participates in the national NAACP convention during which the NAACP creates resolutions on the NAACP’s policy and agenda priorities. *Id.* at 185:17-21. These resolutions begin at the local branch level, are

reviewed and approved by the state conference, and are then reviewed and approved by the national NAACP at the conference. *Id.* at 185:22-186:08.

248. The general membership of the local branches, state conferences, and national NAACP drives how local branches, state conferences, and the national organization set its agenda and priorities. *Id.* at 186:09-18. In particular, the “challenges” the NAACP decides to address come “first” from grassroots, local branches and the general membership. *Id.* at 186:15-18.

249. The NAACP advocates against the use of the Confederate Flag in schools because it signals a support for White supremacy. In 2018, the NAACP published a resolution “Proscribing Unsupervised Confederate Flag Displays in K-12 Schools.” NAACP Resolution ECF No. 242-124; Testimony of Cozy Bailey, ECF No. 246, at 224:05-07. The resolution professes the NAACP’s support for the prohibition of unsupervised Confederate flag displays in K-12 schools due to its historical associations with slavery, racism, segregation, and hate groups like the Ku Klux Klan. NAACP Resolution ECF No. 242-124; Testimony of Cozy Bailey, ECF No. 246, at 226:05-14 (explaining the Dixiecrats and the KKK “publicly stated that the reason that they use these symbols is a symbol of segregation, a symbol, again, to keep Black people suppressed and oppressed as opposed to being part of and having our rightful place in the community of the United States”). The resolution argues that such displays contribute to a hostile educational environment for African American students and can materially disrupt classwork. NAACP Resolution, ECF No. 242-124. Instead, the resolution argues, the Confederate flag should be used in educational contexts, such as libraries and history classes, to teach its racist origins. *Id.* The resolution also references a rise in racially motivated incidents in schools, citing a 25% increase in racial harassment complaints reported to the U.S. Department of Education in 2017. *Id.*

250. The NAACP also advocates against the display of the Confederate flag in other arenas because of its association with slavery, segregation, and oppression. In 2024, the NAACP

published a resolution “Condemning the Display and Commercialization of the Confederate Battle Flag.” NAACP Resolution, ECF No. 242-104; Testimony of Cozy Bailey, ECF No. 246, at 218:21-23. The resolution explained that the Confederate Battle Flag has historical associations with slavery, segregation, and oppression, and that the pervasive display and commercialization of the Confederate Battle Flag on apparel, merchandise, bumper stickers, and miscellaneous paraphernalia perpetuates a harmful and offensive symbol that fosters divisiveness and reinforces racial inequities. NAACP Resolution, ECF No. 242-104. As a result, the NAACP resolution called upon individuals, businesses, and government entities to refrain from displaying or promoting the Confederate Flag in any form. *Id.*

251. This 2024 resolution was prompted by “the rise of the use of the Confederate battle flag as a hate symbol that was being used very oppressively to Black people,” along with “all Confederate symbols” rising in prevalence around the nation. Testimony of Cozy Bailey, ECF No. 246, at 219:09-14.

252. The restoration of the Confederate school names threatened the VA NAACP’s mission to fight for the rights of Black people in Virginia and eliminate race-based discrimination. *Id.* at 196:18-22. In particular, the restoration of the Confederate school names threatened the wellbeing of the students at the affected schools, their parents, and the community at large because students and faculty are required to attend school each day in a building that serves as a monument to people who fought to preserve the institution of slavery. *Id.* at 196:22-197:07. The celebration of the enslavement of Black people is extremely harmful to those Black students, their parents, and the community. *Id.* at 196:22-197:07. The restoration of the Confederate school names also emboldened people to discriminate or harass Black people in Shenandoah County. *Id.* at 198:16-199:04.

253. The restoration of the Confederate school names also required NAACP to expend significant resources in response. *Id.* at 199:05-20. Because of the rapid nature of the 2024 vote, the NAACP was required to “marshal forces in a very rapid way” to meet the moment. *Id.* at 199:09-11. When the School Board first decided to consider the issue of restoring the Confederate school names, VA NAACP President Reverend Cozy Bailey made several trips to Shenandoah County to organize a series of town halls to respond to the community’s requests for assistance. *Id.* at 199:11-14. The VA NAACP Executive Director also made several trips to Shenandoah County from out of town to assist with organizing and advocacy. *Id.* at 199:15-16. Following the restoration of the Confederate school names, VA NAACP leadership has continued to regularly travel to Shenandoah County with unusually high frequency to continue to assist the community. *Id.* at 199:16-18.

254. Since the School Board first decided to consider restoring the Confederate school names, 25% of the VA NAACP’s leadership has been focused on organizing and advocacy in Shenandoah County. *Id.* at 199:20-22.

255. In response to the School Board’s campaign to restore the Confederate school names, the VA NAACP spent approximately 2,000 hours and several thousand miles of travel to set up a NAACP branch in Shenandoah County to assist the community. *Id.* at 200:11-14. During this time, NAACP members were required to work longer hours to continue to meet other needs. *Id.* at 200:15-201:03.

256. The Shenandoah County NAACP branch includes Black students that attend Stonewall Jackson High School and are impacted by the restoration of the Confederate school names. *Id.* at 201:11-18.

257. The Shenandoah County NAACP branch includes Black students that attend Ashby-Lee Elementary School and are impacted by the restoration of the Confederate school names. *Id.* at 201:19-24.

258. VA NAACP members, including students and parents of Stonewall Jackson High School and Ashby-Lee Elementary School, were harmed by the School Board's decision to reinstate the Confederate school names and by attending schools named in honor of Confederate leaders. *Id.* at 208:07, 208:16-209:10. These members were "devastated" by the School Board's efforts to restore the Confederate school names, and felt like they were being treated as lesser than White people in the community. *Id.* at 208:07, 208:16-209:10. Members of the VA NAACP were also subject to race-based harassment after the names were changed. *Id.* at 198:16-22; Testimony of Kay Doe, ECF No. 244, at 106:16-24; 106:16-24; 109:11-13; 106:25-107:09.

259. Leading up to the May 9, 2024 vote, the VA NAACP worked with students and parents to speak out against the restoration of the Confederate school names. Testimony of Cozy Bailey, ECF No. 246, at 209:24-210:07.

260. On April 22, 2024, the VA NAACP issued a press release on the issue, stating, "The NAACP Virginia State Conference NAACP (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 VA NAACP vehemently opposes this effort and hopes that all citizens committed to racial justice will do the same.” NAACP Press Release, ECF No. 242-119, at 1; Testimony of Cozy Bailey, ECF No. 246, at 210:19-21.

261. On May 8, 2024, the VA NAACP sent a letter to the School Board detailing the harmful impacts of the Confederate school name. Testimony of Cozy Bailey, ECF No. 246, at 213:01-07; Karen Jones Email to School Board, ECF No. 242-116, at 1. In the letter, Rev. Bailey stated, “The NAACP Virginia State Conference understands that you will soon be making important decisions regarding the names of the public schools that you govern. This is an important task, and we hope that you will use your power in a way that positively impacts all your district’s children and their families. We were encouraged by your Board’s 2020 decision to change the school names of Stonewall Jackson High School and Ashby-Lee Elementary School and to remove the “Rebel” mascot from North Fork Middle School. These public schools were previously named after Confederate military leaders, Brigadier General Turner Ashby, Jr., General Thomas “Stonewall” Jackson, and General Robert E. Lee, who all fought valiantly as citizens of the Confederate States of America against the United States of America. Since the public schools’ name change in 2020, Shenandoah County students are no longer required to learn in memorials to Confederate leaders who risked their lives to establish a nation separate from the USA so that they could preserve and expand American Slavery. When students walk through the halls of Mountain View High School and Honey Run Elementary School, they do so without inescapable reminders of Confederate legacies that privileged the assertion that individual states had the right to enslave and otherwise pillage people of African descent. Memorializing that historical reality by naming your public schools after Confederate military leaders/sympathizers subverts part of your District’s mission that

claims ‘All members of the learning community are valued and respected.’ Students must believe they are valued and protected in order to thrive. We implore you to foster the climate you have memorialized in your mission.” Karen Jones Email to School Board, ECF No. 242-116, at 1.

262. The School Board did not respond to this letter from the VA NAACP. *Id.*;
Testimony of Cozy Bailey, ECF No. 246, at 211:05-10, 213:01-07, 216:25-217:07.

B. Student Plaintiffs

1. D.D.

263. D.D. is biracial, mixed with Black and White. Testimony of D.D., ECF No. 245, at 99:22-23.

264. D.D. is a member of the NAACP. *Id.* at 100:03-04.

265. When D.D. was in middle school, she took Algebra I at Mountain View High School. *Id.* at 100:11-13.

266. When D.D. was in middle school, she played volleyball, basketball, and soccer at Mountain View High School. *Id.* at 100:16-20.

267. D.D. is currently a sophomore at Stonewall Jackson High School. *Id.* at 100:01-08.

268. D.D. is a strong student and earns straight As. *Id.* at 118:02-05.

269. D.D. participates in basketball and soccer at Stonewall Jackson High School. *Id.* at 114:09-13.

270. D.D. understands that Stonewall Jackson was a Confederate general that fought to preserve the institution of slavery and passionately believed that the Black race was inferior to the White race. *Id.* at 101:23-102:01, 107:05-06, 110:13-15.

271. D.D. understands that her high school was “originally named Stonewall Jackson” during Massive Resistance to integration in an effort “to make Black people feel unwelcome” attending the school. *Id.* at 101:23-102:04.

272. D.D. disagrees with and is negatively impacted by the school name Stonewall Jackson High School because it represents a Confederate general who fought to keep Black people, including her ancestors, enslaved. *Id.* at 99:15-21.

273. D.D. was “upset” when she learned that the School Board intended to vote to restore the names Stonewall Jackson High School because the school name “offends [her] and makes [her] feel unwelcome and uncomfortable.” *Id.* at 101:12-19.

274. On April 10, 2024, Kay Doe sent an email to the School Board, speaking on behalf of her daughters D.D. and J.D. Kay Doe Email to School Board, ECF No. 242-40. In the email, Kay Doe stated, “White supremacy is defined as the belief that white people constitute a superior race and should therefore dominate society, typically to the exclusion or detriment of other racial and ethnic groups. Generals Robert E. Lee, Thomas ‘Stonewall’ Jackson, and Turner Ashby led a rebellion army to fight against the United States of America in an effort to preserve the institution of slavery. This abhorrent practice was a demoralizing slow genocide, that violated the human rights of an entire race of people for generations. The effects of which are still prominent today. There is no greater example of white supremacy in America than the institutional enslavement of black people and the attempts of the confederacy to maintain the practice. The leaders of the confederate army were never held accountable for their actions, a blight that can never be remedied. To name schools for these men was an act of white supremacy. Our county illegally prevented black families from attending Stonewall Jackson High School and stole money from funds meant to support black schools in order to pay for the building. To add insult to injury the school was named to intimidate and belittle black families. Those responsible for this abhorrent behavior repeated their actions when naming Ashby-Lee Elementary School. This School Board sanctioned discrimination meant my grandparents had to bus my father and his siblings, as they were taunted by neighborhood kids, to other schools instead of the brand new facility ten minutes from their home. An injustice no one

who experienced it has ever forgotten. Removing the names was a long overdue correction that denounced white supremacy. An action that acted as a balm to families like mine who were so harshly discriminated against by the public school system and were never issued an explanation or an apology for those who harmed them. A vote to reinstate the names of these confederate generals who championed the rights of white citizens to own black humans as property is a statement to every citizen of Shenandoah County. To me, a biracial resident and registered voter of District 2, who attended both schools and whose black children currently attend these schools, a vote to reinstate the names is a direct act of discrimination against my family. The idea itself is reminiscent of the racism and discrimination that was sanctioned by the School Board in 1959 when the school was built and my family was illegally denied access. A decision to restore the names will leave a legacy in the demoralization of children of color and their white peers who believe in racial equality. It's a statement to myself and so many like me that we are not wanted and that we don't belong in spite of our sacrifices to serve this county. It is sad and disheartening that my neighbors who make up the members of the Coalition for Better Schools cannot accept the reality of our troubled past and champion the teaching of factual history to our students instead of doubling down on the inaccurate Lost Cause narrative. Neighbors who my family forgave, prayed for, and served with are once again demonstrating their true bias, I pray this Board does not fall into this ugliness along with them.” Kay Doe Email to School Board, ECF No. 242-40; Testimony of Kay Doe, ECF No. 244, at 86:05-88:10.

275. On April 11, 2024, D.D. sent a text message to her friends stating, “If they change the high school[’s name back to [S]tonewall [J]ackson [I]’m not going to that school.” Testimony of D.D., ECF No. 245, at 104:07-08, 104:17-18; D.D. Text Messages to Friends, ECF No. 242-70, at 3.

276. On April 21, 2024, D.D. sent an email to the School Board detailing the harmful impacts of the Confederate school names on Black students. Testimony of D.D., ECF No. 245, at

107:02-24; D.D. Email to Carlineo, ECF No. 242-71, at 1. D.D. stated, “I am currently an 8th grade student at North Fork Middle School. I am emailing you to tell you my opinion on the name change. I would like to start off by reminding you of something that was said repeatedly at the last [S]chool [B]oard meeting. A lot of the adults that spoke had said that none of the students care about the name change but they were wrong. I am a student and I care very much about the name change. Stonewall Jackson, Robert E. Lee, and Turner Ashby were all soldiers who fought for slavery. If they had won my family and I would not have the opportunities we have now. I play three sports at Mountain View including volleyball, basketball and soccer (which is still in season). Every time I put on one of those jerseys I am asked to proudly represent my school which is something I cannot do if my school is named after someone who fought for something so horrible and cruel. I am also a devoted student in school and I am taking algebra at the high school. I cannot keep devoting my time to a school that represents these people. Changing the name back doesn’t just [e]ffect me or my family but it [a]ffects our community and schools. Changing the name also makes our community seem like a place full of racist, ignorant, and selfish people because the names of racist, ignorant and selfish people are all around whether it’s on shirts, sweaters, the schools etc. Mountain View and Honey Run are amazing names for the high school and elementary school so please take the words I have said into consideration and keep the names how they are.”

Testimony of D.D., ECF No. 245, at 107:02-24 (D.D.); D.D. Email to Carlineo, ECF No. 242-71, at 1.

277. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

278. On May 8, prior to the May 9, 2024 School Board meeting, Kay Doe met with School Board Chair Dennis Barlow on behalf of her daughters D.D. and J.D. Testimony of Kay Doe, ECF No. 244, at 94:17-95:12. During the meeting, Kay Doe informed Barlow about the history of discrimination and harassment her family has experienced in the community. *Id.* at 94:21-24; Testimony of Dennis Barlow, ECF No. 247, at 203:20-23. Kay Doe explained that there is an “element of intimidation and danger and fearing for [her family’s] safety,” and “bringing the names back was heightening that.” Testimony of Kay Doe, ECF No. 244, at 95:06-08. Kay Doe told Chairman Barlow that the Confederate names were harmful in the past and how those names were still harmful now. *Id.* at 94:20-95:22. At the end of the meeting, Barlow stated, “I don’t disagree with anything you’re saying, but I’m going to vote to reinstate the school names anyway.” *Id.* at 95:10-12.

279. Following the meeting, Kay Doe sent an email to Mr. Barlow, speaking on behalf of her daughters D.D. and J.D. Kay Doe Email to Dennis Barlow, ECF No. 242-38. In the email, Kay Doe requested that the School Board postpone the vote so that they could work together to find a solution that “doesn’t result in a fresh round of discrimination and hurt towards a community that has already weathered so much.” *Id.*; Testimony of Kay Doe, ECF No. 244, at 96:09-97:17. Mr. Barlow did not take Kay Doe up on this offer to discuss how to reduce or eliminate the racial discrimination stemming from the restoration of the Confederate school names. Testimony of Kay Doe, ECF No. 244, at 97:25-98:03.

280. D.D. and her parents attended the May 9, 2024 School Board meeting at which the School Board voted on the school names. Testimony of D.D., ECF No. 245, at 109:02-04. At the meeting, D.D. made a statement to the School Board during which she stated, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *Id.* at 109:17-

111:04; SCSB Meeting Video Transcription, ECF No. 242-25, at [REDACTED]

281. At the meeting, D.D.’s mother, Kay Doe, also made a public statement to the School Board, speaking on behalf of her daughters D.D. and J.D. Testimony of Kay Doe, ECF No. 244, at 100:17-101:20. During her statement, Kay Doe stated, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *Id.* at 100:17-101:20; SCSB Meeting Video Transcription, ECF No. 242-25, at [REDACTED].

282. At the meeting, D.D.'s father, Edward Doe, also made a public statement to the School Board, speaking on behalf of his daughters D.D. and J.D. SCSB Meeting Video Transcription, ECF No. 242-25, at [REDACTED]. During his statement, Edward Doe stated, [REDACTED]

[REDACTED]

[REDACTED]

283. The School Board’s decision to restore the name Stonewall Jackson High School signaled to D.D. that the School Board “didn’t really listen [to] or care” about her statement that the name made her feel “unwelcome,” “uncomfortable,” and of “less value.” Testimony of D.D., ECF No. 245, at 112:01-07.

284. Because D.D. “told [the School Board]” that the name Stonewall Jackson High School “made [her] feel unwelcome and uncomfortable” and the School Board chose to “change [the name] back anyway,” D.D. feels like the School Board did not take her statements about the impact of the Confederate school name on Black students into consideration. *Id.* at 108:18-24.

285. Following the 2024 vote to restore the Confederate school names, D.D. and her family faced significant retaliation from the community for speaking out against the Confederate school names. Testimony of Kay Doe, ECF No. 244, at 106:16-24. This retaliation included D.D. and her family being followed, [REDACTED]

[REDACTED], and other intimidation by the community, including by Mike Scheibe and Jonathan Heishman. *Id.* at 106:16-24, 109:11-13. [REDACTED]

[REDACTED]

[REDACTED] *Id.* at 106:25-107:09; [REDACTED]

286. In the summer of 2024, D.D. attended summer sports practices at Stonewall Jackson High School. Testimony of Kay Doe, ECF No. 244, at 107:14-108:04. While D.D. was at school for practice, members of the community that were engaging in ongoing threats, harassment, and intimidation toward D.D. and her family—including Mike Scheibe and Jonathan Heishman—were present at the school, prompting concerns for D.D.’s safety. *Id.* at 107:14-108:04, 109:11-13.

287. While attending Stonewall Jackson High School, D.D. is forced to encounter the Confederate name and symbology throughout the day. Testimony of D.D., ECF No. 245, at 112:14-24; Testimony of Kay Doe, ECF No. 244, at 114:22-117:20; SJHS Quiz Bowl, ECF No. 242-52, at 2; SJHS Photo, ECF No. 242-53, at 2; Generals Library Photo, ECF No. 242-54, at 2; SJ Generals Banner Photo, ECF-242-55, at 2; Generals Gear Photo, ECF No. 242-56, at 2; SJHS Banner Photo, ECF No. 242-57, at 1. In particular, students and teachers wear clothing that bears the name of Stonewall Jackson, teachers display the name Stonewall Jackson and Confederate symbology in their classrooms, and the name Stonewall Jackson and Confederate symbology are present around the school, including on the front of the building, on the scoreboards in the gym, on posters displayed around the school, on chairs in the school gym, on the bench in the school gym, on the score table in the gym, in display cabinets around the school. Testimony of D.D., ECF No. 245, at 112:14-24; Testimony of Kay Doe, ECF No. 244, at 114:22-117:20; SJHS Quiz Bowl, ECF No. 242-52, at 2; SJHS Photo, ECF No. 242-53, at 2; Generals Library Photo, ECF No. 242-54, at 2; SJ Generals Banner Photo, ECF No. 242-55, at 2; Generals Gear Photo, ECF No. 242-56, at 2; SJHS Banner Photo, ECF No. 242-57, at 1.

288. The name Stonewall Jackson High School and D.D.’s encounters with the Confederate name and Confederate symbology make D.D. feel unwelcome because she is Black and “Stonewall Jackson thought that Black people were less than and he fought for slavery,” and because “the names were originally named Stonewall Jackson to make Black people feel unwelcome.”

Testimony of D.D., ECF No. 245, at 101:23-102:04. The name Stonewall Jackson High School also makes D.D. feel like she has less value as a Black person. *Id.* at 111:05-10.

289. The name Stonewall Jackson High School and D.D.'s encounters with the Confederate name and Confederate symbology have negatively impacted D.D.'s relationships with her peers in a variety of ways. Testimony of Kay Doe, ECF No. 244, at 125:03-14. D.D. does not know how to advocate for herself in situations in which she feels scared or uneasy because of the rhetoric around the school name, often feeling like she cannot advocate for herself because it is not safe to do so. *Id.* at 125:03-14.

290. One day while D.D. was in history class, a student who was not in the class came into the classroom and asked her teacher if he wanted the school's name to be Stonewall Jackson High School or Mountain View High School. Testimony of D.D., ECF No. 245, at 113:16-21. D.D.'s teacher said that he did not want to answer and would rather answer in private. *Id.* at 113:21-23. The student then asked everyone in the class to raise their hands if they liked the name Stonewall Jackson, and a majority of the class raised their hands. *Id.* at 113:23-25; Testimony of Kay Doe, ECF No. 244, at 125:21-126:02. The student then asked if anyone did not like the name Stonewall Jackson, and nobody raised their hand. Testimony of D.D., ECF No. 245, at 113:25-114:04. This incident made D.D. feel uncomfortable and upset because so many students liked the name Stonewall Jackson. *Id.* at 114:04-115:08. She also felt "uncomfortable and upset" that she felt like she could not say that she did not like the name Stonewall Jackson High School out of fear that she would be "bullied" or "people would be mean to [her]." *Id.* at 114:06-08; Testimony of Kay Doe, ECF No. 244, at 126:04-11.

291. Because of these kinds of experiences, attending a school named Stonewall Jackson High School makes D.D. more reserved at school, as there are certain spaces she does not feel comfortable in. Testimony of Kay Doe, ECF No. 244, at 124:06-13. In particular, there are certain

clubs that she will not join because the students in those clubs have been very outspoken about retaining the Confederate school names. *Id.*

292. Furthermore, seeing students wear clothing bearing the name Stonewall Jackson makes D.D. feel “upset” because she feels like she does not have “friends [or] people [she] trust[s]” at school. Testimony of D.D., ECF No. 245, at 113:02-08. D.D. also feels like she cannot talk openly with people at school about the school name, because she fears other students will “think of [her] differently” or “be mean to [her] about it.” *Id.*

293. The name Stonewall Jackson High School and D.D.’s encounters with the Confederate name and Confederate symbology have also negatively impacted D.D.’s relationships with and trust in her teachers. *Id.* at 113:09-15; Testimony of Kay Doe., ECF No. 244, at 124:06-07, 124:13-23. Seeing teachers wear clothing bearing the name Stonewall Jackson makes D.D. feel “upset” because her teachers are “the adults that [she is] supposed to be able to go to if [she is] upset or uncomfortable about anything,” but she feels like she “can’t go to them” when her teachers wear clothes that bear the name Stonewall Jackson. Testimony of D.D., ECF No. 245, at 113:09-15; Testimony of Kay Doe, ECF No. 244, at 124:06-07, 124:13-23. She also does not know which of the adults at school she can trust because many of them wear clothing that bears the name Stonewall Jackson. Testimony of D.D., ECF No. 245, at 113:09-15; Testimony of Kay Doe, ECF No. 244, at 124:06-07, 124:13-23.

294. Because of these impacts on D.D.’s interpersonal relationships following the restoration of the name Stonewall Jackson High School, D.D. is forced to self-segregate in order to feel safe at school. Testimony of Kay Doe, ECF No. 244, at 124:06-07, 125:02.

295. The name Stonewall Jackson High School and D.D.’s encounters with the Confederate name and Confederate symbology have also negatively impacted D.D.’s academic experience. Testimony of D.D., ECF No. 245, at 117:17-118:01; Testimony of Kay Doe, ECF No.

244, at 126:16-127:02. D.D.'s encounters with the Confederate name and symbology make D.D. feel distracted during class. Testimony of D.D., ECF No. 245, at 117:17-118:01; Testimony of Kay Doe, ECF No. 244, at 126:16-127:02. "Whenever" she sees the name Stonewall Jackson in classrooms or on people's clothes, "it's just a reminder" that she does not "feel welcome or valued" at school and that she feels "uncomfortable" with the school's name. Testimony of D.D., ECF No. 245, at 117:21-23. It distracts her throughout the day because it is an "extra thing" to think about during the school day, and she is unable to focus only on learning. Testimony of D.D., ECF No. 245, at 117:23-25. As a result, D.D. has to work extra hard to stay focused on her academics. *Id.* at 117:17-118:01; Testimony of Kay Doe, ECF No. 244, at 126:16-127:02.

296. The name Stonewall Jackson High School and D.D.'s encounters with the Confederate name and symbology have also negatively impacted D.D.'s mental health in a variety of ways. Testimony of D.D., ECF No. 245, at 118:14-119:06. These encounters constantly "remind[] [her] of everything that [her] ancestors" and she and her family "have gone through," which upsets her throughout the day. *Id.* at 118:14-19. In particular, these encounters remind her that her ancestors were slaves, her grandfather and his siblings were bussed to different, non-White schools when they were younger, her mom was uncomfortable while attending Stonewall Jackson High School, and her family has been mistreated in the community for speaking out against the Confederate school names. *Id.* at 118:23-119:06.

297. Additionally, attending a school named Stonewall Jackson High School makes D.D. feel "inferior" to her White peers "because Stonewall Jackson thought that Black people were inferior to White people." *Id.* at 119:07-13.

298. The name Stonewall Jackson High School and D.D.'s encounters with the Confederate name and symbology have also negatively impacted D.D.'s extracurricular experience. *Id.* at 114:16-22, 116:11-117:02, 119:14-22.

299. Due to the School Board's decision to reinstate the Confederate school names, D.D. is forced to embrace Confederate symbols and terminology as she participates in sports and extracurriculars, which makes her feel like she is disrespecting her ancestors, her family, and her own beliefs. *Id.* at 107:05-108:02, 109:21-111:10. For students like D.D., this creates a situation where she has the choice between not participating to avoid personifying Stonewall Jackson, or to deal with the burden and harm of participating in spite of the mascot and the name. Testimony of Dr. Amy Bass, ECF No. 247, at 37:01-11.

300. When D.D. plays basketball and soccer, she is announced as a Stonewall Jackson General. During games, the announcer announces D.D.'s name and identifies her as a Stonewall Jackson General. D.D. is also forced to wear uniforms that bear "Generals." Testimony of D.D., ECF No. 245, at 114:16-21, 116:11-17, 119:14-17.

301. The score board used during basketball games bears the name Stonewall Jackson. *Id.* at 114:21-22.

302. D.D. does not like wearing uniforms that bear "Generals" because she knows that it "means Confederate generals" and Stonewall Jackson was a Confederate general. *Id.* at 119:18-22.

303. Being associated with the name Stonewall Jackson while participating in sports makes D.D. feel "conflicted," because whenever she achieves an accomplishment, it feels like she is achieving the accomplishment for the name Stonewall Jackson, which is a name she does not like and that makes her unwelcome and uncomfortable. *Id.* at 116:18-25; Testimony Kay Doe, ECF No. 244, at 120:23-121:09. At the same time, she wishes to play well in her sports, which leaves her feeling conflicted and uncomfortable. Testimony of D.D., ECF No. 245, at 116:25-117:02. D.D. also struggles with the feeling of playing sports for and representing a community in which some people do not want her to be. Testimony of Kay Doe, ECF No. 244, 120:23-121:09. D.D. will never know who she could have been or what her high school experience could have been like if she

did not have to attend a school named after a Confederate general and normalize White supremacy each day she attends school. *Id.* 130:12-22.

304. D.D. still feels unwelcome and uncomfortable attending Stonewall Jackson High School. Testimony of D.D., ECF No. 245, 105:07-09.

2. Briana Brown

305. Briana Brown is of mixed race. Testimony of Briana Brown, ECF No. 245, at 135:21-22. She is half Black and half White. *Id.* at 135:21-22.

306. Ms. Brown is a member of the NAACP. *Id.* at 133:02-03.

307. Ms. Brown attended the Massanutten Regional Governor's School ("Governor's School") during her junior and senior years of high school. *Id.* at 133:20-23, 134:12-13.

308. The Governor's School is an integrated learning program for environmental sciences and math for students seeking "an extra challenge." *Id.* at 133:24-134:02. Students apply to the Governor's School during their sophomore year of high school, and admission is based on students' grades and teacher recommendations. *Id.* at 134:09-20. The Governor's School is a selective program. *Id.* at 134:21-22.

309. During Ms. Brown's junior year of high school, the Governor's School was housed within Mountain View High School. *Id.* at 135:08-10. Ms. Brown attended the Governor's School at Mountain View High School every day of the school week during her junior year. *Id.* at 134:06-08.

310. During Ms. Brown's senior year of high school, the Governor's School was housed within Stonewall Jackson High School. *Id.* at 135:11-13. Ms. Brown attended the Governor's School at Stonewall Jackson High School every day of the school week during her senior year. *Id.* at 134:06-08.

311. During her senior year, Ms. Brown did not have the option to attend Governor's School at any other high school other than Stonewall Jackson High School. *Id.* at 150:06-10.

312. Ms. Brown participated in cross-country track, music honor society, and national honor society at her home school, Strasburg High School, often competing against Stonewall Jackson High School teams. *Id.* at 165:17-166:21. When competing against Stonewall Jackson, seeing the Stonewall Jackson gear and memorabilia negatively impacted Ms. Brown's extracurricular experience because she had to overcome feeling unwelcome and like she did not belong. *Id.* at 166:22, 167:04, 167:13-15.

313. Ms. Brown is a strong student and earned high grades while attending Governor's School. *Id.* at 161:01-05.

314. Ms. Brown understands that Stonewall Jackson was a Confederate general that fought to preserve the institution of slavery and the right to enslave Black people. *Id.* at 139:08-16.

315. Ms. Brown understands the history of Massive Resistance to integration and understands that many schools in Shenandoah County resisted integration. *Id.* at 142:24-143:13. She also understands that Stonewall Jackson High School was named during Massive Resistance in order to discourage Black students from attending the school. *Id.* at 142:24-143:13.

316. When Ms. Brown learned that the School Board voted to retire the name Stonewall Jackson High School in 2020, she felt like it was a "step in the right direction" and a step towards being a more "diversity and inclusion" driven community. *Id.* at 138:10-16. The School Board's vote in 2020 made her feel like all students could feel welcome in Shenandoah County Public Schools and would not feel like they don't belong at school. *Id.* at 138:16-23.

317. When Ms. Brown learned that the School Board was considering restoring the name Stonewall Jackson High School, she felt "disappointed and confused" because the School Board previously retired the name because of their understanding of the harmful impact of the name on

Black students. *Id.* at 137:12-138:03. When she learned the School Board was considering restoring the name, it made her “second guess” whether the School Board “really care[d]” about the perspectives of Black students. *Id.* at 137:22-24. It also made her wonder whether the School Board had “ulterior motives” behind restoring the name. *Id.* at 137:24-138:03.

318. When Ms. Brown learned that the School Board ultimately voted to restore the name Stonewall Jackson, she felt “very confused” because “the School Board was aware that the name Stonewall Jackson made people [including Brown] feel uncomfortable and unwelcome at school.” *Id.* at 138:24-139:05. She also felt confused by the School Board’s vote because the School Board knew that Stonewall Jackson was a Confederate general, fought for Black people to be enslaved, and did not believe that Black people should receive an equal education to White people. *Id.* at 139:06-14. The School Board’s decision made Ms. Brown feel like the School Board did not care about racism. *Id.* at 139:12-14.

319. The School Board’s vote to restore the Confederate school names in 2024 signaled to Ms. Brown that the School Board “may have some of the same racist ideals as Stonewall Jackson.” *Id.* at 139:17-22. It also signaled to Ms. Brown that the School Board does not “care about minority students.” *Id.*

320. Ms. Brown considered leaving the prestigious Governor’s School because of the name change. *Id.* at 149:17-150:10.

321. Following the School Board’s 2024 vote, Brown spoke to CNN and stated, “When I found out about the School Board’s decision [to restore the Confederate names], I felt unwelcome in a place that I go to every day, which should never be the case. This decision has made me realize that I need to speak out about what I believe in and empower people to use their voices for positive change. I refuse to be afraid any longer.” *Id.* at 142:11-19; News Article, ECF No. 242-72, at 2. Ms.

Brown's statements to CNN were true and accurate to how she felt at the time they were made. Testimony of Briana Brown, ECF No. 245, at 141:06-07.

322. Following the School Board's 2024 vote, Ms. Brown spoke to The Virginia Mercury and stated, "Nobody really cared about how this mentally affects students, makes them feel unsafe and unwanted in their learning environment and that's something that should have never been the case." *Id.* at 144:09-14; News Article, ECF No. 242-123, at 2-3. Ms. Brown's statements to The Virginia Mercury were true and accurate to how she felt at the time they were made. Testimony of Briana Brown, ECF No. 245, at 144:07-08.

323. Following the School Board's 2024 vote, Ms. Brown spoke to The Washington Post and stated, "It just feels like a huge step in the wrong direction," referring to the fact that the vote to retire the Confederate school names in 2020 reflected an effort to "make everybody feel welcomed in the county" and demonstrate that Shenandoah County does not believe in or stand for the "racist ideals of Stonewall Jackson" and the vote to restore the names in 2024 subsequently reflected a shift back to a mindset from a time when Ms. Brown would not have been permitted to attend the school because of her race. *Id.* at 147:23-149:06; News Article, ECF No. 242-73, at 1-2. Ms. Brown further stated that the shift back to the Confederate name was "intended to make Black students feel unwelcome[]." Testimony of Briana Brown, ECF No. 245, at 147:23-149:06; News Article, ECF No. 242-73, at 1-2. Ms. Brown's statements to The Washington Post were true and accurate to how she felt at the time they were made. Testimony of Briana Brown, ECF No. 245, at 146:13-15.

324. Following the School Board's 2024 vote, Ms. Brown spoke to BBC News and stated, "Whenever I see [the name Stonewall Jackson High School], it makes me think of a time where I would not have been welcome at that school. It's not necessarily for me, it's for everybody, all the students of colour that are coming after me. That is who I care about. I want them to feel comfortable in the school. And I want people to feel comfortable moving here from other places

and not think that this is how we are.” *Id.* at 152:03-19; News Article, ECF No. 242-51, at 5. Ms. Brown’s statements to BBC News were true and accurate to how she felt at the time they were made. Testimony of Briana Brown, ECF No. 245, at 151:04-05.

325. Ms. Brown encountered the Confederate name and symbology every day that she attended the Governor’s School at Stonewall Jackson High School, including the school sign, sports uniforms and equipment at sporting events, school spirit wear, and school cheers and chants. *Id.* at 152:12-152:22; SJHS Quiz Bowl, ECF No. 242-52, at 2; SJHS Photo, ECF242-53, at 2; Generals Library Photo, ECF No. 242-54, at 2; SJ Generals Banner Photo, ECF No. 242-55, at 2; Generals Gear Photo, ECF242-56, at 2; SJHS Banner Photo, ECF No. 242057, at 1.

326. Attending the Governor’s School at Stonewall Jackson High School and encountering the Confederate name and symbology made Ms. Brown feel unwelcome because of the racist implications behind Stonewall Jackson, including the Confederacy, the Civil War, and the fight to preserve slavery. Testimony of Briana Brown, ECF No. 245, at 142:24-143:02. Ms. Brown also felt unwelcome because of the history of Massive Resistance in Shenandoah County, and the fact that the school was named Stonewall Jackson in an effort to “deter Black students from attending” the school. *Id.* at 143:02-06.

327. Attending the Governor’s School at Stonewall Jackson High School and encountering the Confederate name and symbology made Ms. Brown feel unsafe because the school became a place that “accept[ed] racist ideas” and people that hold “racist ideals.” *Id.* at 144:15-22. Ms. Brown said that she never knew how people who held those “racist ideals” would react to her, her opinions, or anything she had to say. *Id.* at 144:22-24.

328. Attending the Governor’s School at Stonewall Jackson High School and encountering the Confederate name and symbology made Brown feel “unwanted” because of the

history of the original naming of the school during Massive Resistance and the fact that she would not have been welcome at the school when it first opened because of her race. *Id.* at 144:24-145:09.

329. These daily encounters with the Confederate name and symbology made Brown feel “small,” “unwelcome,” and “unsafe” “in a place where [she] should have felt very comfortable being able to attend every day.” *Id.* at 152:23-153:02. In particular, Ms. Brown felt unwelcome and unsafe because the School Board voted to retire the Confederate school names to make everyone feel “welcome and safe” and the School Board knew that and voted to restore the Confederate school names away. *Id.* at 153:07. She felt unwelcome and unsafe because she felt like the School Board did not care about how she felt in the school environment. *Id.* at 153:07-09.

330. Attending the Governor’s School at Stonewall Jackson High School and encountering the Confederate name and symbology negatively impacted Ms. Brown’s mental health in a variety of ways. *Id.* at 154:01-12, 156:10-157:11. Ms. Brown was constantly anxious being at school. *Id.* at 156:10-15. She did not feel welcome or like she fit in, which negatively impacted her self-esteem and self-worth. *Id.* at 156:15-17. She felt like she was constantly thinking about the fact that she did not feel “comfortable” or “seen” in her community, and she worried about how people would perceive and treat her. *Id.* at 154:01-06, 156:16-157:11. She became more introverted as a result. *Id.* at 156:13-21. Attending school at Stonewall Jackson High School created anxiety and worry, and ultimately made her academic experience more difficult. *Id.* at 154:01-12. Ms. Brown still carries the weight of that anxiety and worry today and continues to experience anxiety around meeting new people and how her peers will perceive her and treat her. *Id.* at 154:01-12, 156:10-157:11.

331. Furthermore, attending the Governor’s School at Stonewall Jackson and encountering the Confederate name and symbology made Ms. Brown feel “insecure” because the school being named after a Confederate general who would not have wanted Brown to attend the

school made her feel like she was not welcome at the school. *Id.* at 154:19-25. She dealt with insecurities around whether her peers would discriminate against her or mistreat her because of her views on the school name. *Id.* at 155:01-03.

332. Although Ms. Brown's lived experience as Black student attending a predominately White school had sometimes made her feel anxious about whether people would hold prejudice against her, the restoration of the Confederate school name "definitely amplified" her anxiety and her feelings of being unwelcome and unsafe at school. *Id.* at 153:10-21. The restoration of the Confederate school name made her feel like the school was becoming a "safe space for . . . people to be racist." *Id.* at 153:21-25.

333. Attending the Governor's School at Stonewall Jackson High School and encountering the Confederate name and symbology negatively also impacted Ms. Brown's academic experience in a variety of ways. *Id.* at 162:01-05, 171:21-172:18. In particular, Ms. Brown's academic experience was disrupted by constantly feeling like she was "unwelcome" and "didn't belong" at school. *Id.* at 171:21-172:03. She felt like the school was "not a place where [she] was welcome to learn like everybody else." *Id.* at 172:03-04. Ms. Brown was unable to attend class and learn "without having to worry about racial prejudice or being in a school that felt like that it was fostering a safe place for racists." *Id.* at 162:01-05. However, Ms. Brown was determined to maintain strong grades despite the discrimination she experienced at school. *Id.* at 171:21-172:18.

334. Attending the Governor's School at Stonewall Jackson and encountering the Confederate name and symbology also negatively impacted Ms. Brown's social experience and relationships with her peers. *Id.* at 155:04-23. Ms. Brown was "always wary" about interacting with new people, especially after she spoke out against the Confederate school names. *Id.* at 155:06-09. She struggled to be open with her peers and was wary of making new friends. *Id.* at 155:04-13. She

constantly second guessed whether she was “even meant to be in the building” and “be at the school in the first place” because of the school’s name. *Id.* at 155:15-17.

335. Attending the Governor’s School at Stonewall Jackson made Ms. Brown feel “inferior to [her] White peers” because she had to worry about feeling unwelcome and how she would be perceived by others. *Id.* at 155:24-156:04. It also made her feel inferior to her White peers because of the history of slavery and oppression of Black people, and the connection of the school name with that history of slavery and oppression. *Id.* at 156:04-09. In particular, Ms. Brown felt like she was impacted by the Confederate school name and its racist connections in a way that White students were not. *Id.*

3. A.D. Carter

336. A.D. Carter is of mixed race, mixed with Black and White. Testimony of A.D. Carter, ECF No. 246, at 24:13-14.

337. Mr. Carter is a member of the NAACP. *Id.* at 24:11-12.

338. Mr. Carter attended the Massanutten Regional Governor’s School during his junior and senior years of high school. *Id.* at 25:06-10.

339. During Mr. Carter’s junior year of high school, the Governor’s School was housed within Mountain View High School. *Id.* at 26:08-12. Mr. Carter attended the Governor’s School at Mountain View High School every day of the school week during his junior year. *Id.* at 26:06-07.

340. During Mr. Carter’s senior year of high school, the Governor’s School was housed within Stonewall Jackson High School. *Id.* at 26:13-20. Mr. Carter attended the Governor’s School at Stonewall Jackson High School every day of the school week during his senior year. *Id.* at 26:17-20.

341. During his senior year, Mr. Carter did not have the option to attend Governor’s School at any high school other than Stonewall Jackson High School. *Id.* at 26:21-23.

342. Mr. Carter is a strong student and earned As and Bs during his junior year and a As, Bs, and a few Cs during his senior year while attending the Governor's School. *Id.* at 53:18-20, 56:06-15.

343. Mr. Carter has learned about the history of the Civil War, the Confederacy, and Stonewall Jackson in school and from his parents. *Id.* at 29:15-24.

344. To Mr. Carter, the Confederacy represents a group of states that broke away from the United States in order to preserve the institution of slavery in the South. *Id.* at 29:05-08.

345. Mr. Carter's understanding of Stonewall Jackson is that he was a general in the Confederate army who owned slaves and fought to preserve the institution of slavery. *Id.* at 29:01-04, 29:09-14.

346. Mr. Carter understands that that Stonewall Jackson High School was named during Massive Resistance to integration to discourage Black students from attending the school. *Id.* at 47:09-20.

347. On April 24, 2024, Mr. Carter's mother, Kim Carter, sent an email to the School Board on Carter's behalf. *Id.* at 31:13-33:03; Kim Carter Email to A.D., ECF No. 242-102, at 1. In her email, Kim Carter stated, "I am writing to express my strong support for keeping the names of Mountain View High School and Honey Run [E]lementary. As a concerned community member and taxpayer with a child that attends MRGS at Mountain View High, I believe it is essential to create an inclusive and respectful educational environment for all students . . . When this school was first founded as Stonewall Jackson High School, my son would not have been able to attend as he is biracial. The school was named at the end of the 1950's and early 1960's when many public places were becoming desegregated. The naming of the school was meant to intimidate black people during a time period of high racial tension when eventually the school would be desegregated. The students who attend MRGS are also important stakeholders in this decision as there are about 80

students that attend Mountain View in the morning from different school systems. If they were included that would be about 20 percent of the student population of Mountain View High School. Changing the name back to Stonewall Jackson High School is moving backwards into the past, it is time to let the past stay in the past. If our school system were to continue honoring these figures through school names, we would perpetuate a narrative that does not align with our values of equality and justice. As a history teacher at a school that also used to be named Stonewall Jackson High in Manassas, we need to teach about these important generals in history and about the war that fought to keep our country together. But we also must teach about the hard parts of history including slavery and the resulting aftermath from slavery. A name that conjures up people who fought to preserve slavery and to break apart our union, is not unifying, nor does it bring hope to the many minority students that attend these schools. I urge you to consider the impact of school names on our students' well-being and take steps towards inspiring unity, resilience, and hope for a better future by keeping the names of Mountain View High School and Honey Run [E]lementary.” Kim Carter Email to A.D., ECF No. 242,-102, at 1; Testimony of A.D. Carter, ECF No. 246, at 31:13-33:03.

348. Mr. Carter understood his mother's email to express that the name Stonewall Jackson High School should not be restored because it represents the leader of a movement that fought to preserve slavery and divide the country, and Mr. Carter agreed with the statements in his mother's email. Testimony of A.D. Carter, ECF No. 246, at 31:13-33:03.

349. The School Board's decision to hold a vote to restore the name of Stonewall Jackson, in spite of his racist beliefs, “put a knot in [Mr. Carter's] stomach.” *Id.* at 35:14-20. He felt uncomfortable that the School Board would consider “glorifying the name of a man” that fought to preserve the institution of slavery. *Id.*

350. Mr. Carter attended the May 9, 2024 School Board meeting at which the School Board voted to restore the Confederate school names. *Id.* at 33:06-11. Prior to the vote, Mr. Carter made a public statement to the School Board. *Id.* at 34:23-35:13; SCSB Meeting Video Transcription, ECF No. 242-25, at 135. During his statement, Mr. Carter stated, “If we’re going to talk about repeating history, they named the school due to racist thought processes and so we’re going to rename the school back to it? Don’t understand that either,” referring to the facts that the school was named after Stonewall Jackson and Stonewall Jackson was racist and believed that White people should enslave and be the masters of Black people. SCSB Meeting Video Transcription, ECF No. 242-25, at 135; Testimony of A.D. Carter, ECF No. 246, at 34:23-35:13.

351. When the School Board voted to restore the Confederate school names, Mr. Carter was “stunned,” and it took some time for the decision to sink in. Testimony of A.D. Carter, ECF No. 246, at 36:16-22. He felt shocked that the community would “take such a big step backward.” *Id.* at 36:16-37:02. He also felt like he and other community members that discussed the harmful impact of the Confederate school names “just weren’t heard.” *Id.* at 36:16-37:09.

352. Following the restoration of the name Stonewall Jackson High School, Mr. Carter spoke to his family and friends about his discomfort with the name, and his family and friends echoed his thoughts that the restoration of the Confederate school names was “terrible” and “disgusting.” *Id.* at 40:12-41:07.

353. While attending the Governor’s School at Stonewall Jackson High School, Mr. Carter was forced to encounter the Confederate name and symbology every day, including the school sign in front of the school and school displays, sports displays and uniforms, and school spirit wear throughout the school. *Id.* at 49:22-50:02, 50:04-50:09; SJHS Quiz Bowl, ECF No. 242-52, at 2; SJHS Photo, ECF No. 242-53, at 2; Generals Library Photo, ECF No. 242-54, at 2; SJ Generals Banner Photo, ECF No. 242-55, at 2; Generals Gear Photo, CF 242-56, at 2; SJHS Banner

Photo, ECF No. 242-57, at 1. Mr. Carter also heard references to the Confederate name and symbology on the school announcements and from school teachers and administrators. Testimony of A.D. Carter, ECF No. 246, at 50:04-09; SJHS Quiz Bowl, ECF No. 242-52, at 2; SJHS Photo, ECF No. 242-53, at 2; Generals Library Photo, ECF No. 242-54, at 2; Generals Banner Photo, ECF No. 242-55, at 2; Generals Gear Photo, CF 242-56, at 2; SJHS Banner Photo, ECF No. 242-57, at 1.

354. Following the restoration of the name Stonewall Jackson High School, Mr. Carter felt unwelcome attending the Governor's School. Testimony of A.D. Carter, ECF No. 246, at 48:13-24. Every day that he attended the school, he was reminded of the fact that the school was named during Massive Resistance in order to discourage Black students from attending the school. *Id.* Every day that he attended school, he was also reminded of the fact that Stonewall Jackson was a Confederate general and fought to preserve the institution of slavery. *Id.* at 48:13-24.

355. These daily encounters with the Confederate name and symbology made Mr. Carter feel unwelcome and uncomfortable attending school. *Id.* at 50:12-21. Carter felt like the Confederate name and symbology were "achieving its goal" of "making [him] feel unwelcome." *Id.*

356. The name Stonewall Jackson High School and Confederate symbology negatively impacted Mr. Carter's social interactions and relationships with his peers at school in a variety of ways. *Id.* at 50:22-51:07. Mr. Carter felt like he had to steer away from discussing the school name to avoid being confronted about it by other students. *Id.* at 50:24-51:07. The prospect of having a discussion about the school name with someone that supported the Confederate name made him feel "uncomfortable." *Id.* at 50:22-51:07.

357. Encountering the Confederate school name and symbology also made Mr. Carter feel ostracized from other students. *Id.* at 51:25-52:11. Mr. Carter felt like he was "experiencing [school] differently from many other people" because of his race. *Id.*

358. The name Stonewall Jackson High School and Confederate symbology also negatively impacted Mr. Carter's relationships with his teachers at school. *Id.* at 50:22-51:07, 51:21-24. Similar to his peers, Mr. Carter felt like he had to avoid discussing the school name with his teachers out of fear of having an uncomfortable conversation with a teacher that supported the Confederate school name. *Id.*

359. Encountering the Confederate school name and symbology also negatively impacted Mr. Carter's academic experience at the Governor's School. *Id.* at 52:12-53:20. During his junior year, when the Governor's School was housed at Mountain View High School, Mr. Carter had strong grades and received only one C. *Id.* at 53:16-19. During his senior year, when the Governor's School was housed at Stonewall Jackson High School, Mr. Carter's grades "drop[ped] off a little bit," and he received two Cs. *Id.* at 53:19-20. Mr. Carter attributes the drop in his grades in part to the fact that he took more difficult classes during his senior year than his junior year. *Id.* at 52:16-17. However, he also felt like his academic experience was more difficult because of the constant weight of the Confederate name and symbology. *Id.* at 52:17-53:15. In particular, although he tried his best to focus on his schoolwork, the Confederate name and symbology constantly "weighed on [him]." *Id.* He felt like he had an "invisible ball and chain" that he was always "carrying around" while at school. *Id.* at 53:03-04. He also felt like the weight he experienced was invisible to many of his peers because they did not experience the same harm from encountering the Confederate name and symbology. *Id.* at 53:05-15.

360. Encountering the Confederate name and symbology also negatively impacted Mr. Carter's mental health and wellbeing. *Id.* at 53:21-54:07. He felt like he carried around the weight of the Confederate name and symbology, and felt like he was "held back" mentally by the fact that he did not feel welcome in his school because of the Confederate name and symbology. *Id.* He felt like

his feelings about the harmful impact of the Confederate school name were not valued by the School Board, which weighed on him heavily. *Id.*

4. J.D.

361. J.D. is Black. Testimony of J.D, ECF No. 245, at 125:24-25.

362. J.D. is a member of the NAACP. *Id.* at 126:01-02.

363. J.D. currently attends North Fork Middle School. *Id.* at 125:14-15.

364. J.D. earns good grades while attending North Fork Middle School. *Id.* at 131:18-138:19.

365. J.D. plays basketball at North Fork Middle School. *Id.* at 131:13-17.

366. J.D. formerly attended Ashby-Lee Elementary School. *Id.* at 125:16-17.

367. J.D. earned good grades while attending Ashby-Lee Elementary School. *Id.* at 129:04-08.

368. J.D. plans to attend Stonewall Jackson High School because it is her neighborhood high school. *Id.* at 125:18-23.

369. J.D. understands that Robert E. Lee and Turner Ashby were Confederate generals. *Id.* at 127:02-05.

370. On April 10, 2024, Kay Doe sent an email to the School Board, speaking on behalf of her daughters D.D. and J.D. Kay Doe Email to School Board, ECF No. 242-40. *See supra* ¶ 274 (describing email).

371. [REDACTED]

372. On May 8, 2024, Kay Doe met with School Board Chair Dennis Barlow on behalf of her daughters D.D. and J.D, in which she shared the history of discrimination and harassment, Mr.

Barlow expressed some agreement with some of her concerns but asserted he would vote to restore the names anyway. Testimony of Kay Doe, ECF No. 244, at 94:17-95:12. *See supra* ¶ 278 (describing meeting).

373. Following the meeting, Kay Doe sent an email to Mr. Barlow, speaking on behalf of her daughters D.D. and J.D, requesting that the School Board postpone the vote and that they work together to look for a non-discriminatory solution, but Mr. Barlow did not take her up on this. Kay Doe Email to Dennis Barlow, ECF No. 242-38; Testimony of Kay Doe, ECF No. 244, at 97:25-98:03. *See supra* ¶ 279 (describing email).

374. J.D.'s parents and sister attended the May 9, 2024 School Board meeting at which the School Board voted to restore the Confederate school names. SCSB Meeting Video Transcription, ECF No. 242-25, at [REDACTED] Testimony of Kay Doe, ECF No. 244, at 98:9-19. At the meeting, J.D.'s mother, Kay Doe, and father, Edward Doe, also made public statements to the School Board, speaking on behalf of their daughters D.D. and J.D. *See supra* ¶¶ 281-282.

375. J.D. did not think about the name of her school very much when it was called Honey Run Elementary School, but felt "sad" when the School Board voted to restore the name Ashby-Lee Elementary School because her family "gave them good reasons" not to restore the Confederate school name, including the harmful impact of the name Ashby-Lee Elementary School on Black students, and the School Board "didn't listen" and voted to restore the name anyway. Testimony of J.D., ECF No. 245, at 126:11-23.

376. Because J.D.'s family told the School Board about the harmful impact of the name Ashby-Lee Elementary School on Black students and the School Board voted to restore the name Ashby-Lee Elementary School anyway, the School Board's decision signaled to J.D. that the School Board "might not want [her] or [her] sister to attend [Shenandoah County Public Schools]." *Id.* at 126:16-127:01, 127:11-13.

377. The School Board’s decision to restore the name Ashby-Lee Elementary School after hearing about the harmful impacts of the name on Black students and families signaled to J.D. that the School Board “might want [Shenandoah County Public Schools] to still be segregated.” *Id.* at 127:11-16.

378. Following the 2024 vote to restore the Confederate school names, J.D. and her family faced significant retaliation from the community for speaking out against the Confederate school names. Testimony of Kay Doe, ECF No. 244, at 106:16-24. *See supra* ¶ 285 (describing retaliation).

379. After the restoration of the name Ashby-Lee Elementary School, J.D. was forced to encounter the Confederate name and symbology at school. For example, students and teachers began to wear shirts that said “Ashby-Lee.” Testimony of J.D., ECF No. 245, at 127:17-21.

380. While attending Ashby-Lee Elementary School, being surrounded by the Confederate name and symbology was a heavy experience that J.D. had to navigate and overcome every day she attended school. Testimony of Kay Doe, ECF No. 244, at 129:06-21.

381. Attending Ashby-Lee Elementary School and encountering the Confederate name and symbology negatively impacted J.D.’s social experience and relationships with her peers. Testimony of J.D., ECF No. 245, at 129:15-25. For example, J.D. felt closed off from her friends and like she could not talk to them as openly as she could prior to the name change because she thought they might not want her to attend the school or might still want the school to be segregated. *Id.*

382. Additionally, seeing students wear shirts that said “Ashby-Lee” made J.D. feel “sad” because she thought that the students that wore the shirts “[knew] what the names represent” and wore the shirts anyway. *Id.* at 127:22-128:03.

383. Seeing students wear shirts that said “Ashby-Lee” also made J.D. feel like the students that wore the shirts might want Ashby-Lee Elementary School “to be segregated.” *Id.*

384. Attending Ashby-Lee Elementary School and encountering the Confederate name and symbology negatively impacted J.D.’s relationships with and trust in her teachers. *Id.* at 128:04-06. Seeing teachers wear shirts that said “Ashby-Lee” made J.D. feel “sad” because she thought that the teachers that wore the shirts understood what the name Ashby-Lee Elementary School represents and wore the shirts anyway. *Id.*

385. Seeing teachers wear shirts that said “Ashby-Lee” made J.D. feel like these teachers might want Ashby-Lee Elementary School to be racially segregated. *Id.*

386. Attending Ashby-Lee Elementary School and encountering the Confederate name and symbology also negatively impacted J.D.’s academic experience. *Id.* at 129:09-14. J.D. was forced to put “extra effort” into her schoolwork, because she was distracted by thoughts about the school’s name. *Id.*

387. Attending Ashby-Lee Elementary School and encountering the Confederate name and symbology also negatively impacted J.D.’s mental wellbeing. Testimony of Kay Doe, ECF No. 244, at 129:06-21. Being surrounded by the Confederate name and symbology required J.D. to self-soothe to overcome the distraction caused by the Confederate name and symbology. *Id.*

388. While attending Ashby-Lee Elementary School, being surrounded by the Confederate name and symbology required J.D. to normalize and navigate White supremacy each day that she attended the school. *Id.* at 130:09-22.

389. Attending a school named Ashby-Lee Elementary School made J.D. feel “uncomfortable” and “[t]ense.” Testimony of J.D., ECF No. 245, at 130:09-14.

390. J.D. will never know who she could have been if she did not have to attend a school named after a Confederate general and normalize White supremacy each day she attended school. Testimony of Kay Doe, ECF No. 244, at 130:12-22.

C. Impact on Black Students at Stonewall Jackson High School and Ashby-Lee Elementary School

391. Racism and racially discriminatory messages, including the Confederate school names at issue in this case, have a significant negative impact on the development, behavior, and health of Black children, adolescents, and adults. This is well-documented in the medical literature. Testimony of Dr. Adiaha Spinks-Franklin, ECF No. 246, at 81:20-82:02, 114:07-117:07.

392. According to the medical literature, racism operates at multiple levels—including structural, institutional, interpersonal, and internalized—and in multiple forms, each of which is detrimental to Black children’s development, behavior, and health. *Id.* at 82:02-15. There are certain forms of racism that Black people are exposed to on a regular basis, including cultural racism. *Id.* at 96:23-25. Cultural racism, as described in the literature, reflects the elevation of Whiteness as superior and normative, while Black individuals are cast as inferior and associated with negative stereotypes. *Id.* at 96:20-97:11.

393. Being in an environment in which cultural racism is pervasive results in chronic exposure to racism. *Id.* at 97:20-21.

394. Confederate iconography constitutes a form of cultural racism because it communicates the superiority of White people and the inferiority of Black people. *Id.* at 97:17-98:07, 99:02-04, 103:10-20. Black individuals overwhelmingly perceive such symbols as racist and harmful. *Id.* at 97:18-20; Testimony of Cozy Bailey, ECF No. 246, at 215:15-21; Ryan D. Talbert, *How Do You React to Seeing the Confederate Flag? Examining Public Reactions by Race-Ethnicity and Region*, *Socio. Spectrum*, 42(1): 40-60, at 47, 53-55, doi:10.1080/02732173.2022.2059037.

395. This impact has been recognized by Shenandoah County Public Schools. In 2020, students at Stonewall Jackson High School flew the Confederate flag in protest of the decision to retire names. Testimony of Michael Dorman, ECF No. 248, at 76:07-80:01. Around 2015 or 2016, Michael Dorman, the former principal of Stonewall Jackson High School, decided with approval from the Superintendent to remove the Confederate flag from the floor of the school's gymnasium because "hate groups, Nazis and folks, [] would use that flag." *Id.* at 61:04-25.

396. Confederate iconography is more prevalent in regions of the country with larger Black populations. Testimony of Dr. Adiaha Spinks-Franklin, ECF No. 246, at 98:09-15. In these regions, research reflects higher levels of anti-Black prejudicial attitudes and bias, and the Confederate iconography signals lower social status to Black individuals. *Id.* at 108:04-07; *see generally* Heather A. O'Connell, *Confederate Monuments and Anti-Black Stereotypes in the U.S. South*, 11 *Socio. Race & Ethnicity*, 221-236 (July 28, 2024), <https://doi.org/10.1177/23326492241264234>.⁴

397. Black people in these regions overwhelmingly report that Confederate iconography has very negative impact on them. Testimony of Dr. Adiaha Spinks-Franklin, ECF No. 246, at 98:16-22. Research reflects higher rates of poor physical health outcomes, depression, anger, frustration, and lower self-esteem among Black individuals living in regions where Confederate iconography is prevalent, as compared to Black individuals residing in regions without such iconography. *Id.* at 98:16-22, 100:03-07.

398. However, White people in these regions have reported a lack of empathy for Black people's experiences with Confederate iconography, which compounds Black people's negative

⁴ During Dr. Spinks-Franklin's testimony, the Court requested that Plaintiffs provide the Court with the sources cited and relied upon by Dr. Spinks-Franklin. Trial Tr., Dec. 15, 2025 (Day 3), ECF No. 246 at 173:17-175:07. For the Court's convenience, Plaintiffs have cross-referenced some of the sources that Dr. Spinks-Franklin referred to during her testimony.

physical and mental health outcomes in these communities when compared to Black people residing in communities without Confederate iconography. *Id.* at 99:21-100:02.

399. Confederate school names and mascots are forms of cultural racism that communicate to Black students that they are inferior, which disproportionately harms their development, behavior, academics, and health. *Id.* at 97:17-98:07, 99:02-04, 103:10-20.

400. When Black students are exposed to such racism on a regular basis, the brain becomes hypervigilant to all threats of racism or racially discriminatory messages. *Id.* at 103:10-20. This hypervigilance triggers the release of stress hormones, which result in increased cognitive load for Black students who must continually process the meaning and implications of Confederate symbols within their school setting and in their community. *Id.* at 103:10-20.

401. Race-based traumatic stress is a type of stressor that Black people, indigenous people, and brown people experience based on their racial designation in the United States and is the effect of experiences of racism on the body. *Id.* at 82:18-25.

402. The short-term effects of exposure to race-based traumatic stress on Black students include acute-stress related systems, including headaches, stomachaches, difficulty completing work, discomfort with speaking up when facing racism. *Id.* at 95:20-96:09. Black students may also have difficulty getting along with peers or feeling safe in the school environment. *Id.* at 104:04-05.

403. The long-term effects of exposure to race-based traumatic stress result in weathering, or the tearing down of the systems of the body from chronic exposure to racism. *Id.* at 96:10-19. Over time, this can result in anxiety, depression, asthma control, blood sugar control, sleep disruption, self-esteem issues, suicidal ideations, substance use, and getting in trouble at school. *Id.*

404. Race-based traumatic stress causes a variety of psychological and physiological harms in the bodies of Black people. *Id.* at 83:01-21. These effects occur in multiple systems of the body,

including the brain, nervous system, endocrine system, hormone system, immunological system, cardiovascular system, and DNA. *Id.*

405. With respect to the brain, experiences of racial discrimination are perceived by the human brain as social rejection. *Id.* 84:08-85:15. When Black people experience racism or discrimination, the regions of the brain that light up are the same regions of the brain that light up if they were experiencing a severely painful event, such as being stabbed or having a leg amputated, because the brain perceives the event as a threat and the amygdala sends out flight or fight signals to the brain. *Id.*

406. When Black people experience racial discrimination every day and are in an environment in which they are constantly reminded of their Blackness and of White superiority, those stress hormones produced by the brain go into overdrive, alerting the rest of the body to begin producing stress hormones and creating a cascade of events in the nervous system, turning on the sympathetic nervous system. *Id.* at 85:16-24.

407. Black people who live in environments where they experience racism on a regular basis have higher levels of stress hormones in their bodies compared to Black people that do not live in areas where they experience racism on a regular basis. *Id.* at 85:25-86:07.

408. These high stress hormone levels are very harmful over time to the health of Black people, including their physical and mental health. *Id.* at 86:08-87:01. Over time, these stress hormones deteriorate the body's organ systems. *Id.* at 86:08-11. For example, this long-standing form of stress eventually begins to kill brain cells in a process called neurological apoptosis. *Id.* at 86:12-15. Accordingly, brain cells begin to die in children and adolescents who have developing brains that are vulnerable to the insults of high levels of toxic stress over time. *Id.* at 86:16-18. Additionally, the regions of the brain that are responsible for learning and memory can make it hard

for Black students to learn and remember what they have learned and require them to apply extra effort to complete work, concentrate, exercise self-control, and be organized. *Id.* at 86:19-87:01.

409. With respect to the cardiovascular system, high levels of stress hormones in the body create an allostatic load, meaning that the body is constantly reacting to some kind of stressor without ever having a break. *Id.* at 87:05-12. Because of the high levels of stress hormones that are produced in the body as a reaction to experiencing racism, Black people that experience racism are at a higher risk for having high blood pressure, have difficulty regulating their blood pressure, and have problems regulating their cardiovascular system. *Id.* at 87:12-22. The stress of racism requires the cardiovascular system to overwork. *Id.* at 87:21-22.

410. With respect to the immune system, the immune system is primed by the nervous system and the endocrine system and produces stress hormones. *Id.* at 87:24-88:02. Over time, the immune system becomes weakened, resulting in abnormal inflammatory processes in the body that leave the body very vulnerable for acute infections and chronic disease. *Id.* at 88:02-05. When the immune system is stressed because of the allostatic load and the chronic bombardment of stress hormones, it cannot function properly and becomes weakened. *Id.* at 88:16-18. As a result, Black people who have experienced racism on a regular basis have immune system abnormalities and struggle with chronic inflammation, catching infections, and fighting off infections, which puts them at risk of chronic diseases and poor health. *Id.* at 88:19-24.

411. With respect to DNA, Black people who experience racism have DNA that reflects signs of premature aging. *Id.* at 89:07-90:12. Black people who have experienced racism on a regular basis also have DNA that shows that certain genes that are related to chronic disease have been turned on through methylation, by which a methyl group attaches to a gene within a DNA sequence to turn that gene on. *Id.* at 88:19-90:12. These signs can even be identified in placental

DNA, demonstrating how racial stress and trauma are passed down from generation to generation.

Id. at 90:11-12.

412. Racism as a toxic stressor puts Black people at a higher risk of poor health, including asthma exacerbations, poor metabolic control, poor glucose tolerance, diabetes, obesity, increased waist circumference, hypertension, and many other chronic conditions. *Id.* at 90:14-21.

413. Black children who experience racism in school settings show higher levels of anxiety, depression, difficulty concentrating in school, difficulty with academic achievement, and difficulty completing their work. *Id.* at 92:08-12; *see generally*, Maria Trent et al., *Policy Statement: The Impact of Racism on Child and Adolescent Health*, Am. Acad. of Pediatrics, (Aug. 1, 2019), <https://doi.org/10.1542/peds.2019-1765> (reaffirmed Aug. 2025); Jonetta J. Mpofo et al., *Perceived Racism and Demographic, Mental Health, and Behavioral Characteristics Among High School Students During the COVID-19 Pandemic—Adolescent Behaviors and Experiences Survey, United States, January–June 2021*, 71 *Morbidity & Mortality Wkly. Rep.* 3 (Apr. 1, 2022), <https://www.cdc.gov/mmwr/volumes/71/su/pdfs/su7103a4-H.pdf>. Black children who experience racism in school settings also experience impacts to the digestive system, including difficulty losing weight appropriately when needed and disruptions to sleep. Testimony of Dr. Adiaha Spinks-Franklin, ECF No. 246, at 93:25-94:04. Black adolescents experience greater difficulties with interpersonal relationships when they experience racism at school, including feeling like a second-class citizen, difficulty getting along with their peers, and difficulty trusting their teachers. *Id.* at 92:13-15, 93:16-21. Black students report that the school environment feels hostile and unwelcoming. *Id.* at 92:15-16. Black students also report suicidal ideologies because of their experiences with racism. *Id.* at 92:18-21.

414. Confederate iconography also triggers internalized racism in Black people. *Id.* at 106:02-15. Internalized racism occurs when a person believes in the superiority of White people and

the inferiority of Black, Indigenous, and brown people. *Id.* at 106:02-06. Confederate iconography reinforces the message that Black people are inferior, which can trigger internalized racism. *Id.* at 106:07-15. Internalized racism results in poor self-esteem and a poor racial identity, which makes people struggling with internalized racism more susceptible to poor mental health outcomes, substance abuse, suicidal ideations, and other mental health problems. *Id.* at 113:18-114:06.

415. Black Americans today are acutely aware of this country's history of racism and oppression as those experiences have been transmitted across generations through lived experience, family history, and community memory. *Id.* at 100:08-23.

416. School Board members were also aware of the history of historic examples of racism such as the Massive Resistance movement. When asked whether the Massive Resistance movement was at least in part racist, School Board member Brandi Rutz responded: "Mass (sic) Resistance definitely was racist." Testimony of Brandi Rutz, ECF No. 246, at 255:23. Brandi Rutz defined racism as discrimination based on skin color. *Id.* at 250:20-23. She agreed that slavery was wrong. When asked whether it would be fair to characterize a slaveholder as racist under her definition, she agreed that such a characterization would be a "fair assumption," including with respect to Stonewall Jackson. *Id.* at 251:02-06. School Board Chair Dennis Barlow also agreed that Massive Resistance was a "terrible thing," was part of a "last-ditch effort to save" what White southerners "saw as their own world," and to "hang onto segregation concepts [and] vestiges of White supremacy or segregation." SCSB Meeting Minutes, ECF No. 242-18; SCSB Meeting Video Transcription, ECF No. 242-25; SCSB Meeting Video, PTX293 (admitted 12/11/2025); First Joint Statement of Stipulated Facts, ECF No. 242-1, at #40; Second Joint Statement of Stipulated Facts, ECF No. 242-2, at #70; Testimony of Dennis Barlow, ECF No. 247, at 199:12-19. School Board member Gloria Carlineo's understanding of Massive Resistance is that it involved resisting desegregation by naming schools after the Confederacy. Testimony of Gloria Carlineo, ECF No. 248, at 150:16-25.

417. Confederate names and symbology result in trauma triggers for Black students attending schools with Confederate names and symbology. Testimony of Dr. Adiaha Spinks-Franklin, ECF No. 246, at 102:01-08. Exposure to racial stress can produce immeasurable biological effects in Black people, including changes reflected in DNA, which may demonstrate intergenerational transmission of racial stress. *Id.* at 100:24-101:06.

418. Black students are disproportionately affected by the Confederate school names as compared to their White peers. *Id.* at 102:09-103:05; Ryan D. Talbert, *How Do You React to Seeing the Confederate Flag? Examining Public Reactions by Race-Ethnicity and Region*, Socio. Spectrum, 42(1): 40-60, at 47, 53-55, doi:10.1080/02732173.2022.2059037. Confederate names and symbols communicate to Black students that they are inferior because Black people recognize those symbols as reminders of their inferior status and second-class citizenship in society. Testimony of Dr. Adiaha Spinks-Franklin, ECF No. 246, at 102:09-103:05.

419. White people overwhelmingly do not view Confederate symbols in the same manner. *Id.* at 104:15-105:22, 112:16-113:04; Ryan D. Talbert, *How Do You React to Seeing the Confederate Flag? Examining Public Reactions by Race-Ethnicity and Region*, Socio. Spectrum, 42(1): 40-60, at 47, 53-55, doi:10.1080/02732173.2022.2059037. Rather, White people living in areas where Confederate iconography is prevalent often perceive such symbols as positive expressions of White identity and culture. Testimony of Dr. Adiaha Spinks-Franklin, ECF No. 246, at 104:15-105:22, 112:16-113:04; *see also* Susan H. Sarapin et al., *Living Among Confederate Icons: Perpetuating White Supremacist Beliefs and Blindness to Black Suffering*, 17 Stud. Soc. Just. 384, 389-390, 395-396 (2023).

420. Brandi Rutz testified that community members are “attached” to school names. Testimony of Brandi Rutz, ECF No. 246, at 291:08-20. At the same time, she acknowledged that the school opened at a time when Black students were excluded and that the County did not integrate immediately after *Brown v. Board of Education*. *Id.* at 253:09-255:02. Dennis Barlow testified

that while Black students are “understandably unsettled” by reinstating the Confederate names and having Confederate flags hung on their property line, he also found it “deplorable . . . that people who are really concerned about their love of history of the area and their pride in what . . . they’ve built with the school are somehow diminished as well” by not having the Confederate names.

Testimony of Dennis Barlow, ECF No. 247, at 206:03-24.

421. The impact of Confederate iconography on Black people remains the same regardless of the intent of the White people promoting that Confederate iconography. Testimony of Dr. Adiaha Spinks-Franklin, ECF No. 246, at 113:09-15.

422. Ms. Brown, Mr. Carter, and D.D. describe their experiences as consistent with those experiences of people experiencing race-based traumatic stress resulting from exposure to Confederate iconography while attending Stonewall Jackson High School. *Id.* at 116:01-04, 122:04-14.

423. J.D. describes her experience as consistent with those experiences of people experiencing race-based traumatic stress resulting from exposure to Confederate iconography while attending Ashby-Lee Elementary School. *Id.*

424. Black students who experience racism in school are often high achievers who maintain a strong ethos of excellence and achievement. *Id.* at 118:06-15. These students strive for high academic performance in an effort to counter narratives of Black inferiority. *Id.* at 118:18-24. Some students use academic success as a means of coping with or resisting the effects of a racist educational environment. *Id.* at 118:15-17.

425. Although these students may excel academically, racial stress manifests in other ways. *Id.* at 118:25-121:01. These students carry ongoing stress associated with feeling like second-class citizens at school, experiencing racial spotlighting or racial invisibility, limiting interpersonal interactions with peers and teachers, and carefully managing their behavior to avoid being

stereotyped as aggressive or angry when responding to acts of racism or microaggressions. *Id.* These students often feel unable to simply attend school and learn; instead, they experience pressure to disprove stereotypes of intellectual inferiority by studying longer hours, sacrificing sleep, and remaining constantly vigilant. *Id.* at 120:11-121:01. Over time, this sustained effort results in racial battle fatigue, as students become worn down by the continuous need to navigate and resist racism in their school environment. *Id.*

426. Confederate symbols undermine principles of inclusivity in athletics and may discourage student participation, whether as athletes or spectators. Testimony of Dr. Amy Bass, ECF No. 247, at 18:25-19:04.

427. There is substantial research supporting the developmental benefits of sports participation. *Id.* at 18:12-18. Educational environments should create comprehensive and supportive spaces that enable all students to participate in athletics if they choose. *Id.*

428. Deterring students from participating in sport can have detrimental effects on physical health, cognitive development, and social emotional well-being, all of which can undermine pathways to future opportunity and success. *Id.* at 18:18-22.

429. Confederate symbols undermine student participation in sport because students should not participate in sport in spite of something, but rather, the goal is for students to participate fully. *Id.* at 26:10-12. “Students should not be made to choose between sitting out or representing symbols that encompass racist and oppressive ideologies. It is then imperative that schools carefully navigate the balance between tradition and growth to encourage unity over division by embracing inclusive. Symbols that promote a positive athletic environment, strengthen team culture and ensure all students, athletes or not, feel supported, included, and valued.” *Id.* at 19:05-12.

430. Students who feel offended by a team uniform, mascot, or team name are not able to

engage in the same cognitive or physical manner as their teammates who are not thinking about these things. *Id.* at 26:12-14. This creates a burden by putting the onus of responsibility on the student instead of on the community and the school that is supposed to be supporting them. *Id.* at 26:15-25.

431. Students who feel excluded or uncomfortable supporting a school sports team because of the school's name or mascot are not experiencing the activity equally. *Id.* at 27:01-04.

432. The Virginia High School League, which provides SCPS schools with rules and regulations for interscholastic meetings, states explicitly in its bylaws a mission and vision for racial and social awareness that includes acknowledgement of systemic and institutional inequities on matters of race that can create barriers for people and communities to reach their full potential. VHSL Handbook, ECF No. 242-148, at 11; Testimony of Dr. Amy Bass, ECF No. 247, at 22:20-23:25.

433. The Mountain View High School 2023-2024 Student Handbook shows language and pictures that call for students to personify the image of Stonewall Jackson and what it means to be a General, while also positioning the General as an authority figure. Mountain View High School Student Handbook, ECF No. 242-144, at 4-6; Testimony of Dr. Amy Bass, ECF No. 247, at 34:11-35:04.

434. The Mountain View High School 2023-2024 Student Handbook contains an image of Stonewall Jackson in a Confederate uniform holding a sword. Mountain View High School Student Handbook, ECF No. 242-144, at 6; Testimony of Dr. Amy Bass, ECF No. 247, at 35:13-36:21.

435. Shenandoah County Schools are not abiding by the mission outlined in the VHSL bylaws when they require students to personify, whether through a required uniform or team name, a figure like Stonewall Jackson and the vestiges of school segregation and the Confederacy that are

linked to him in any context. Testimony of Dr. Amy Bass, ECF No. 247, at 24:05-25.

436. By voting to reinstate the Confederate school names, the School Board created a barrier for Black students, fans, and community members to have the same degrees of comfort or ability to participate in sport as White students. *Id.* at 24:15-25:05.

437. Students should not participate in sport in spite of something, but rather, the goal is for students to participate fully. *Id.* at 26:10-12.

438. Students who feel excluded by a team uniform, mascot, or team name are not able to engage in the same cognitive or physical manner as their teammates who are not thinking about these things. *Id.* at 26:12-14. This creates a burden by putting the onus of responsibility on the student instead of on the community and the school that is supposed to be supporting them. *Id.* at 26:15-25.

439. Students who feel excluded or uncomfortable supporting a school sports team because of the school's name or mascot are not experiencing the activity equally. *Id.* at 27:01-04.

Conclusion

For the reasons set forth in Plaintiffs' Proposed Conclusions of Law, ECF No. 260, the Court determines that the trial record, along with all reasonable inferences, establishes that Defendant School Board's reinstatement of the names Stonewall Jackson High School and Ashby-Lee Elementary School violates the Fourteenth Amendment Equal Protection Clause, Title VI of the Civil Rights Act of 1964, and the Equal Educational Opportunities Act.

Dated: March 2, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2026, I electronically filed the foregoing using the
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