Date : 9/28/2017 4:20:01 PM
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Subject : Bree Newsome and Policy 3535

Dear ACS Board,

I was very disturbed when I heard that Bree Newsome, who took down South CarolinaÃ¯Â¿Â½s Confederate flag (a symbol waved by the terrorist who took nine Black lives), was disinvited to speak to Asheville Middle School this week. I immediately called Dr. Patterson's office. She was very responsive in calling back, but she blamed Policy 3535, which states: Ã¯Â¿Â½In no instance shall a speaker who advocates unconstitutional or illegal acts or procedures be permitted to address students.Ã¯Â¿Â½ She made it clear that the policy HAD to be followed, whether it was a good policy or a bad policy.

I believe Policy 3535 must be rewritten. It ignores American history and discriminates against African Americans (note that this may not have been the intention of the policy when it was written in 1998, but it cannot fail to have that outcome). Without civil disobedienceÃ¯Â¿Â½the intentional breaking of unjust lawsÃ¯Â¿Â½we would still have legal segregation. Which heroes of the Civil Rights Movement would be allowed to speak at an assembly? This policy seems tailor-made to prevent a certain kind of speaker. Joyce Brown, who was kind enough to call me back, noted that it might be possible to interpret the phrase "who advocates unconstitutional or illegal acts or procedures" as only referring to an incitement of specific illegal acts in their talk. But it seems clear that it can also be interpreted as applying to anyone who presents civil disobedience as being an appropriate tool of working for justice. The language needs to be clarified enough that African American heroes cannot be excluded for working against unjust laws.

In Asheville City Schools, my son learned about heroes like Harriet Tubman; Rosa Parks; Martin Luther King, Jr.; John Lewis. Policy 3535 bans all of them. Because segregation was the law of the land, James Ferguson, Charles Bates, James Burton, Jayne Burton, Marvin Chambers, Burnell Freeman, Patricia Geer, and the other heroes of ASCORE who put their own safety on the line to integrate our Asheville city schools could be disinvited from speaking at the very schools they integrated. The (hopefully unintentional) outcome of Policy 3535 is that people who worked to keep the schools segregated could speak at an assembly with less vetting than the people who worked for desegregation. That's absurd and unfair. Students must learn that sometimes advocating illegal acts is the only reasonable thing to do, and that sometimes the people on the right side of history are not the ones making the laws.

We all know that in education, good intentions are not enough. Only good outcomes are enough. I do not believe Asheville City Schools intend for black and white children to have educational disparities. Y'all work incredibly hard to find ways to close that gap. But the gap is real. The outcome of this policy is real as well: it makes it harder for our students to hear from black heroes, no matter how well intentioned the origin. It must be rewritten in such a way that Bree Newsome and John Lewis would be unquestioningly welcomed.

I know your first priority is always to keep our students safe. I don't dispute that it's a good idea to have a policy. But a policy that can be used to dismiss the heroism of African Americans (even if it is not typically used that way) MUST be changed to prevent accidental or intentional discrimination.

I am happy to meet with any of you, or to speak at one of your board meetings. My son was at Asheville City Schools from kindergarten through tenth grade, and is at NCSSM now. I have always thought highly of ACS, and this event seemed so atypical that it shocked and disturbed me. Let's not wait to fix this!

Yours truly,

Rik Schell
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PS. I'd also like to express my sorrow over Ms. Landreth's kids. I know that situation takes precedence over other things. Jo was one of my son's inspirations for going to NCSSM--all our hearts are breaking over this tragedy.