



FOUNDATION  
AGAINST  
INTOLERANCE  
& RACISM

May 10, 2022

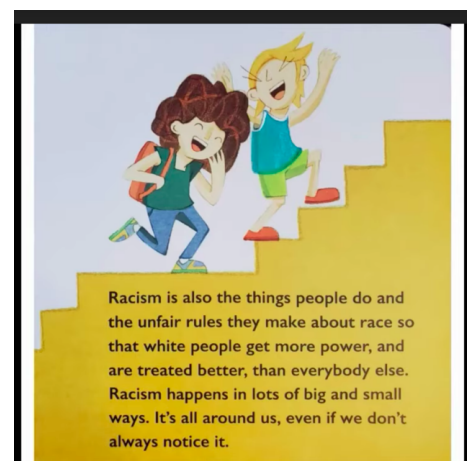
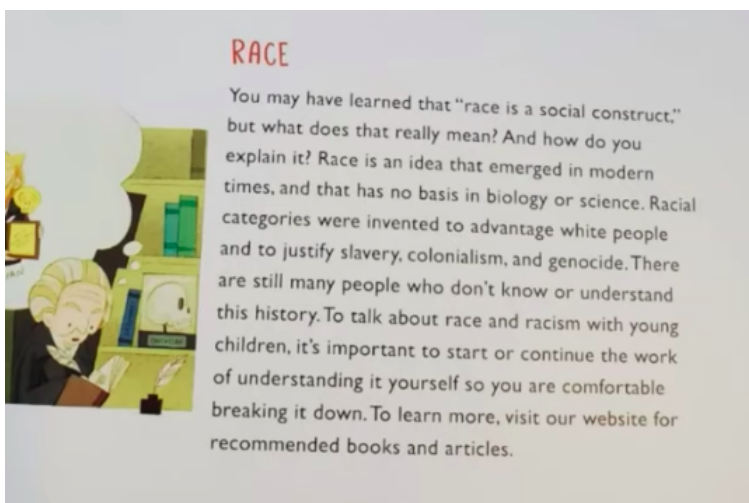
Ms. Dina Ercolano  
Principal  
PS 158 Bayard Taylor  
1458 York Avenue  
Manhattan, NY 10075

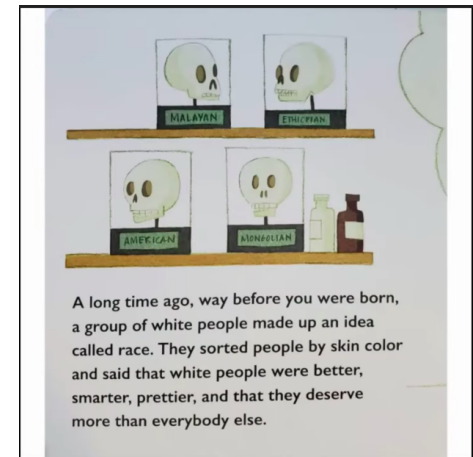
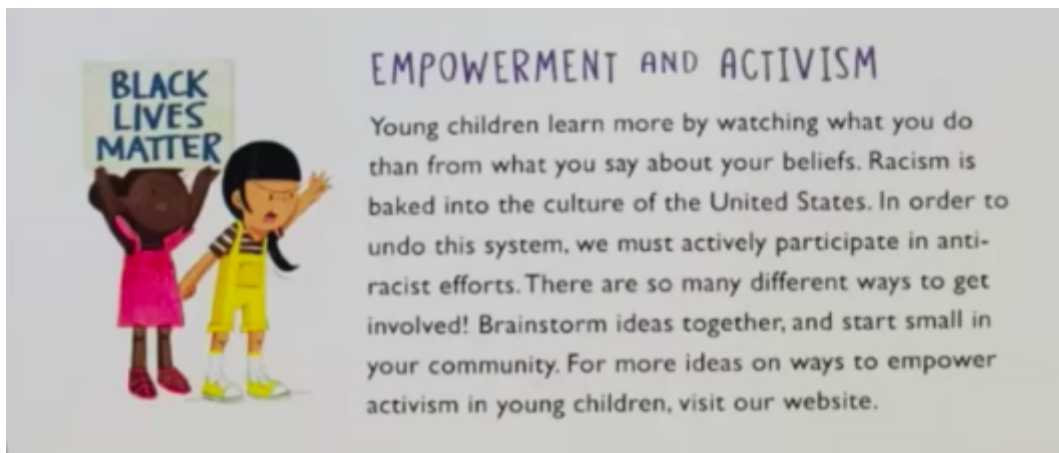
*Sent via email*

Dear Principal Ercolano:

I am an attorney at the Foundation Against Intolerance & Racism (FAIR), a nonpartisan organization dedicated to advancing civil rights and liberties rooted in our common humanity. We have more than 100 chapters and tens of thousands of members nationwide, including in New York. Our website, [fairforall.org](http://fairforall.org), can give you a fuller sense of our identity and activities.

We write in response to an [incident report](#) regarding PS 158 that was submitted to FAIR on May 4, 2022 through our transparency website, [fairtransparency.org](http://fairtransparency.org). According to that report, teachers in PS 158 read first grade students the book entitled *Our Skin: A First Conversation About Race*. As the below excerpts show, *Our Skin* teaches that “white” people invented racism in order to “justify slavery, colonialism, and genocide” and seek to “get more power” and to be “treated better than everyone else”; only “white” people commit racist acts; and the racism of “white” people “is all around us” and “baked into the culture of the United States.” Every example of racism depicted in the book is an act performed by a person with light skin. On the pages discussing “white people” and the evils of racism, the book shows illustrations of human skulls, light-skinned children laughing (ostensibly about racism) as they climb a golden staircase, and light-skinned children smugly and obviously donning crowns and other accoutrements while darker-skinned children look on with frowns.





As an advocate for pro-human antiracism, FAIR respects educators who undertake efforts to create positive change and greater fairness. There can be no question of past and present injustices committed in this nation. However, instruction that attempts to remedy prejudice should not itself further prejudice or disregard the civil rights and individuality of others. The Equal Protection clause of the Fourteenth Amendment prohibits state entities (including public schools) from treating individuals differently or stereotyping them because of their skin color. *Shelley v. Kraemer*, 334 U.S. 1, 22 (1948); *Shaw v. Hunt*, 517 U.S. 899, 908 (1996). “Distinctions between citizens solely because of their ancestry are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.” *Rice v. Cayetano*, 528 U.S. 495, 517 (2000) (citing *Hirabayashi v. United States*, 320 U.S. 81, 100 (1943)). Such distinctions and stereotypes are presumptively invalid and will be upheld only upon extraordinary justification. Similarly, Title VI of the Civil Rights Act (which is derived from Equal Protection) prohibits federally funded programs from discriminating or creating hostile environments based on skin color. 42 U.S.C. § 2000d, d-4a(2); *Tolbert v. Queens College*, 242 F.3d 58, 69-70 (2d Cir. 2001).

We believe *Our Skin* promotes racial essentialism and division. It ties racism to “white” skin, claiming only those with “white” skin are capable of racist acts. Ascribing personal traits based on skin color, as *Our Skin* does, is the very definition of racial essentialism: the idea that physical appearance indicates “more profound characteristics (whether positively or negatively construed) of personality, inclinations, ‘culture,’ heritage, cognitive abilities or ‘natural talents’ that are taken to be shared by all members of a racially defined group.” Anna Stubblefield, *Racial Identity & Non-Essentialism About Race*, Vol. 21 No. 3 (Florida State Univ. 1995). Additionally, by claiming racism is “all around us” and “baked into” society, the book encourages children to see and assume racism even where it is not present. Those messages divide and harm students of all skin colors and ethnicities, creating a sense of shame or guilt in some and hopelessness or resentment in others. Notably, while the book mentions the importance of fairness, it is likely that many children would consider it unfair to deem only some people to be capable of racist acts based on nothing more than the color of their skin.

The potential negative consequences are even more concerning given that the teachers reportedly provided the children with no perspectives differing from those contained in *Our Skin*. Instead of being

presented as one opinion among many to consider (which would be a legitimate educational exercise), the viewpoints set forth in *Our Skin* were taught as the truth. Six-year-old children are impressionable and trusting, and have not yet developed sufficient critical abilities enabling them to challenge or question information presented to them by authority figures (such as their teachers). Parents and caregivers rely on schools to deliver instruction that is balanced, appropriate, and unifying rather than divisive. We urge PS 158 to reconsider assigning *Our Skin* to young students without a good faith presentation of contending perspectives.

We would like to give PS 158 an opportunity to respond. Please let us know within the next five business days if you intend to do so.

Very truly yours,

A handwritten signature in black ink, appearing to read "LA O'Neill". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Leigh Ann O'Neill

Staff Attorney

Foundation Against Intolerance & Racism

cc: Superintendent  
School Board Members