

# SCHOOL DISTRICT OF THE MENOMONIE AREA

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October 14, 1997

**TO: High School Administrative Staff**

**FROM: Dave Smette, Superintendent**

**RE: Use of the Indian Logo**



The School Board of the Menomonie Area reinstated the Indian logo as the high school's official logo at the May 12, 1997, board meeting. It was and is the intent of the board that the Indian logo is to be used fully as our school logo.

I would request that you clearly communicate the intent of the board to all staff members, coaches and advisors once again. The Indian logo is our only official emblem, symbol or logo for the high school, and it should be used at every opportunity on school correspondence, documents, public announcements, etc. In other words, the high school and its staff should be proactive in seeking out opportunities for using the Indian logo.

For example, whenever there is a correspondence going out from the high school to students, parents or the general public, the Indian logo should appear. If there is a choice between using another symbol such as the "Flying M" or the Indian logo, then the official Indian logo should be used. The same would apply to diplomas, announcements, and any other documents or materials which the school officially promotes.

Another example would be referring to our teams as the "Indians" over the public address system at athletic events whenever possible.

The board has indicated that for this school year, all emblems painted on walls or uniforms would be able to remain and that the district should experience no overall costs to make such changes until a final determination has been made through the public referendum scheduled next April.

*"...preparing young people to be lifelong learners, caring individuals and responsible citizens."*

Pt. 2

## D - OPERATIONS

## USE OF INDIAN LOGO

D-29

It shall be the policy of the Menomonie School District to use the Indian logo always and in all ways to preserve and foster the story of the Native American people who were here first, who lived in harmony with nature, and who continue to strive to preserve their cultural heritage.

More specifically, the use the the Indian logo shall portray positive ideas of a people who believe in the attributes of strength, honor, pride, and dignity.

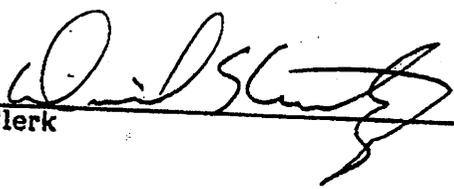
1. Do not use the Indian logo nor the school setting to stereotype negative ideas about Native Americans or any other cultures.
2. It shall be understood that no culture group shall be portrayed as a mascot in the School District of the Menomonie Area. A mascot is considered to be a person dressed to portray or symbolize a culture or race or to stereotype an individual.
3. Respect the religious practices and symbols of all students. Note: The word religion means a system of beliefs and conduct involving a code of ethics and a philosophy of kindness and goodness.

Finally, we believe that the enforcement of this policy is best left with the students and staff in the context of the specific activity in which they are involved, i.e., classroom, recess, homecoming assembly, parades, games, plays, musicals, cheering sections, etc. Talking together at the moment about the feelings of others will in time make all more sensitive and understanding.

However, if intentional and repeated disrespectfulness toward any minority group or person is substantiated, then such conduct will be dealt with under the existing discipline procedure. What constitutes disrespect is determined initially by the school principal and ultimately by the collective action of the school board, i.e., power of expulsion.

It is suggested that the words strength, honor, pride, and dignity be used to judge the appropriateness of cheers, songs, skits, floats, and other forms of expression used in the school setting.

Adopted 9/13/93

  
Clerk



## **Testimony for Senate Education Committee**

### **Hearing of SB341 Held on January 28th, 1998**

I am Nathan McNaughton and I am a non-voting member of the Menomonie High School Student Council and am in the class of 2000.

First of all I believe human logos should be changed because I find that we are offending and hurting people. I also believe it teaches people to stereotype.

Other schools that don't have an Indian logo do abuse the mascot themselves. When I go to a basketball game I walk around the school at half-time and see locker signs that have said the following:

**-Boil the Indians**

**-Scalp the Indians**

**-Spear the Indians**

**-Massacre the Indians**

Is this respectful? These are students that write this stuff. The schools that have the logo can control it only by changing their name. How would you feel if this was your national origin that is being abused on a locker sign by high school students who write only what they've been taught.

Schools that don't have a human logo get respectable locker signs like:

**-Pound the Puppies**

**-Deck the Cards**

**-Tame the Wildcats**

Once again if you have an Indian logo you are saying that Indians pound Puppies or deck Cards. So once again you are putting a stereotype into peoples minds and killing the Indian culture.

Another thing schools with Indian logos are limited to that other schools that don't have Indian logos is that they can't have a proper mascot to run around at

games. If you put someone in Indian dress and have them run around what are they going to do? If the person who is the mascot isn't educated about the culture all they do is create a stereotype. With an animal you can't have a stereotype. You act like the animal it's funny, but when you mock a human it will hurt someone. Even a group of people.

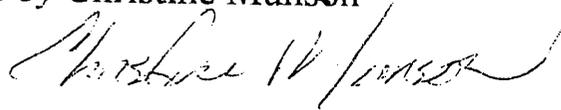
By having human logos and mascots you teach the wrong value and create confusion among people. Besides that you kill a culture that is existing.

A handwritten signature in black ink, appearing to read "John McNaught". The signature is written in a cursive, flowing style with a horizontal line at the end.

**Testimony for Senate Education Committee Hearing of SB341**

January 28, 1998

Presented by Christine Munson

A handwritten signature in cursive script, appearing to read "Christine W. Munson", written in black ink.

Imagine living in a world composed of stereotypes. In this world of stereotypes, there would be many racial and ethnic peoples - niggers, coons, redskins, tree niggers, gooks, slopeheads, spics, wetbacks, and kikes (these are only a few of the many mongrel-blooded people who inhabit this world). In this world, these people would be lazy, or smell bad, or have greasy or dirty hair, be dishonest and untrustful, commit criminal acts, have no family values or family skills, use alcohol and drugs, be greedy and selfish, of lowly intelligence - and, the darker the skin, the more dangerous the individual. In this world of stereotypes, people will be judged by how they *look* - if their skin is too black, too brown or too red, if their noses are too flat or too wide, if their lips are too big, if they speak English differently. You would always remember who these stereotypes were by the visual/mental imagery created of them via art and literature. Now, imagine yourself being the stereotype (DesJarlait, 1993, pp. 2).

Native Americans are continuously being subjected to this world via mascots, logos, and nicknames (m/l/n) with an "Indian" motif. The most insensitive, and harmful place that this action is allowed is in the education system. In this testimony, I will probe the effects of Indian mascots, logos, and nicknames on Native American children and non-Native children and why the use of these stereotypical images continues today

### **Effects of Indian Mascots, Logos, and Nicknames on Native American and Non-Native Children**

It is important to define what constitutes a stereotype and institutionalized racism. Furthermore, why are "Indian" m/l/n examples of stereotypes and institutionalized racism? Finally, how is this pertinent to a child in a school district with an "Indian" m/l/n?

#### *Stereotypes*

A stereotype is a generalization or an exaggerated image of a group of people (Reyhner, 1992). Stereotypes lump people together without regard for differences in qualities or characteristics, having the effect of dehumanizing and demeaning the cultural group, race, or gender (DesJarlait, 1993). According to DesJarlait, there are two forms of stereotypes, visual images and mental images. Visual images are created through art and pictures. Mental images are created through words and books. Visual and mental images perpetuate stereotypes because they are generalizations based on misconceptions which transform into believed racial traits, customs, and beliefs. Stereotypes are, therefore, self-perpetuating and the real histories of the stereotyped people are hidden beneath the generalized images and words (1993).

The stereotyping of Indians began with the inception of the word itself. When Columbus met the Arawak and referred to them as *Indios* he began the long legacy of categorizing a variety of cultures as one, Indians. At the beginning of contact, the generalization of cultures and societies was due to ignorance. Today, the continuation of stereotyping and generalizing Native peoples is out of convenience (Berkhofer 1978). The use of "Indian", which pervades our lives on a daily basis, lapses into a stereotype because it is a concept that denies and misrepresents the social, linguistic, cultural, and other differences among Indigenous people. To accompany the word, are the images.

The images behind the word is "wild men"...[a] child of nature who existed halfway between humanity and animality. Lacking civilized knowledge or will, he lived a life of bestial self-fulfillment, directed by instinct, and ignorant of God and morality. Isolated from other humans in woods, caves, and clefts, he hunted animals or gathered plants for his food (Berkhofer, 1978).

### *Affects of Stereotyping and Institutionalized Racism on Children*

When dealing with the "Indian" m/l/n issue, people against change, or who simply don't understand the concerns, often feel the names and images honor Indians. Other justifications, as found in the *Handbook on Indian Logos - HONOR Manual for Advocacy* are: We have always been proud of our "Indians", Why is the term "Indian" offensive?, We never intended to cause harm, We are paying tribute to Indians, This is not an important issue, We are helping preserve your culture, The logo issue is just about political correctness, and Why is retaining an "Indian" logo a hypocrisy?

All of these questions, concerns, and misunderstandings have been addressed by Native American leaders from many tribes, tribal chairmen, newspaper publishers, state superintendents, members of the American Indian Movement, university professors and officials, religious groups, Native and non-Native community members, writers, advocates, and educators (Munson 1997). The wide array of backgrounds, professions, and interests illustrate the support for ridding schools of "Indian" mascots, logos and nicknames. The impetus for involvement is rooted in the effects that stereotyping and institutionalized racism have on children.

Sociological studies have shown that racial awareness and identity begin at a young age, and by the age of five, racial prejudices can be well formed (Goodman, in Johnson and Eck, pp. 74). Many Native American children internalize the stereotypes of their culture along with the hostile attitudes toward Indians. A counselor for a group of Native American boys in Oklahoma was cited in Johnson and Eck, reporting that to some of these children, the stereotypical images of Indians seemed so real that they believed they were suppose to wear "war paint" and "scalp" people.

Arthur Stine of the Michigan Department of Civil Rights notes that racist and stereotypic depictions can erode the self-image of Native Americans, hamper their achievements, and trivialize sacred and religious customs (Johnson and Eck). Low self-esteem contributes to health risks, increased rates of suicide, homicide, and alcohol abuse (Johnson and Eck, Beuf, 1977). Further, stereotypes become a self-fulfilling prophecy, which becomes a generational problem.

When the detrimental images and feelings are integrated with the schools systems, as mascots are, racism and stereotyping becomes institutionalized, and people that are part of a minority group are labeled as inferior to whites.

"The way to develop positive attitudes towards his or her own race in the minority-group child is to provide that child with a view of society in which the hierarchy of power is not correlated with race. When the minority child perceives a world where his or her people are well represented in all roles, especially those which bring with them respect and self-determination, as well as a diminishing of prejudice, we will find minority-group children who truly value their racial membership and actively identify with it (Beuf, 1977)."

It is important to remember that inaccurate depictions of Native people is not only harmful to Native children, but also non-Native children. "For the child who is never given the opportunity to learn about the many diverse Indian cultures, lifestyles and religions, the "Indian" can take on a frightening connotation with no relevance to the real world... These children are denied access to a vast amount of knowledge applicable to modern life (Johnson and Eck)."

Despite the vast differences in linguistics, tribal structure, and regional diversity, Reyhner states Native Americans have been stereotyped into at least three general images: 1) the noble savage, the Iroquois people often serving as a model; they have been portrayed as good, honest, and fair, yet uncivilized and savage, 2) the conquered savage, as illustrated by the Cherokee; conquered people who have been assimilated for the most part and are now mostly civilized, and 3) the savage, such as the Sioux; these Indians were neither noble nor civilized, rather, they waged wars and massacred white people. This image was used to justify hostility towards Indians (1992).

Some believe there are good stereotypes, those that perpetuate positive images and thoughts, and bad stereotypes, those that cause harm and are unrealistic. In a recent court ruling on the "Indian" m/l/n issue, the Wisconsin State Superintendent of Public Instruction, stated that the logo in question was an inaccurate depiction, but not an overly negative or detrimental stereotype to pupils, according to the *reasonable persons* standard (Lathrop and Clark, 1996). The school district was allowed to keep their Plains Indian logo and mascot.

There are many people who feel that there is no such thing as a "positive" stereotype. Due to the nature of the act, that being generalizing, misconceiving, demeaning, and dehumanizing, even beautiful images are detrimental stereotypes. Susan Shown Harjo (HONOR, 1997, pp11) states that, "Even if the imaging were totally positive, glorifying it wouldn't be healthy. There's no such thing as a useful stereotype because it's dehumanizing. It's objectifying." In *Common Themes* (1994), Barbara Munson writes,

Both attractive and ugly depictions present and maintain stereotypes. Both firmly place Indian people in the past, separate from our contemporary cultural experience...The logos keep us marginalized and are a barrier to our contributing here and now. Finally, depictions of mighty warriors of the past emphasize a tragic part of our history: focusing on a wartime survival they deny the strength, order, and beauty of our cultures during times of peace.

### *Institutionalized Racism*

Institutionalized racism is a subtle phenomena. James Jones states that it is the by product of institutional practices which restrict choices, rights, mobility, and access of groups of individuals based on race (1972). Institutionalized cultural racism exists when racist images permeate beliefs, norms, and values, or when a group is completely absent in the culture. Negative, racist images can be found in texts, storybooks, movies, television, figures of speech, and advertisement campaigns which portray Native Americans as mascots or trademarks (Beuf, 1977).

Previously, I stated that use of "Indian" logos, mascots and nicknames was most insensitive, and harmful when they are allowed in the education system. When a school district allows this portrayal of Native Americans, they are letting the logo teach culturally abusive behavior to the students in the district, those that come in contact with the school via visiting and away games, teachers, staff, and administration, and the larger community where the school is located. If a school has an "Indian" m/l/n, people are learning to tolerate racism. It is unconscionable that schools serve as the vehicle for institutional racism (Munson, 1994).

Socioeconomic concerns also emerge when looking at institutionalized racism and discrimination that occurs in the education system. Students who are discriminated against, or are forced to partake in an environment where they are viewed as less able or inferior, are not adequately prepared to enter the work force or attend post-secondary learning institutions. Many will not even attain a high school diploma or GED. According to the 1990 US Census data, between 29 and 36 percent of Native students both on and off the reservations are dropping out of high school (Reyhner 1992). This has affects at the individual economic level and as the macroeconomic level. People who are not employed or do not earn wages large enough to support themselves or their families must deal with issues related to poverty. On the macroeconomic level, when there is discrimination in education and in the labor market, society as a whole suffers due to a loss of potential human capital. Total output of goods and services is less when discrimination occurs than if it were absent (Schiller 1995).

### **Why Have Stereotypical Images Remained in our Society and in the Educational System**

The term "Indian" to define the people in the New World originated in 1492. The term was used to define very distinct societies and cultures as one. Today, in 1997, the word is still widely used and accepted even though there has been increased understanding that the people generalized as Indians comprise over 500 different tribes, hundreds of linguistic groups, different religions, societal and family structures, and cultures. Why has the term "Indian" survived the test of time? Why do stereotypical images of Native Americans continue to permeate through American culture? Why are "Indian" mascots, logos, and nicknames still allowed in our educational systems throughout the nation?

#### *Survival of the word "Indian"*

In *The White Man's Indian*, Robert Berkhofer states that even during the first episodes of contact between Europeans and the inhabitants of the New World, differences among the "Indian" societies were noted. Further, as White knowledge increased, the ability to differentiate between tribes increased, and yet, the general term "Indian" was still used (1978). Berkhofer feels this is in part due to the judgement made by Europeans regarding continents other than their own. Europeans used collective terms to describe the inhabitants of a particular continent. Therefore, although differences were noted among the Native societies, they were all on the continent of America and were collectively referred to as Indians, or a synonym (heathen, barbarian, pagan, savage, etc). "Even among themselves and the peoples they had long known well, Europeans correlated whole nationalities with uniform moral and intellectual attributes; it should be no surprise that they should stereotype the new peoples they met elsewhere (Berkhofer 1978).

The stereotyping of national and continental characteristics may also be explained by the intertwining of culture and biology. Social heritage and biological heredity were not separated until the twentieth century. Since nations, races, and cultures were all lumped into one interchangeable category, individuals were judged as the group they belonged to, not as a separate human (Berkhofer 1978). For these reasons, Whites used the term "Indian" because it made sense to use general terms that embraced stereotyped characteristics of the Native people.

### *Continued Use and Acceptance of Stereotypical Images of Native Americans in American Culture*

Generalization of Native Americans by Whites has resulted in several persistent practices. First, there has been a generalization from one tribe's society and culture to all other Indian tribes. Today, Whites who use the term "Indian" have little idea of either specific tribal peoples or individual Native Americans to render their stereotype. Second, Indian ways of life are described as what is lacking from the White way of life rather than being described within their own cultural framework. This created a negative prototype of the deficient Indian. The third practice is using moral evaluation as a description of Indians rather than science. As Berkhofer says, "If ideology was fused with ethnography in firsthand sources, then those images held by Whites who never had experience with Native Americans were usually little more than stereotype and moral judgement (1978)."

In addition to these three persistent practices it is of interest to note that Whites often used counter images of themselves to describe Indians and they used counter images of Indians to describe themselves. Using Indians as a negative reference group helped define the White identity and prove superiority (Berkhofer 1978). Understanding this thought process helps explain why stereotypic imagery of Native Americans continues in today's society. Indians were, and continue to be the antithesis of Whites, and civilization and Indianess would be forever opposites. If Indians changed and adopted White values, it made them less Indian and more accepted in White society (Berkhofer 1978). At the time of the Revolutionary War, new images of the Indian came about. The first, and most prevalent was that of the vanishing race. Indians were being conquered by the superior White race and would soon be no more. Those that survived or didn't assimilate, became degraded or reservation Indians.

These images, feelings, and thoughts regarding Native American cultures and White ideals continue to exist today. That is why the word "Indian" is still accepted and used, even by Native people. The stereotypes are so deeply entrenched and intertwined with identity, that the White culture relies on the existence of the Indian simply to define themselves. Although the reasoning exists, and makes sense, it does not make stereotyping an acceptable act. Sometimes tradition needs to change.

### *Why are "Indian" Mascots, Logos, and Nicknames Still Allowed in Our Educational Systems Throughout the Nation?*

Generalizing Native Americans through art, literature, history, and images has been ingrained as acceptable since Columbus. Also, the Indian is thought of as stoic and a picture of the past. Native cultures do not exist as they did at the time of contact, therefore, White culture can do with them what they like without being offensive or hurtful. In *The White Man's Indian*, Berkhofer writes, "In spite of centuries of contact and the changed conditions of Native American lives, Whites picture the "real" Indians as the ones before contact or during the early period of that contact (1978)." In reality, Native cultures are just as dynamic as White cultures and should be expected to change with time and contact with innovations and technologies. Native American cultures, societies, political structures, religions, and languages still exist and it is not acceptable for the dominant society to continue perpetuating stereotypes of Native peoples. Education and healing is needed for both Native people living in this country and dominant society regarding the

affects of stereotypes and where stereotypes of Native people exist. It is especially important to remove "Indian" mascots, logos and nicknames from our educational institutions, otherwise we are creating a more confusing situation than already exists. By allowing stereotypic images of a group of people to exist in the same institutions that embrace cultural diversity, respect of differences, and equal opportunity for education a great hypocrisy is created.

When discussing the "Indian" m/l/n it becomes apparent that some people truly believe the images and actions in question are not stereotypes or hurtful to the development of a child's self-esteem. Although mascots, logos, and nicknames seem extremely prejudicial to many Native Americans, many Americans do not realize these stereotypes are even derogatory. "A total of 86% of Michigan residents surveyed by the *Detroit Free Press* did not find names such as "Redskins", "Braves", or "Chiefs" offensive. Some participants actually considered these images to be a compliment to Native Americans (Johnson and Eck)."

### *Solutions*

When raising the issue of "Indian" m/l/n, explaining the pain of discrimination and racism is often hard to convey to people of a different cultural background. People need to understand, listen, and respect what is being told to them and act responsibly, especially if it is a child bringing up the concern. Further, removal of the mascot, logo, or nickname is only the beginning of the process. Multi-cultural curriculum is needed in the schools, as well as cultural diversity training for staff and administration. Finally, advocacy for change and support of Native people is crucial in this issue. The number of Native Americans is frighteningly small and they have little political pull. Members of White American culture are needed to stand with Native people on these issues which in reality affect all people.

Community members are rooted in their tradition of cheering for their "Indians" and find it preposterous that someone would try to take their "Indian" away from them. On one level, recognizing and advocating the removal of "Indian" mascots, logos, and nicknames is a matter of respect. If that is not enough, then it becomes important to understand a different cultural perspective, which is more difficult. "Insight and understanding of that [other] culture will require interaction, listening, observing, and a willingness to learn (Munson 1995)."

Gary Howard writes that as the population of the United States shifts to larger numbers of marginalized groups, White Americans need to reassess their changing role in society. This will take place through education and through psychological shifts. Howard continues that there is denial, hostility, fear, and guilt which prevent the embracement of multiculturalism and a shifting of roles. However, those feelings threaten national unity, equality, freedom, and justice for all people. To assist White Americans in the coming years, four suggestions are made by Howard. First, the past and the present need to be approached with a new sense of honesty. Second, use multicultural curriculum to show how the United States is going through a transition and change should not be threatening. Third, humility and respect are needed to combat racism. Howard concludes by suggesting people in the dominant society reach back and find their cultural roots to help them redefine their identity (1993).

The population of Native Americans went through a drastic decline after contact with Europeans due to disease, warfare, and genocide (Snipp 1992). Although numbers have been increasing since the 1950s, according to the 1990 US Census data, 0.8% of the total population of the US identifies themselves as Native American (Reyhner 1992) Native people still have a small voice politically, and it takes a lot of effort for concerns to be heard. That does not mean the concerns are not significant. It means there is a need for advocacy by members of the dominant society who are willing to model thoughtfulness, courage, and respect for others in the community, and most importantly, the children.

The State of Wisconsin has a unique opportunity at their hands. I encourage those in power to recognize the harm that is inflicted upon Native children and non-Native children who are learning how to stereotype a living group of diverse people. In terms of education, Wisconsin has previously been in the forefront at all levels. The issue of "Indian" mascots, logos, and nicknames in schools has become a national concern, supported by a national coalition. Wisconsin can again be at the forefront of setting standards in education by eliminating the use of "Indian" logos, mascots and nicknames from the public schools in the state.

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# Midwest Treaty Network

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My name is Zoltan Grossman. I am representing the Midwest Treaty Network, an alliance of Indian and non-Indian grassroots groups supporting Native American sovereignty. I am also a member of one of those organizations, the Madison Treaty Rights Support Group, founded in 1987 to educate and organize non-Indians in support of Native American issues. Both groups strongly back SB 341 and AB 384 as one step toward healing the divisions between Native and non-Native communities that have been so prominent Wisconsin's history, as well as in our recent past.

We have been pleased that 21 Wisconsin schools have dropped their Indian mascots and logos to reflect a more respectful attitude toward Native Americans. We have been alarmed by the harassment of Native American students and parents in some of the other school districts that have kept their logos. SB 341 will make some people in those districts very angry; but it is better that they be angry at the state government than at the Indian family down the street. It is the role of government not only to reflect the wishes of the majority, but to protect the rights of the minority. Even a respectful mascot or logo of Native Americans is not acceptable, since the fans of the opposing team will still inevitably make chants and signs that are disrespectful to any Native families in the stands.

We feel that there is a double standard applied to Native Americans, particularly by those who contend that mascots and logos they "honor" Native American people and cultures.

\*What if there was a team called the Boscobel Blacks, that had a mascot dressed as an African, and fans who wore blackface and played drums? No one would see that as honoring African Americans.

\*What if there was a team called the Mauston Mexicans, whose mascot dressed as a bandit, and whose fans would wear sombreros? No one would see that as honoring the Latino community.

\*What if there was a team called the Janesville Jews, that had a mascot of a rabbi, and a Star of David as their logo? No one would see that as honoring members of the Jewish faith.

\*What if the New Orleans Saints adopted a mascot of the pope, who sprinkled holy water on the players, and passed out plastic crucifixes for fans to wave around? No one would see that as honoring Roman Catholics.

Why is it that it acceptable for our taxes to go to school sports programs with teams named "Indians," creating an atmosphere that may be detrimental to learning? Why is it that racism against Native Americans is not seen as racism, but simply as a cultural misunderstanding, or a gap in historical perception? I would maintain it is because Native American cultures maintain a strong influence on the non-Indian imagination. Many Americans, such as those in the New Age movement, are desperately seeking some cultural or spiritual meaning in the modern world. Instead of exploring the richness of our own ethnic cultures, and our own relationship to the land, we instead latch on to someone else's culture, and pretend we are honoring it. In the process, we non-Indians hurt ourselves and our own cultural and religious perceptions, at the same time as we reduce another ancient culture to an inaccurate and offensive caricature.

Having turned Native Americans into objects, it is that much easier to throw rocks at them on the boat landings. It is that much easier to open a sulfide mine one mile upstream from their wild rice beds. It is that much easier to threaten to close down the basis of their economy, and throw thousands out of work. Why has Indian-bashing become a political sport in recent years and months in Wisconsin? It may be calculated to win votes, but it has only sullied the progressive image of our state in the national media.

It all starts with an attitude—acquired when we are very young—that we white people can help ourselves to anything that Indian people own. We can help ourselves to their land, their resources, their children, their political sovereignty, their economy and income, their spirituality, and (in the case of mascots) their culture. And we get very angry when Native people decide that maybe they should have a say over what happens to their communities and their image. Wisconsin's Sesquicentennial year is a fitting time to take a look back at our past mistakes, and build a more respectful relationship with Native American nations within our borders.

## TESTIMONY FOR SENATE EDUCATION COMMITTEE HEARING OF SB341, HELD ON JANUARY 28, 1998

Thank you for accepting this written testimony and thank you for your careful consideration of this important issue. This is not a Democratic or a Republican issue; it is not a Northern or a Southern Wisconsin issue - in fact, it is not only an issue here in Wisconsin. Let us be a beacon to the entire nation by taking the lead in eliminating "Indian" mascots and logos from Wisconsin Public Schools.

Here in Menomonie, this issue has torn our community apart. Those of us who oppose the use of the "Indian" logo and mascot do so because it offends many Native American people. Those who defend the use of the logo say that they are doing it to honor the Native Americans.

How can we honor people when many of them say that they are offended by this action? How can we honor these people when other schools use such slogans as "Scalp the Indians?" If people are offended and hurt, we must make changes. It would not be acceptable to refer to Japanese people as "Japs" or even worse. Therefore, even if a majority of people in a community feel that it is O.K. to use the "Indian" mascot, that doesn't make it right. When it comes to human rights issues, majority opinions are not as important as doing what is morally right.

Please make the morally correct decision. Eliminate this form of racism from our schools and our communities. Make Wisconsin a proud leader in this important and emotionally charged issue.

Thanks again for this opportunity to give my perspective as a social studies teacher and thanks for all of your hard work and dedication that you give to our great state.



David Maves  
Social Studies Teacher  
Menomonie Middle School  
Menomonie, Wisconsin

**TESTIMONY FOR SENATE EDUCATION COMMITTEE  
HEARING OF SB341  
JANUARY 28, 1998  
MARTIN LUTHER KING JR. BLVD.**

People choose to be cowboys, and historically they chose to be pirates or buccaneers, or Vikings. Indians, however are born Indians. And that they continue to be born today, seems somehow to be lost on those who choose to make them--or caricatures of them--mascots. There seems to be a desire to fix-frame this race of people into a 1950's "B" Western movie and hold this up as a symbol of who they are supposed to be. This is wrong! And, if it were any other race of people it would be considered an outrage. But, America's history relative to American Indians has been different.

When we use Indian people as symbols, what are we symbolizing? The University of Illinois has the Illini. They were, by archeological accounts, an agrarian people with a decentralized egalitarian form of government. They are now extinct, and an image of a fighting chief, Illiniwik, represents them and the University. A Siouan dressed character dances to a song developed by the band director, and the message is that this is a prideful image showing respect. Respect for what? A decimated race of people? Poor farmers driven to extinction? What?

I have been honored to speak on the topic of mascots before the Wisconsin Assembly on another occasion. At that time I provided the committee with an article published in the Wisconsin School News. I took a rather tongue-in-cheek look at the flip side of the issue. How would Wisconsinites feel if Indian schools were to hang a respectful picture of a generic white person in their halls, name their teams the Destroyers or the fighting pale skins, and hold that up as a symbol of pride for any non-Indian who might attend.

I wish now, however, to speak more seriously of this issue. The mascots which define REAL Indians are images of the past with no history attached. Schools do not do a comprehensive job of teaching their students what Indians were fighting for. Often neglected from the curriculum is an understanding that every foot of land in Wisconsin was acquired by treaty and not by conquest. The land that is now Wisconsin was closer to stolen than acquired through glorious battle. Many of the fights between the Indian governments and the federal and state governments took place in the courts rather than on the battlefield. But, it is accurate that the tribal governments usually lost. Is this what is commemorated by the logos and mascots?

By relegating the injustices to the past, we don't have to think about what is going on today. We can speak to Indians in feathers, and how unfortunate it was that they lost virtually everything. But, to the victors go the spoils, and so it is. My people, Oneidas, brought food to Washington's army at Valley Forge when the Colonies were wavering in their commitment to the War. Our men served as officers as well as soldiers in Washington's army. This country was won by our blood as much as anyone else's. There is pride in that. We were warriors. But there is also pride in the fact that two hundred years later we are still Oneidas. After American policies outlawed

our languages, sent us to boarding schools where punishment for cultural practice and language usage was mandated, after most of our lands were taken (legally and otherwise), we are still Oneidas. That is how much of the spoils went to our people.

I recall comedian, Charlie Hill, who spoke of traveling on a plane and being seated in the center seat. With good-sized non-Indian passengers on either side, Hill fought for the armrests. He commented, "You took my land, you took my language, you took my religion, you denied me my birthright, but your not getting these armrests. Today, clearly, Indians need to be warriors on a number of fronts.

At the turn of the Century, Wisconsin illegally denied the rights of the Ojibwe to the hunting, fishing, and gathering that had been guaranteed them under the treaties which extended about one-third of Wisconsin's land base. Did they fight? Yes. They went to state court. The state court without jurisdiction handed down a decision that the state had the right to do so. The Indians lost. Is this what we commemorate with our logos? These fighting Ojibwa who lost their rights.

How about today? The Indian Gaming Regulatory Act makes it clear that a state can recover costs associated with regulation as mutually agreed in the compact. The funds which gaming generates in Wisconsin pays for our school, library, museum, road improvement, water towers, police force, etc. Our economy exists because of these dollars. Yet, because Wisconsin for the purpose of HONORING sees Indians as a past tense people who lost everything, we are free to continue to attempt to strip them of their rights, their resources, and their authorities.

Many in our state government speak to local control. The school district should be able to decide on whatever symbol it chooses. To some, that is not unlike a Middle Eastern flag burning episode. It rallies the people. It is a local control issue. And, the fact that the United States doesn't like it has no relevance because it is popular among the majority of the people of that country.

Committee members, our schools should be teaching what is real. They should be recognizing that destroying our economies of today is not unlike what has happened to Indian governments since the arrival of the European. For over 500 years, Indian people have undertaken the noble effort to survive. They have to this point succeeded. The economic attacks today, however, are no less significant than those of our past. And to trivialize a race of people and their governments through logos and mascots which diminish or misrepresent these people and this history is not correct anywhere...and certainly not is the public institutions who are preparing our children of all races to work cooperatively.

Do the right thing. Take appropriate action. End Indian mascots and logos in Wisconsin. If school wish to honor American Indian people, let them do so as they do for other notables. Name schools, and not sports teams after them. Let the curriculum teach the real relationships, let the images of Indian people be the actual images of Indian people. Bring honor to this process.

January 28, 1998

TESTIMONY ON SB 341

Attn: Committee Clerk: Please include in Official Record

Chairman Potter and Committee Members:

HONOR is a ten years old national human rights organization focused on American Indian issues. It has members in all fifty states and eight foreign countries. I serve on the Board of Directors and am presenting this testimony on behalf of HONOR (Honor Our Neighbors Origins and Rights).

ADVISORY COMMITTEE

Dr. Owanah P. Anderson  
(Choctow)  
Ray Apodaca  
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(Paiute)  
Harold Tarbell  
(Mohawk)

SB 341 is one step toward eliminating stereotypes that, for any other minority, would be unacceptable - both to the affected group and by the general public. Indians have become fair game for jokes, jests, and jeers at National League sports events, at locations ("Squaw Valley, Squaw Point, etc."), and in public schools. Minnesota has already addressed the latter two issues through strong legislative and administrative actions with good results. Wisconsin is far behind.

The arguments most often presented by legislators who believe they are not affected by continued use of stereotypes follow certain themes; "This is not a subject serious enough for state legislation," "I love Indians, I am honoring them by using Indian logos", and, "It doesn't bother me, why should it bother them?",

SPECIAL FIELD ADVISORS

Patricia Locke  
(Hunkpapa Lakota. Anishinabi -  
Mississippi Band)  
Sue Erickson

Let me respond to these arguments in order. Having been a legislator myself and now reading accounts of the subject matter of some of the bills, it seems that a human rights measure that affects an entire ethnic population - using public money - is at least as serious as designating a state rock. It is a serious subject around which American Indians have developed a consensus and one that deserves serious attention.

**Honor Our Neighbors  
Origins and Rights, Inc.**

**MAIN OFFICE**

Route 1  
Box 79A  
Bayfield, WI 54814  
715/779-3779

**RESOURCE CENTER**

414/582-4619

**ADVOCACY OFFICE**

224 2nd Street  
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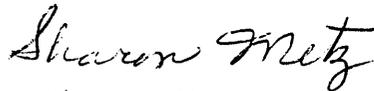
In terms of "honoring" people by giving them nicknames and portraying them in ways that are offensive, the dictionary says, honor: 1. to respect greatly; regard highly, 2. to show great respect or high regard for., 3. to worship, 4. to confer an honor on., 5. to bring honor to.

When we wish to "respect greatly" or "regard them highly," doesn't it follow that would include the opinions, feelings, and initiatives of the affected group?. Would your constituents vote against you if you simply followed the Golden Rule and respected the simplest of requests by American Indian people...stop using public money to demean them?

Finally, while legislators THINK you are not affected, you are. Your children are too. Children imitate their parents. Wearing chicken feather headdresses and face paint, doing the "tomahawk chop", imitating Indian dances and dress, and referring to Indians in jokes and jeers says a lot to your children and grandchildren. They will do exactly the same thing.

On the other hand those who have the courage to say "this is not right. I am hurting others when I do these things" will prompt the next generation to carry on your initiative even if you fail. You are the example. When my grandchildren tell stories about this situation I want them to put it in the past context of, "When I was young people made fun of Indians - even in the public schools - and even though Indian people asked them to stop." I want their grandchildren to be hear this story as what used to be, not what is. You are affected. So are your children. Granted, it is a different effect than the direct pain experienced by Indian children, but an important effect nevertheless. If you cannot vote for this bill for American Indian children, then vote for it because of your own.

Submitted by,



Sharon Metz  
for

Honor Our Neighbors Origins and Rights, Inc. (HONOR)

Testimony For Senate Education Committee  
Hearing of SB341, Held on January 28, 1998

314 11th Street  
Menomonie, Wisconsin 54751

January 28, 1998

Dear Senate Education Committee Members:

Attached are copies of letters related to my concern about the naming of "Wakanda Elementary School" in Menomonie. The naming of this new school occurred in 1997, in the midst of the community controversy about the Indian mascot.

As the principal explained in his reply to my concerns, the naming process was taken seriously. However their decision does raise serious issues of sensitivity and respect for others.

No Dakota people were part of the debate in the naming process. And having chosen an Indian name, it does seem that the students and staff will be in a position to use Indian symbols as part of school decorations and tradition.

Also, the question of separation of church and state did not seem to apply when the spirituality was related to Dakota tradition. I can not imagine that the panel would have named a public school "Holy Spirit Elementary," understanding the Christian meaning of this name and the imagery that would result in the public schools from such a choice.

Our schools should observe the highest standards of respect for all cultures. I believe state law banning the use of Indian logos and mascots in Wisconsin's schools is necessary and urge you to bring Senate Bill 341 to the Senate for debate and vote.

Sincerely,

Handwritten signature of Marion Lang in cursive script.

Marion Lang

314 11th Street  
Menomonie, Wisconsin 54751

July 19, 1997

Marshall Quilling, President  
School Board Members  
Menomonie Area School Board

Dear Marshall Quilling and Members of the Board:

Recently the School Board voted to name the new school, Wakanda School.

While this name is appropriate because of the location of the school, and the history of the land, I wonder if board members know that Wakanda is a name with religious significance.

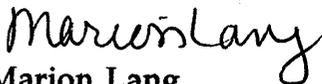
In the Dakotah language, wakan means spirit and wakanda means large or great spirit. I verified this information with local historian, John Russell.

I am concerned that the newly chosen name will become part of the on-going debate about the Indian logo and Indian culture that now divides our community.

I am concerned that if the name, which has religious significance, is used in cheers or schools songs, students might in all innocence show a lack of respect for the religious beliefs of the Dakotahs.

I hope my thoughts will be useful to you as you continue to wrestle with these sensitive and complex issues.

Sincerely,

  
Marion Lang

cc/ Dave Smette



# WAKANDA ELEMENTARY SCHOOL

School District of the Menomonie Area  
1801 Wakanda Street NE • Menomonie, Wisconsin 54751 • (715) 232-3898

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NICHOLAS J. KAISER  
*Principal*

August 15, 1997

Marian Lang  
314 11th Street  
Menomonie, WI 54751

Dear Marian:

Dr. Smette showed me a copy of the letter you sent July 19, 1997, and asked if I would respond. Here are my thoughts about your concerns.

The process for naming the new school involved students, staff, PTO, and Site-Team members. We spent a considerable amount of time through discussion and researching ideas. We also had contacted John Russell about the meaning and origin of Wakanda. Our group saw no reason not to consider the name as it would be the name of a building, not unlike Menomonie is the name of our city. A list of eight names were selected, five of which contained Wakanda. The list was further narrowed to three and the final school vote was Wakanda Elementary School.

You noted that you were concerned about the school using the name in cheers and songs that may some how show disrespect for the religious beliefs of the Dakotas. At our level the only organized sports is basketball. We do not use cheers or songs in such events. As time passes, if we do look at some mascot to represent our school I can assure you we will research it carefully and do what is in the best interest of all concerned.

I appreciate you interest in this matter. If I can be of further assistance, please call, better yet, stop by for a tour of our building and a cup of coffee.

Sincerely,

*Nick Kaiser*

Nick Kaiser  
Principal

NK/mb

c: Marshall Quilling, Dave Smette

## **TESTIMONY FOR SENATE EDUCATION COMMITTEE HEARING OF SB341, HELD ON JANUARY 28, 1998**

Hello. My name is Anne Klimpke and I am a sophomore at Menomonie High School. This is my first year on Student Council, and I have had many experiences with this issue since about 1995.

In the beginning when I first heard about the issue, I really didn't see any reason for the change. I wasn't friends with any Native Americans and so I really never heard any reasons to change it. Then, in eighth grade, or 1996, I brought it up to my mom while we were driving in the car. At first, I was very closed minded and set in my ways, but then I listened to what she was saying. Bit by bit I opened my mind and I heard what she was saying. By that time, we had gotten home and I went up to my room and just thought about what my mom had just told me. I let it all sink in and realized that I had never really heard the other side to the issue. **I realized that to really hear what people say, you have to be open-minded and think about what they say.**

Since then, I've had many experiences. This year especially, I was in Cross Country and I was at a meet. **In the middle of a race, there was a coach from another school and he was cheering for me and he didn't know my name, so he yelled, "Go Menomonie!" and "Go Indians."** I didn't really think that I should be called an Indian when I am 50% Norwegian and 50% German. I do not know everything about the Native American culture or way of life. Afterward some other team members and I discussed it and we decided that it really bugged us. It was disrespectful. We did not say anything to the coach though.

**Also, at many of our meets there have been many people that would ask us what was going on with this whole issue and wondering why we could not just change our logo and team name simply and quickly like other schools and communities had done.**

**I think that it is about 5 to 10% of the people in our school who would like to change and 5 to 10% who would like to keep it, and all the rest really don't care. They just want this whole thing to be over.**

At a regional Student council conference, some students from our Student Council gave a session. We told about our logo situation and why we wanted to change it. Some of the people from other schools did not agree with us and some did. Two or three from each "side" spoke out and everyone else just sat there amazed as these people were yelling at us.

**So, it is up to you. Do you want to see more horror stories like ours? Our community has been broken apart because of a high school logo/mascot. Please make the right decision. Make SB341 a state law.**

*Anne Klimpke*  
**Anne Klimpke**

TESTIMONY FOR SENATE EDUCATION COMMITTEE HEARINGS OF SB-341 HELD ON  
JANUARY 28, 1998

Hello. My name is Joy Link. I'm a 17 year old Junior and Student Council Member at Menomonie High School. I've been involved in the effort to change the Indian mascot/logo/team nickname at MHS since August of 1995, the beginning of my freshman year.

The first time I talked to anyone about the possibility of changing was before the beginning of the school year when I was being shown around the school by two Senior Student Council members. They said they didn't really care what the mascot was, as long as they would graduate as Indians. At that time, I told them that I felt the same way, knowing that they only had one year of high school left and I had four.

The next time the mascot was mentioned was at the Student Council Fall Planning Retreat later in August. The Student Council was learning Conflict Resolution by Consensus, and needed a difficult topic to discuss. The mascot was perfect, because there were so many differing opinions represented by Student Council Members. We all had the opportunity to say how we felt about the issue. When it was my turn, I remember saying something to the effect of "It doesn't need to be changed. It's honoring the Indians. Look at the words surrounding the logo - honor, pride, dignity, and strength. How could anyone be offended by that?" By the end of the day, we had decided that this was an issue we wanted to learn more about, and made it a project for the year.

I kept an open mind throughout the year and listened to all of the information presented. By the end of the year, I could not believe that I had ever wanted to keep the mascot that I now saw as racist and stereotypical. I realized that I would never graduate as an Indian because all of my relatives are of European Ancestry. I was convinced that retaining a mascot like "Indians" was not honoring anybody, except maybe some of the MHS alumni who feel a deep connection to this mascot.

The school board listened to our proposal and approved a change of the mascot. For the duration of my sophomore year, the focus of the Student Council was on what the new mascot would be. We took suggestions from students and community members, narrowed them down using a list of criteria determined beforehand, and had the students vote on which name they liked the best. After the students chose the name, a contest was held to pick a logo. During this time, a recall election for three school board members was held, and those members were replaced. Among the first acts of the new school board was to reinstate the Indian mascot and put off all action until a community referendum could be held in April 1998.

We had almost put the whole issue behind us, but community members keep dragging it out. There are probably other Wisconsin schools that would change their Indian logos but fear it would divide their community, their friendships, and their families like it has done in Menomonie.

**TESTIMONY FOR SENATE EDUCATION COMMITTEE HEARINGS  
OF SB-341 HELD ON JANUARY 28, 1998**

As a teacher at the Menomonie High School, I work with many of the students who are concerned with the issue of whether or not to keep the Indian mascot and logo. Like many in the school, I feel that the issue has gone on far too long with each side unwilling to compromise. My personal feelings are that to use a group of people as a mascot or logo, if there is even one in that group that is offended, is bigotry and racism. Because the issue has become so volatile in the community, many adults in the school setting refrain from being too vocal, in an attempt to be tolerant of all student opinions. As I observe student behavior, since the inception of this controversy, however, I believe that there has been an erosion of tolerance. It seems that as students witness adults in the community fighting over this issue, they have been given the message that bigotry is justified if you have a "good reason." Protecting the time-honored tradition of the school mascot has become the "good reason." But this attitude, that there are "good reasons" to be intolerant, seems to have gone beyond the logo issue. Less and less tolerance of differences is displayed as some students create their own "good reasons" to justify harassment. In effect we have taken giant steps backward in our community, giving our children the message that people who are perhaps less powerful, less vocal, less educated or maybe just different, are less important. It is very difficult to be a teacher in a district that seems to devalue tolerance of differences. It is very difficult to be a teacher in a district where I have to be cautious about teaching tolerance in the classroom for fear of reprimand from a school board that doesn't define bigotry as I do. It is very difficult to teach in a school district where the school board encourages me as an employee to actively support a situation that I find morally reprehensible. I look to the legislature to take a stand on this important moral issue and lead the people of this state towards tolerance and acceptance of all peoples.

*Margaret Kitz*  
*Teacher - Menomonie*  
*High School*

*Jan 26, 1998*

**Testimony for Senate Education Committee Hearing of SB341, Heard on January 28, 1998**

My name is Leslie Klatt and I am a freshman at Menomonie High School. I am reading this testimony prepared by my mother, Lynn Klatt, who was a board member of the Menomonie School District. Last April she was recalled because of her decision to change the school mascot /logo from the Menomonie Indians to the Menomonie Mustangs. She was unable to attend this hearing today because of work obligations.

I am in support of this bill for the following reasons:

After working on the logo/mascot issue in Menomonie for the past several years I have come to the conclusion that it needs to be decided at the state level instead of the local level. When I decided to run for the school board in March 1995, I took the position that I was genuinely concerned about the education of the students in our community. I wanted to make sure that we were doing the best job possible in preparing our young people to be life long learners. I never had imagined that when I ran for the school board that my term would end abruptly due to my position on the "Indian" logo. Nor did I ever imagine that my children would be harassed to the extent that they were. My daughter, who was in eighth grade at the time, was told that her mother should be killed because of her views on the logo issue. Community members would call with concerns, which I always appreciated but there is a line drawn between concerns and being told that I am nothing but a racist and I should be ashamed of myself. My husband has been ridiculed because of his wife's position on the logo issue. Even though my term ended in April, 1997, my son who is in fifth grade is still being harassed on occasion not by fellow students but by an adult. My local church has lost members in part because the pastor preached on the community upheaval and that it needed to stop and we as Christians needed to begin the healing process.

After researching the issue extensively the student council tried very very hard to educate the community as to the reasons why we need to change our logo only to be degraded and insulted publicly.

Menomonie is now in the process of bringing in Erickson Mediation Institute of Minneapolis to get the community to look to the future. My hope is that it will be successful but there are some very strong barriers to get through. School board members recently signed a letter of agreement that the logo issue will not be a part of their campaigning in the upcoming election. A community referendum is scheduled at the same time as the school board election in April to decide whether or not to retain the "Indian" logo. I am ashamed that the community would even consider voting on an issue such as this. Many of the tribes have gone on record in support of dropping Indian logos/mascots. Why do we not honor their request if they are in fact offended?

Communities can not afford to go through this type of controversy in the future. Use Menomonie as your example and support this bill to the very end. This devisiveness gets in the way of education which should be the main focus in any community. Until all schools are mandated to change I see no end in sight.



Lynn Klatt  
N5090 Cty Rd K  
Menomonie, WI 54751

TESTIMONY FOR SENATE EDUCATION COMMITTEE HEARING OF  
SB341, HELD ON JANUARY 28, 1998

My name is Luke Katzmark, and I am a Menomonie High School Student Council representative for the sophomore class.

The mascot issue in Menomonie has affected the lives of almost every citizen in the entire town one way or another. It started to affect my life from when I was just beginning school as a freshman last year.

I was the freshman class president and had agreed with what earlier Student Council members had decided. They simply wanted to change an offensive logo and mascot in the Menomonie High School.

Since I had been the class president, my parents were quite proud of me and told many of their friends and co-workers. When my parents would invite these people over for just a casual dinner or get together, more times than not, they would bring up the mascot issue thinking that I would have something important to say according to my position. Usually it would turn into a debate between a 14-year-old and adults, or I would just clam up and walk away.

It was hardest to talk to people in the community or in school that were my friends and are now my enemies due to my personal judgment in Student Council.

I hope that this bill is passed so that no one else will be affected by a racist mascot or logo again. Thank you.



Luke Katzmark

TESTIMONY FOR SENATE EDUCATION COMMITTEE HEARING OF SB-341,  
HELD ON JANUARY 28, 1998

Hello, my name is Erinn Horan. I am a Sophomore, and a member of the Class of 2000 Student Council at Menomonie High School.

At a first glance the MHS Indian logo issue may only appear to be a local issue, but at a second glance it questions logos across the nation. It also questions ourselves and how deep-set our stereotypes actually are.

In Mid February of '97 a small blurb appeared in *USA Today* concerning the MHS logo controversy. I personally heard only a little bit about it, and figured it was no big deal. A week or so later I had been out with some friends. Right after returning home my friend See called. She was all excited and told me to turn on Saturday Night Live because they talked about us. I put a tape in the VCR, after all we weren't on Saturday Night Live every week, then sat down to watch. Sure enough Norm McDonald came on and gave the 'Weekend Update' and mentioned Menomonie. This is what he said,

"In Wisconsin students at Menomonie HS are desperately fighting the efforts by the politically correct to change their team nickname the 'Indians'. Already opponents of the name have rejected the students' first compromise 'The Drunken Indians'. They feel that's almost worse in a way."

I was pretty impressed at the time. But as time went on I started to think that we were being made fun of on the national level now. Almost a year later looking back at it I realize that while the entire issue was being made fun of. While the people for keeping the mascot got a real slam. No one seemed to realize that those who opposed change the most were the adults in the community, and it was student initiative that brought up the issue.

The topic of being mentioned on Saturday Night Live was hot for a while, but it wore off and life continued. The recall election came and went and the mascot issue died down as summer vacation came.

As the '97 Fall Sports Season came, local papers had to decide whether or not to use the 'Indian' nickname. Most of the articles that appeared used the term 'Indian' when describing a certain team, i.e. Indian Football. I thought that it wasn't really respectful, but yet it could be a lot worse. The '97 Football season started out pretty good so when Homecoming came around it was pretty sure that we were gonna win. The game went well. We beat the Memorial Old Abes 50-0. The next day the *Eau Claire Leader-Telegram* ran an article covering the game. The reporter talked along the lines of the "Memorial Old Abes being victims of another Indian massacre" and that they were "scalped by the Indian tribe." (Full quote not available.) The fact that someone could print that and not even feel that it was the least bit derogatory amazed me. After that opening paragraph I found it extremely hard to finish the article. I fully respect and enjoy the Freedom of the Press but there is a point where the press has a job to not make such discriminatory remarks.

The logo issue has died down considerably. It often comes up and can become a quickly heated issue. The issue hasn't been in the local media quite as much as it was last year. It

seems as though the issue has become a common disagreement and won't be solved soon. Many people seem to be dead set that it won't change. I have begun to feel that this is an issue that can not be peacefully solved in our community.

Through out this entire process I have learned that what we are experiencing is the Democratic process. This Christmas I was telling my cousin, Quinn a freshman in Evanston Illinois, about what has been going on. I told him the whole story and he said he remembered the story from his Freshman Civics class. He said that one day before school he happened to turn on the TV and there was a local program on talking about the Menomonie High School Indian logo. He listened to it for a while, but didn't think much of it. Later that day during his Civics class his teacher showed them a video clip of the very show about the MHS Indian logo. Then his class discussed it. He remembered that there were a few derogatory remarks but for the most part his classmate were in support of a change. They took the entire hour to discuss the process the logo was going through. The teacher told the class that the controversy was a prime example of democracy in action.

I listened to what he had to say about the discussion in class. I really began to realize that we have shown many people that something that is considered to be normal to be wrong. Many people still picture Indians as people wearing headdresses and doing war chants. I thought that I was above it, until I actually tried closing my eyes and seeing what I first thought of. I scared myself. The first thing I saw was the picture on our Gymnasium wall. I knew right away that an Indian is nothing like the picture on the gym wall. They go to school with us. They are not like the picture on the gym wall.

How come many communities and individuals across the nation can look at the issue and say that it is simple and should just be changed? Yet we, who are living through the issue cannot even come to any sort of agreement? Our community has tried to peacefully deal with the issue for the past few years. The community has not been able to accomplish this without resorting to immature behavior. This is not students so much as adults who are afraid to lose the mascot they graduated with. Change is scary, for them and for us. Our goal of changing the mascot is not to take away their traditions, but to create our own traditions that we can be proud of.

Sincerely,

A handwritten signature in cursive script that reads "Erinn Horan". The signature is written in black ink and is positioned below the word "Sincerely,".

Erinn Horan

TESTIMONY FOR SENATE EDUCATION COMMITTEE HEARING  
OF SB341, HELD ON JANUARY 28, 1998

My name is Beth Heinzen. I am a ninth grader at Menomonie High School and a representative of the freshman class on the Student Council. I'm going to be addressing how the media has played a big role in the issue of changing our mascot. There have been over 50 letters written to our paper about the logo issue. In 1995 the whole process to change the logo began. The student council was asked by S.P.I.R.I.T.S/. a Native American group at Stout to consider changing the mascot. In the summer of 1996, the Student Council proposed to the School Board to change the logo, and the School Board accepted their proposal. Here is when the media became a battlefield. Both sides opened their mouths to show why this logo should or shouldn't be saved. Things like this were said:

"This is all Stout's fault."

and on the other side, "Could Menomonie halt the rudeness and consider some name with nobility and dignity."

As you can see, the war began and has continued until now. I do not want my community to be seen as one that is stuck in the past but one that instead is open to change.

Beth Heinzen



**TESTIMONY FOR SENATE EDUCATION COMMITTEE**  
**HEARING OF SB341, HELD ON JANUARY 28, 1998**

I am Alicia Gibb, a junior at Menomonie High School. I am a representative for the class of 1999. I am very grateful for this opportunity to speak.

I'm going to be speaking about what goes on in the high school regarding the Indian mascot. There has been tension everywhere. I can feel it in the halls, classrooms, but mainly in my heart. The malice comes off in waves. When this malice hits me it strikes out and sends me stumbling backwards.

I have had a few personal experiences I would like to share. My first experience was last year. My class was discussing the mascot issue, I was one of the only ones speaking out for change. I began to feel quite alone, as we got deeper into discussion, but I didn't give up. After class I was called an 'injin lover', a 'tree hugger' and other profane names. Students asked me why I wasn't going to go tell the professional sports teams to change their names. Then somebody told me the only reason I thought that way was because my parents didn't raise me to be an open-minded person. That hurt the most. I don't think my parents could have raised me to be a better person. As tears swelled in my eyes and a lump caught in my throat all I could do was walk away from that situation. My stomach was in a knot for the rest of that day. After I got home that night I cried, but not once did I question where I stood on this issue. The next day in class a few people refused to talk to me. I might add that this was the only class discussion I have ever had. Teachers are afraid to talk about this issue and most of the new teachers, that I have personally talked with, are afraid of losing their jobs if they voice an opinion.

Another experience was with a classmate, I had worn this shirt supporting my opinion, and a student told me I should be burned along with my shirt. The day after a different student wanted my first and last name, address and telephone number because I was going to be in 'big trouble' for wearing that. This person told me I was violating a law by wearing an anti-logo shirt.

I think the adults of this town have lit the match to keep the fire burning far too many times. I've been told to keep my nose in my own business because this is something for the adults of Menomonie to deal with. Which leads me to these questions for some adults in the community: Who is

going to Menomonie high school? Who is constantly being effected by this? Who has the knot in their stomach from being ridiculed for having an opinion in this issue? Adults have asked me why I keep trying to speak out in favor of change. They'll say, "you're just a student, you can't even vote yet - what do you think you can change?" People have told me I'm only going to make enemies by voicing my opinion against the Indian logo and mascot.

There are times when I feel like dirt knowing my town is displaying this stereotypical Indian for a logo and mascot. I am not always proud to be from Menomonie. I don't want citizens from other communities thinking that I too promote the stereotypes of Native Americans. With this logo and mascot I feel I am offending Native Americans. Therefore, I am offended by having the Indians for my school mascot. If one person is offended, that should be enough to change it. For example, if a student wears a shirt advertising drugs or alcohol and only one person is offended by it, that student must turn their shirt inside-out.

Now I ask you to remember that I'm a junior in high school - having the best times of my life. Presently my life is filled with pain and frustration provoked by the Indian mascot. Is this what I'm supposed to be feeling throughout my high school career? Is this the atmosphere our high school wants? This bill would terminate the division and suffering in Menomonie, and prevent the division of other community. I want to thank you for listening to me and although I am still a child at only seventeen I quote, "Children should be seen and heard and... believed." Thank you for listening.

*Sincerely,*

*Alicia Sibb*

TESTIMONY FOR SENATE EDUCATION COMMITTEE HEARING OF SB341,  
HELD ON JANUARY 28, 1998

TO: Senate Education Committee Members  
FROM: Christina Dahlke, UW-Eau Claire Student, 1998,  
Menomonie High School Student Council, Co-President, 1997.

Please eliminate "Indian" mascots and logos from Wisconsin Public Schools.

As a student leader, I can tell you too many hours have been spent by too many people on this issue for too long.

Our student council at Menomonie High School simply wanted to change to a mascot that would be more appropriate and more fun to boost school spirit.

But tradition, insensitivity, and ignorance stood against us.

What is right is not always what is popular. School boards need to do what is right. If school boards are pressured to do only what is popular especially concerning human rights and dignity, they will lose elections on issues they shouldn't have to deal with in the first place. Maybe we should have had a public referendum on the slavery issue. How would that have changed our country?

Please take this relatively small issue out of the popularity contest and let our school boards focus on more pressing problems. The students of Menomonie High school will be watching to see how politicians like you handle this human rights issue.

*Christina Dahlke*

## **Testimony for Senate Education Committee Hearing of SB341 Held on January 28, 1998**

As a teacher of twenty-eight years, I think it is noteworthy that through these years of experience I have studied this issue often and completely changed my opinion. Change is not easy for many people. When the change involves traditions to which people assign themselves, or by which they even define themselves, the change becomes exceedingly difficult.

Change seems to be at the heart of the issue of using Indian-related terms for mascots or logos. There was a time when less sensitivity governed our thinking about this and many other issues. Now, many people recognize that names may imply insensitivity, and stereotyping may imply intolerance.

As educators we have often learned and taught of the strength of diversity in our country. Yet that very diversity and lack of tolerance has led to many black marks. Many of us would like to take those ugly lessons from history and make our present times less scarred.

It is imperative that we teach respect of all cultures and groups of people. Therefore if members of a group feel that certain use of stereotypic logos or mascots is offensive, then we must listen. This need not be from a certain percentage of Native Americans any more than we should expect a majority of largely non-Native Americans to decide whether this use is right or wrong. Informed legislators must support the rights of ALL AMERICANS.

Again, this is not an issue that referenda should support or deny. Certainly the abolishment of slavery or the Civil Rights Amendment were not brought to the vote of citizens by the legislators. This is a Civil Rights issue and we are supporting bigotry and being intolerant of diversity if we allow use of logos/mascots with reference to Indians to continue.

I can assure you that there are dangerous uses today, in the past, and they will continue in the future. My own recent observations include: Locker

***Seymour Community School District  
10 Circle Drive  
Seymour WI 54165***

January 19, 1998

Barbara E. Munson  
231 Steeple Road  
Mosinee, WI 54455

Dear Barbara:

I received your invitation to appear in Madison and can relate to your concerns. However, since I miss school periodically throughout the year for speeches and conferences I will not be able to attend. I do not like to be gone too often and late January and early February is a very busy time for me. I am available during the summer months.

Feel free to use my name and refer to Seymour High School at will. I feel we made the change with little controversy and quite inexpensively. We knew it was coming and gradually phased out the "Indian" logo and name. Reflecting back on the change; it was accepted quite well. We are now proud to be the Seymour "Thunder."

Sincerely,



Bill Collar  
Seymour High School

**Administrative Office, 10 Circle Dr. Seymour WI 54165 \* (920) 833-2304  
Fax Number (920) 833-7118**

**Seymour High School, 10 Circle Dr. Seymour WI 54165 \* (920) 833-2306  
Seymour Middle School, 10 Circle Dr. Seymour WI 54165 \* (920) 833-7199**

**Black Creek Elem. School 308 E Burdick St. Black Creek WI 54106 \* (920) 984-3396  
Rock Ledge Elem. School 330 W Hickory St. Seymour WI 54165 \* (920) 833-7380**

**Francis A. Boyle  
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**ILLINIWAK: RACIAL DISCRIMINATION!**

by

**Francis A. Boyle**

**Professor of Law**

**University of Illinois at Urbana-Champaign**

**Board of Directors, Amnesty International USA (1988-92)**

**Holder of 2 Football Season Tickets (Since About 1981)**

**Holder of 2 Basketball Season Tickets (Since About 1982)**

In his letter of 16 July 1997 to Ms. Susan Gravenhorst, Chair of the Board of Trustees of the University of Illinois, Professor Mort Winston, Chair of the Board of Directors of Amnesty International USA (AIUSA) and a prominent University of Illinois Alumnus, called "Chief" Illiniwak a "human rights violation," condemned it in no uncertain terms, and demanded the elimination of this racist mascot. Before he joined the AIUSA Board, Professor Winston was the leading AIUSA expert on, and activist against, racism and apartheid in South Africa prior to the Mandela revolution. Professor Winston knows a human rights violation when he sees one.

The same is true for me. In addition to serving four years as a Member of the Board of Directors of Amnesty International USA, I

was the person who single-handedly convinced the ultra-conservative Faculty of the University of Illinois College of Law to introduce a course on International Human Rights Law into the Law School Curriculum as Law 370, and have taught this course for many years to about 30 students per year. Illiniwak is indeed a human rights violation.

The United States government is a contracting party to the 1965 International Convention on the Elimination of All Forms of Racial Discrimination. Hence, this Racial Discrimination Convention is a "treaty" and thus the "supreme Law of the Land" under the so-called Supremacy Clause of Article VI of the United States Constitution:

*Article VI*

....

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

In other words, the Racial Discrimination Convention absolutely binds the entirety of the State of Illinois, including therein the University of Illinois.

Article 1(1) of the Racial Discrimination Convention defines the term "racial discrimination" as follows: "In this Convention the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on

an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." (Emphasis added.) Obviously, Illiniwak is a "distinction" on the multiple bases of "race," and "colour," and "descent." Illiniwak definitely has the "effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life" for Native American Students, Faculty, Staff and Community Members here at the University of Illinois in Urbana-Champaign. In accordance with the terms of this Racial Discrimination Convention to which the United States is a party, Illiniwak constitutes "racial discrimination" by the University of Illinois against Native Americans.

Article 2, paragraph 1 of the Racial Discrimination Convention provides as follows:

*Article 2*

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms, and promoting understanding among all races, and to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multi-racial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division. [Emphasis added.]

Clearly, Illiniwak places the United States of America in breach of these most solemn obligations under Article 2 of the Racial Discrimination Convention. Illiniwak contravenes Racial Discrimination Convention Article 2. The conclusion is inexorable that to be in accordance with the terms of the Racial Discrimination Convention, the University of Illinois must eliminate Illiniwak.

Article 4 of the Racial Discrimination Convention clearly requires the Government of the United States of America to eliminate Illiniwak in no uncertain terms:

#### Article 4

States Parties condemn all propoganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination, and to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination. [Emphasis added.]

Notice in particular the requirement of Article 4(c) of the Racial Discrimination Convention: "Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination." To the contrary, the University of Illinois deliberately promotes and incites racial discrimination against Native Americans by means of Illiniwak for the quite mercenary purpose of making money!

Article 5 of the Racial Discrimination Convention expressly requires the United States government "to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights..." (Emphasis added.) The conclusion is inexorable that Illiniwak contravenes Article 5 of the Racial Discrimination Convention.

Furthermore, Illiniwak also contravenes Article 6 of the Racial Discrimination Convention:

#### Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals

just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Finally, Illiniwak contravenes Article 7 of the Racial Discrimination Convention:

*Article 7*

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

The conclusion is inexorable that to be in accordance with the terms of the International Convention on the Elimination of All Forms of Racial Discrimination the University of Illinois--a Public Institution--must eliminate Illiniwak.

As can be seen from the above analysis, the International Convention on the Elimination of All Forms of Racial Discrimination expressly incorporates by reference the 1948 Universal Declaration of Human Rights (UDHR). No point would be served here by detailing all the provisions of the UDHR that are currently being violated by Illiniwak. But in particular, I wish to draw to your attention UDHR Articles 1 and 2:

*Article 1*

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

*Article 2*

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or

other opinion, national or social origin, property, birth or other status. (Emphasis added.)

The United States government has been in the vanguard of the worldwide movement to establish that these fundamental provisions of the Universal Declaration of Human Rights, inter alia, constitute customary international law. Customary international law is part of the common law of the United States of America and the common law of all the States of the Union. Customary international law applies to and binds the State of Illinois and the University of Illinois.

Clearly, by means of Illiniwak the University of Illinois refuses to act towards Native Americans "in a spirit of brotherhood" in violation of UDHR Article 1. Similarly, Illiniwak constitutes a "distinction" on the prohibited grounds of race, colour and religion, inter alia, in gross violation of UDHR Article 2. In other words, Illiniwak violates these most fundamental protections of the Universal Declaration of Human Rights, inter alia, and thus violates customary international law and therefore the common law of both the United States and the State of Illinois.

I wish to end this Memorandum by joining those eloquent and powerful words addressed to Trustee Susan Gravenhorst by Professor Mort Winston, Chair of the Board of Directors of Amnesty International, my fellow AIUSA Board Colleague and Comrade-in-Arms in the long but successful struggle against racism and apartheid in South Africa:

In your present position as Chair of the Board of Trustees, you can steer university policy on this issue towards the greater good. I urge you to do so. UIUC's sport's fans and the marching band can find another mascot. Have a contest.

Pick an animal or some culturally neutral symbol. Show some moral leadership so that perhaps the professional sports teams that also dishonor American Indians by debasing their cultural symbols will one day follow suit. But above all stop pretending that keeping "Chief Illiniwek" alive is somehow "honoring" the Native Americans who once roamed the plains where the University of Illinois now stands. In short, "Do the Right Thing -- Get Rid of the Chief!"

*Fab.*

F.A.B.  
25 July 1997

**TESTIMONY FOR SENATE EDUCATION COMMITTEE HEARING OF SB341,  
HELD ON JANUARY 28, 1998**

Senators:

Calvin Potter, Robert Jauch, Grobschmidt, Kevin Shibilski, Alberta Darling, Joanne B. Huelsman, Carol A. Roessler, & Staff Coordinator Paul Rusk

I would like to testify today in favor of SB341, which prohibits the use of Indian names as mascots in Wisconsin public schools. I am a person of European decent, yet I have had the fortunate opportunity to have a stepfather who is Native American. Thus, I've been submersed in two cultures for most of my life, and I base my decision for SB341 on personal experiences.

The usage of Indian mascots is racial, although many would disagree. Most non-Indians say, "It is an honor, to display such fine qualities of character, such as the heroic brave or the majestic chief". They ask, "How can Native Americans be offended at this? We are honoring you people." Some people ask this in anger, and some even in sincerity. However, my experiences innately lead me to know it is not an honor.

Exactly who is being honored? It seems only a picture of a human. The past. The use of Indian mascots perpetuates the past, pre-European settlement. *This in turn stimulates continued growth of misperceptions of today's Indians.* Mascots are either stereotypically majestic, or grossly deranged into odd, exaggerated figures. For the majority of the public not exposed to Native American culture, these pictures generate fictitious stereotypes toward today's Native Americans. It seems that if Native American people do not "live up" to romanticized thoughts perpetuated in the majority of people's minds, they are invalidated in various degrees.

Who is being honored? The majority of people, when asked what they think of *today's* Native Americans respond with various remarks, ranging from "alcohol abuse to too many on welfare". Yet they remain vehemently on guard of anyone who would want to change their mascot. A picture. The "heroic" Indian.

Through the color of my skin and the knowledge of my family's culture I have had [unfortunately] many opportunities to hear the misguided thoughts of non-Indians, in regards to Native Americans. The ignorance must be fought with education, and it is our duty as citizens of this planet to honor all cultures, ethnic, racial, sexual, religious, and spiritual diversity. It is everyone's responsibility.

Please support SB341.

Thank you.



Rebecca Pittner  
UW - Stevens Point  
American Indians Reaching Out

TESTIMONY FOR SENATE EDUCATION COMMITTEE HEARING OF SB341,  
HELD ON JANUARY 28, 1998

My testimony is being written as both a parent of children who participated in sports in those conferences with schools that had Indian mascots and logos; and as a graduate of Shawano High School when they had an Indian mascots and logo.

Both of my sons attended the Howard-Suamico School District and participated in sports in the Bay Conference. The Bay Conference includes both Shawano and Seymour schools which both had Indian mascots and logos, until 1992. I saw my sons experience the racism that evolves out of use of Indians as mascots. Because my sons were highly visible Native Americans, they were the targets of stereotypes and racial slurs every time Bayport High School (BPHS) or Bayview Middle School played Shawano or Seymour.

For example, when Bayport High School hosted Shawano High School for its homecoming banners were place above my son's locker-he was a football plaer. He was taunted with stereotypes and racial slurs for the entire homecoming week. He would come home and ask what could be done. He was either angry or very distraught, losing sleep and wanting to avoid school. I consoled him and then suggested he see his counselor. The counselor did not understand how my son could be offended. He did not understand how another schools Indian mascot could make my son feel bad, angry and distraught. He knew my son was otherwise a very healthy minded individual as he was a class officer, on student council, and prom king.

As a parent, I also became very frustrated with the incidents. When both Shawano and Seymour held testimony we were there. It was the greatest feeling to hear that they voted to drop the "Indian" mascot and logo. Of course, my son was a Senior by then, but, no longer would other Native Americans be taunted for a whole week or longer because of these schools' mascots.

The mascots in Shawano and Seymour extended far beyond their school halls and into the conference at football games, wrestling matches, basketball games, track meets and other sports.

Please eliminate mascots statewide as this will create better race relations for all. Your children and our children will all learn to respect each other as humans. No human should ever be a "mascot" that is left to be taunted and humiliated by ignorant people.

As a 1967 graduate of Shawano High School and the "Shawano Indians" I felt firsthand on a daily basis the effects of the "mascot". Often I was told that I did not seem like an Indian. These were White Shawano students trying to tell me how to be an Indian-according to the stereotypes portrayed in the school, on TV and in other media. I always had my parents and fellow Menominee students to lean on and re-build my self-esteem and self-confidence. Imagine how it is for one (1) Indian student in an all white school, like Mosinee. That child would suffer greatly without a strong Indian support system.

Please eliminate Indian mascots and logos in all Wisconsin schools. It does not matter the size of the Indian population in the school. If just one Indian student is being killed emotionally and mentally with stereotypes, then the damage must be stopped.

Our Wisconsin public schools must strive to make all students knowledgeable of Wisconsin Indian History and the very important role we play in history and today. The allowance of Indian mascots defeats the purpose of having healthy minded, well educated children who can compete anywhere in the world knowing we have taught them to respect all humans. Again, please eliminate Indian mascots and logos and teach pride in Indian heritage.

Sincerely,



Sandra C. Fulwilder, Oneida/Menominee/Mohican

COPY

**JANUARY 28, 1998**

**LEGAL ARGUMENTS FOR PRESENTATION TO THE SENATE EDUCATION  
COMMITTEE HEARINGS ON SB341- ELIMINATION OF INDIAN LOGOS**

Attorney Jacqueline Boynton, Milwaukee

**ANATOMY OF A COMPLAINT AGAINST THE USE OF AN INDIAN LOGO BY A  
PUBLIC SCHOOL SYSTEM (MOSINEE, WISCONSIN) BY A PARENT AND HER  
THREE STUDENT/CHILDREN**

Skip to the conclusion if you don't want to wade through this.

On September 17, 1992, the State Attorney General issued an opinion stating that a logo or nickname may be discriminatory under §118.13, Stats., and PI 9, Wis. Admin. Code. 80 OP Atty. Gen. 321. The Attorney General cautioned that the use of American Indian symbols could harm American Indians by reinforcing stereotypes or creating a hostile environment. . Where such harm perpetuates the effects of past discrimination, it violates the prohibition against student discrimination, even if no intent to discriminate may be shown.. The Attorney General noted that not all uses of American Indian images or nicknames are negative and advised that "whether or not a violation exists must be determined on a case-by-case basis."

On October 15, 1992 the State Superintendent issued a letter advising the school districts that used Indian mascots and logos to review their use. In response to these documents, the Mosinee School Board voted 9-0 to retain the Indian logo. Student B again exchanged letters with Dennis Rislove, the Mosinee School District Administrator, during October, 1992 objecting to the use of the Indian logo.

State Superintendent John Benson also considered the logo and nickname issue in an April 1, 1994 letter to the sixty-five Wisconsin School Districts that used American Indian symbols or nicknames at that time. One of these letters went directly to Mosinee administrator, Dennis Rislove.. The Superintendent argued that regardless of the legal status of American Indian symbols, schools should stop using them because they are "entirely inappropriate". The Superintendent stated that many American Indian groups objected to the use of the American Indian-related symbols as a violation of the principle that the Wisconsin public schools should not promote stereotypes about any religious, ethnic or other protected groups. He requested that school districts "take steps to eliminate these in your school district if you have not already done so." (R. 6, M.15:2).

On April 19, 1994, Barbara Munson and Student B went before the Mosinee School Board to request that the Indian logo and nickname be eliminated. Student B

testified about her experiences while she was attending Mosinee High School which included being called many names, including "stupid Indian," and that during the spearing season she heard almost daily taunts such as "the Indians should be killed, not the fish." She testified that it was difficult for her to understand how the same people who hate the Indian race so much could then go to an athletic event and scream "Go Indians" with such vigor. Barbara Munson also testified about how, as a Native American parent, the use of the Indian logo negatively impacted her family. She also discussed the psychological damage such caricatures can have on Native American children, especially in an educational setting.

On May 20, 1994, Barbara Munson filed a formal complaint alleging discrimination on the basis of race, national origin and ancestry under §118.13, Stats. She requested that the Indian logo and nickname be removed from all Mosinee schools. On June 21, 1994 the Mosinee School Board spent 27 minutes discussing and voting on the continued use of the Indian logo. The Board voted seven to two to retain the Indian logo.

American Indian groups have been united in opposition to Indian nicknames and logos. On November 30, 1992 Richard Hill, the Oneida Tribal Chair, sent a letter to Dennis Rislove in support of the removal of the Mosinee Indian logo. A letter from a member of the Oneida Nation to the Mosinee School Board dated June 20, 1994 "condemned the use of Indian mascots in any form for any purpose." The Oneida Tribe of Indians of Wisconsin filed a formal complaint with the Mosinee School District under §118.13 objecting to the District's use of the Indian logo on December 30, 1994.

Section 118.13, Stats. is entitled "Pupil Discrimination Prohibited" and states as follows:

No person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of the person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

The purpose of the statute is to ensure that public school students are not discriminated against for impermissible reasons.

Wis. Admin. Code Chapter PI 9 provides definition for this statute:

(5) "Discrimination" means any action, policy or practice including bias, stereotyping and pupil harassment, which is detrimental to a person or group of persons and differentiates or distinguishes among persons, or which limits or denies a person or group of persons opportunities, privileges, rules or rewards based, in whole or in part, on ... race, national origin, ancestry, ... or which perpetuates the effects of past discrimination.

...

(9) "Pupil Harassment" means behavior towards pupils based, in whole or in part, on ... race, national origin, ancestry,... which substantially interferes with a pupil's school performance or creates an intimidating hostile or offensive school environment. ...

(14) "Stereotyping" means attributing behaviors, abilities, interest, values and roles to a person or group of persons on the basis in whole or in part, of their... race, national origin, ancestry...

When the petitioners were unsuccessful in their attempt to have the Mosinee School Board overturn the use of the logo, they filed a formal complaint with the DPI on May 20, 1994. The complaint was augmented with affidavits from Barbara Munson and Student B on August 12, 1994.

In determining whether the Mosinee School Board violated §118.13, Stats., and PI 9, Wis. Admin. Code which prohibits pupil discrimination through the approval and use of Indian logos, nicknames, and mascots, DPI applied the "reasonable person similarly situated standard". The DPI decision states:

The Mosinee High School logo depicts an Indian wearing a full feather headdress or "war bonnet" in the "Plains Indian Style". This logo is not an accurate depiction of an American Indian from any particular tribe. Moreover, this logo is clearly offensive to the appellant and her children. However, the reasonable person standard must be followed. In applying this standard to the Mosinee "Indian" logo, the Department concludes that it is not clear that a reasonable person, similarly situated to the appellant, would find that the logo presents a negative stereotype of American Indians.

The "reasonable person" is used both for assessing whether the logo presents a negative stereotype and whether the use of the logo creates a hostile environment. If the DPI and the Circuit Court had applied the proper definition for a "reasonable person" in the school context, they would have found that there was both a hostile environment and proper notice of incidents of racial harassment.

Title VI of the Civil Rights Act of 1964 42 U.S.C. § 2000 d (1988), prohibits the discrimination on the basis of race, color, or national origin in any program or activity receiving federal funds. The Department of Education's Office for Civil Rights (OCR) has interpreted Title VI as prohibiting schools from creating, encouraging, tolerating, or leaving uncorrected a racially hostile environment. 59 Fed. Reg. 11,448 (1994). Under this approach a school violates Title VI if it has created or is responsible for a racially hostile environment (i.e., harassing conduct whether physical, verbal, graphic, or written) that is sufficiently severe, pervasive, or persistent so as to interfere or limit a student's ability to participate in or benefit from the services, activities or privileges it provides. Id

at 11,449. A school may not effectively cause, encourage, accept, tolerate, or fail to correct a racially hostile environment in which it has actual or constructive notice. *Id.*

OCR's investigation and analysis of hostile environment cases rely, to a large extent, on case law developed under Title VII of the Civil Rights Act. Because no court has decided a case under OCR's standards, it is important to understand how the hostile environment standard translates from Title VII to Title VI. The Equal Employment Opportunity Commission (EEOC) is the agency charged with administering Title VII. The EEOC employs a "reasonable person in similar circumstances" standard to determine if the conduct in a work place is sufficiently severe or pervasive to alter the conditions of employment and to be intimidating, hostile, or abusive. 58 Fed. Reg. 51,266, 51,267 (1993). Recent case law on this issue emphasizes the importance of considering the perspective of the victim of the harassment, rather than adopting notions of acceptable behavior that may prevail in a particular work place. A 1991 ninth circuit Federal Court decision pertaining to a sexual harassment claim expanded the definition of a reasonable person subject to a hostile environment. The Court stated:

Next, we believe that in evaluating the severity and pervasiveness of sexual harassment, we should focus on the perspective of the victim. If we only examined whether a reasonable person could engage in allegedly harassing conduct, we would run the risk of reinforcing the level of discrimination. Harassers could continue to harass merely because a particular discriminatory practice was common, and victims of harassment would have no remedy. Ellison v. Brady, 924 F.2d 872, 878 (9th Cir. 1991)

The standard adopted in Ellison v. Brady, has been dubbed the "reasonable women" standard, although the court portrayed the standard as that of the "reasonable victim". The Court stated that "[a] complete understanding of the victim's view requires, among other things, an analysis of the different perspectives of men and women. In Ellison, the victim happen to be a woman, and therefore, the court held that the proper perspective for viewing the sexual harassment issue was that of a reasonable woman. The court stated that they adopted the use of the reasonable woman's perspective because a "sex-blind reasonable person standard tends to be male-biased and tends to systematically ignore the experiences of women." This analysis is particularly useful because of the nature of the complaining victims in the case at bar--Native American minors and students. Their view of what constitutes a hostile environment is very different than the generic "reasonable person" standard the DPI and the Court employed.

If the standard of the reasonable victim is to be used in the analysis of whether the use of a mascot creates a racially hostile environment, consideration must be given in particular to the primary and secondary school environment. Like employees, primary and secondary school students have little control over their environments. Patricia H. v. Berkeley Unified Sch. Dist., 830 F. Supp 1288, 1292-93 (N.D. Cal 1993). That case

incorporates the idea that a student should have the same protection in school that an employee has in the workplace. The Court reasoned that "the distinctions between the school environment and the workplace served only to emphasize the need for zealous protection against sex discrimination in the school."

The importance and function of environment is different in academia than in the workplace... a non-discriminatory environment is essential to maximum intellectual growth and is therefore an integral part of the educational benefits that a student receives. A sexually abusive environment inhibits, if not prevents, the harassed student from developing her full intellectual potential and receiving the most from the academic program.

The same reasoning applies when considering the Native American student's perspective when bombarded by caricatures of Indians and the use of Indians cheers (or jeers) at a sporting event.

Like employees, primary and secondary school student's attendance at school is mandatory, and their appearance and behavior are dictated by their superiors. However, because primary and secondary school students are minors, the duty of the school exceeds the duty that an employer owes to an employee. A school must assume the duty of supervision and care for the minor children in its custody. Additionally, most states legally require students between the ages of 7 and 16 to attend school. Students do not have the opportunity to avoid the harassment at school because they are required to attend the institution and do not have alternatives to the school where they are harassed. As such, students are a captive audience to a school using a mascot that fosters a racially hostile environment, because a student's youth restricts his or her independence in ways not affecting adult employees. The differences between the primary and secondary schools and the employment environment justifies the use of an even higher standard for students.

The above considerations must be applied when analyzing a claim of hostile environment using the OCR standards. The DPI, in its decision, merely states that it is applying the standard and "that it is not clear that a reasonable person, similarly situated to the appellant, would find that the logo presents a negative stereotype of American Indians." From the record it appears that DPI failed to correctly apply the "reasonable person similarly situated standard" by not fully considering all elements of the standard. Specifically it failed to fully contemplate how an American Indian student, similarly situated, would react given the circumstances.

Twenty-three students enrolled in the Mosinee School District were interviewed during the DPI investigation. Only one student's family identified itself as belonging to a particular Indian tribe and having a personally meaningful Indian identity. Students from this family would represent a comparable reasonable victim for the purposes of

determining both whether the logo presents a negative stereotype and whether a hostile environment exists. Twenty one of the twenty three students interviewed were white, as is at least 95% of the Mosinee School District population.

The petitioners were especially careful to include evidence from Wisconsin and all over the nation, supplied by Indian tribes and Indian organizations, for the DPI to consider in its investigation. This evidence supports that there is unified agreement among Indian people that Indian logos are discriminatory. Specifically, the petitioners are enrolled members of the Oneida Tribe. The Oneida complaint filed against the Mosinee School District cites numerous ways in which the use of Indian logos harms Indian people, including the appellants. The Oneida complaint should have been considered directly as evidence by the DPI and the Court in its analysis of a reasonable person similarly situated.

It is the combination of the Native American perspective with the secondary school student perspective which should be adopted when assessing whether a hostile environment exists. It is the appellants' position that this heightened standard, using the perspective of the "reasonable victim" should be considered by the Court when analyzing how the "reasonable person" would react to his or her environment inundated by the use of Indian logos, nicknames and mascots. .

In determining that the Mosinee School Board did not discriminate against Students A, B, and C the DPI stated that they examined the totality of the circumstances. However, in its determination that the department could not find a severe, persistent and pervasive pattern of racially hostile acts directing at the appellants' children, the DPI cites to a case which took place at the University of Illinois at Urbana-Champaign, to demonstrate how OCR has dealt with the problem of limited incidents over an extended period of time. (Chief Illiniwek) The University of Illinois case is analytically different and distinguishable from the Mosinee case. The most obvious difference is that the incidents took place at the university level. The maturity of primary and secondary school children differs significantly from that of a college-aged adult. Adult students enjoy much more independence and control over their environments than do employees or minor students. Colleges and universities lack dominion and control over adult students that is exerted by employers and school administrators. The effects of harassment are likely to be greater on children than on adults. The OCR guidelines address the differences:

The reasonable person standard as applied to a child must incorporate the age, intelligence and experience of a person under like circumstances to take into account the developmental differences in maturity and perception due to age. 59 Fed. Reg. 11,449 (1994)

By relying on the Chief Illiniwek case, DPI is again demonstrating its failure to apply a

"similarly situated person" standard in the instant case.

DPI's Findings of Fact in the Mosinee decision support a conclusion that the Indian logo creates a persistent racially hostile environment. The Circuit Court in Marathon County agreed that the facts found by the department cited numerous incidents of racial harassment. The findings describe the harmful effects of the logo and the School District's knowledge of its negative impact. The following are examples based upon the records and the DPI's investigation of the school and the "community":

#5. "The Mosinee High School has curtailed the use of the logo over the last few years....Presently, only the basketball suits still retain the Indian logo. Furthermore, the logo has been removed from the school stationary."

#6. "...The mascot (woman dressed in white fringed "Indian" costume) is no longer used by the school's athletic teams."

#7. " ...the cheerleaders have been told by the athletic department not to use cheers with the word 'Indian' in them....Some students do the 'tomahawk chop', although if the principal notices it, he will ask the student(s) to stop."

#8-16 Numerous examples of Student B's efforts to describe why the logo use harmed her and harms the community.

#22-28 Numerous examples of Barbara Munson's efforts to educate the school board and community about why the logo creates a racially hostile environment.

#20 "...the 8th graders had investigated the logo issue and had decided that the Mosinee 'Eagles' would be a good nickname."

#21. At the April 19, 1994 school board meeting, four of the nine members voted to not retain the logo.

#27 and 36. Evidence submitted from numerous Indian tribes and organizations unanimously opposed to the use of Indian logos.

#34 and 35. Teachers, students, administrators and the community are all divided about the continued use of the logo, with more examples from those in opposition to the Indian logo and in support of the notion that its use creates an offensive environment.

To assert that the above examples do not serve notice on the administration that there is a pervasive problem with the District's use of the Indian logo is absurd.

The purpose of §118.13, Stats., is to provide a non-discriminatory educational environment. If discriminatory conduct causes a racially hostile environment that affects access to the educational system for the students being harassed, and if the school has actual or constructive notice of a hostile environment, the school is required to take appropriate responsive action. Chapter PI 9, Wis. Admin. Code, provides the procedure for filing a complaint. Barbara Munson and Student B both stated that they were never informed of any formal complaint procedure for the first two years that they were objecting to the Indian logo.. Because the school did not inform the students or the parents of a formal complaint procedure, there was not a complaint filed until two years after the issue was first raised with school authorities.

DPI concludes that the school district had not received notice to constitute a severe enough pattern of racially hostile acts. It is the appellants' position that the DPI and the Circuit Court did not apply the correct standard for notice. The standard is that the district receive notice or that constructive notice existed. 59 Fed. Reg. 11,448, 11,450 (1994). Actual notice did in fact occur. DPI acknowledges that student B did inform one of her teachers of an incident. Also, as a senior, student B notified the principal of the hostile educational environment. DPI has concluded that given the totality of the circumstances this was not enough notice. However, this analysis fails to take into account the fact that the parent or students had no way to know there was a complaint procedure. It also assumes a level of sophistication that would not ordinarily be found in high school students. As one court put it:

The distinctions between the [primary and secondary] school environment and workplace serve only to emphasize the need for zealous protection against ... discrimination in the schools .... 'Parents, guardians, and the children themselves have little choice but to rely on the school officials for some measure of protection and security while in school and can reasonably expect that the state will provide a safe school environment. To hold otherwise would call into question the constitutionality of compulsory school attendance statutes, for we would be permitting a state to compel parents to surrender their offspring to the tender mercies of school officials without exacting some assurance from the state that school officials will undertake the role of guardian that parents might not otherwise relinquish, even temporarily.'" Patricia H. v. Berkeley Unified School District, 830 F. Supp. 1288, 1292-93 (N.D. Cal. 1993)

Students are a captive audience to a school using a mascot that fosters a racially hostile environment. It should not be expected that when there are Native American students in a school using an Indian mascot that a higher level of notice is required. To require some higher level of notice from the student to the school district when student handbooks, in violation PI 9.05(3) Wis. Admin. Code, failed to outline a formal complaint procedure, is unconscionable.

## CONCLUSION

It should be clear from the above ad nauseam argument (which is basically the same argument made to the Wisconsin Court of Appeals and is currently pending a decision) that the internal conservatism of the legal system has been unable to look the logo issue in the face and see discrimination for what it is. Even though Wisconsin has a very good law on the books concerning Pupil Discrimination the advocates for the demise of Indian logos, up to this point, have been unable to apply it toward the abolition of the

Indian logo. School districts do not want to be told what to do and it will take more education of all citizens for the majority to see that the use of these ridiculous and misplaced images is unfair and demeaning for everybody. These hearings are another step in that direction and hopefully will lead to more individuals raising these issues locally.

January 27, 1998.

  
Jacqueline Boynton

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Education has been the key factor in helping me become self supportive. I had spent 16 years on State welfare, and 23 years on County ( for any one counting that was 39 years on the system) up until 1995. Having had seven children, and being a single parent, I have always tried to support my own. The only jobs I was qualified for with a high school diploma was restaurant work as a front line cook and waitress. Throughout the 39 years I was employed, often 2-3 jobs at a time at minimum wage. The money was never good enough to take care of my family's needs, so therefore I was always eligible for government benefits.

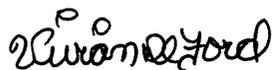
My main goal had always been to go to college, but the words "not mandatory" always came up when I discussed education with my social workers. So after 20 years of having the type of employment I was qualified for with no health insurance, no retirement fund, no job security, I decided I definitely wanted more in my future than I had in my past. The decision to go back to school was enormous because it had been 25 years since I had earned my high school diploma.

With the help of a Department of Human Services Worker and a DVR agent, I applied at Chippewa Valley Technical College in Eau Claire, WI and was accepted in September, 1993. When I had one year left in my program, Human Services told me that after one more semester I would have to seek employment. I had a semester left and foresaw no diploma that I worked hard to achieve. It happened that I had applied for SSI because of multiple disabilities and at the same time I was told I would have to seek employment I was found eligible for SSI.

In December of 1996 I received my Associate Degree in Marketing from CVTC. Since then I have been a Special Needs Assistant at CVTC, a position I created. I have received no AFDC and no cash payment from SSI since graduation. Without the college degree none of my dreams would be coming true. Education was never designed only for the rich, and with W-2 lower income people don't have a lot of hope of furthering their education. People are going to wind up working at places like those that I worked at where I had no hope of advancement. W-2 as it now stands is not going to turn out self sufficient and productive people. Education has got to be a part of W-2 or we are starting a new chain of problems in that our children will follow in our footsteps on a path of low paying dead end jobs.

I am proof of what education can do. I was given a chance, and I became successful. Education enabled me to get off the system and it will keep me off it. I want to see education implemented into W-2 and give those a chance for success that I was given. There are thousands trapped in the cycle of poverty and dependence who could break out of the cycle if they had the opportunity that education offers.

Thank you for the opportunity to present my views.



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Testimony of

Barbara A. Bitters, Director Equity Mission Team  
Department of Public Instruction

before  
Senate Education Committee

January 28, 1997

Good morning, Chairperson Potter and members of the Senate Education Committee. Thank you for the opportunity to testify on this important bill.

My name is Barbara Bitters, Director of the Equity Mission Team and this is Hal Menéndez, Consultant for Pupil Nondiscrimination Programs. On behalf of the State Superintendent and Department of Public Instruction we are pleased to testify for information on SB 341 "Prohibiting school boards from using certain American Indian names, nicknames, logos and mascots."

- The purpose of our testimony today is to provide the committee with information about the department's experience with school districts, since 1990, related to the use of American Indian logos and mascots. The state superintendent has spoken out on this issue previously. He cares deeply that schools and communities review their logos and mascots and make changes where appropriate.

- With respect to pupil nondiscrimination and the logo issue, DPI has two roles -
  - Educational leadership
  - Adjudication of appeals

#### **Educational Leadership**

- Since 1990, DPI has, and continues to, encourage the elimination of public school district symbols, logos, mascots and nicknames that discriminate against American Indians by reinforcing detrimental stereotyping or creating/contributing to a hostile educational environment to the detriment of pupils as they are protected by s. 118.13 Wis. Stats. and PI 9. This statute and rule require a process for residents and aggrieved persons to file complaints with local school districts and provide for an appeal of a negative determination to the State Superintendent so that concerns regarding nondiscrimination can be raised.

- Letters to local school districts from the State Superintendent
  - October 15, 1992 Superintendent Herbert J. Grover sent the September 17, 1992 Attorney General's (AG) Opinion to each public school district. These

materials were also published as part of the 1993 edition of "The Pupil Nondiscrimination Guidelines for Athletics," a joint DPI-WIAA publication.

April 1, 1994 Superintendent John T. Benson issued a letter to 65 districts identified by the WIAA as potentially having an American Indian related mascot and/or logo. Benson urged districts to undertake a review of their schools mascot and logo and to take steps to change the mascot to one which is both ethnic and gender sensitive. He reminded districts of the AG's opinion and the numerous resolutions by tribal, intertribal, and other organizations.

- State statute 121.02(1)(L)4 Wis. Stats. requires all schools in the state to provide instruction in the history, culture, and tribal sovereignty of the federally recognized tribes and bands in the state of Wisconsin. The DPI American Indian Studies Program exists to provide information and technical assistance to districts with the development and implementation of accurate, authentic instruction in this and related areas by:

- Collecting information on educational best practices and disseminating it upon request.
- Conducting presentations and workshops at state and national conferences.
- Working with the Wisconsin Indian Education Association "Indian Mascot/Logo Task Force to develop curriculum on stereotyping, bias, and discrimination in general and with regard to mascots and logos.

- DPI supported the 1993 Assembly Joint Resolution 27 which passed the Assembly in June of 1993, passed the Senate Education Committee in January 1994 with the full Senate failing to concur. This resolution called upon school districts to examine logos, mascots and nicknames, with the help of Indian people and organizations, to determine whether the usage could cause an American Indian person harm by reinforcing a stereotype or creating an intimidating or offensive environment, thus perpetuating past discrimination. The department testified against 1995 AB 488 which proposed that s. 118.13 and PI 9 would not restrict the use of any logo, mascot or nickname by any public school district.

- On August 24 and 25, 1995 staff of the Equity Mission Team at the DPI polled, by telephone, the Wisconsin public schools which do have or have had American Indian related nicknames and logos. The findings reveal that many districts are taking this issue seriously and changes are occurring. There were over 60 high schools using Indian names and logos as recently as 1991. Since that time:

- 9 schools have changed to non-Indian names and logos.

- 18 schools have kept the name but dropped their use of Indian images.

- 36 schools in Wisconsin currently use Indian names and logos.

## Adjudicating Appeals

- State statute s.118.13 and PI 9 charge the State Superintendent of Public Instruction with the responsibility to decide appeals of complaints filed under s. 118.13. These decisions are subject to judicial review under ch. 227.
- Since 1991 DPI has received four appeals relating to American Indian logos, mascots, and/or nicknames. [Milton-March 1991, Mosinee-July 1994, Mukwonago-September 1994.] One of these is currently pending and has yet to be decided. [Medford-September 1996.]
- The first appeal involved the Milton School District. Circuit court enjoined DPI (Rock Co. Circuit Court.) from resolving the appeal. The court in that case questioned whether the logo issue came within the scope of the statute, and DPI's authority to hear appeals relating to logos, mascots, and/or nicknames.
- The Milton decision prompted State Superintendent Herbert J. Grover to request on May 13, 1992 an opinion from the Attorney General.
- AG's Opinion-September 17, 1992: Conclusions:
  - \*The use of American Indian logos, mascots or nicknames falls within the scope of the pupil nondiscrimination statute (118.13), and that DPI's administrative rules defining "discrimination," "pupil harassment" and stereotyping" are consistent with the legislature's intent in enacting 118.13
  - \*The use of an American Indian logo, mascot, or nickname is not per se a violation of 118.13.
  - \*Any question as to whether a particular logo, mascot or nickname is discriminatory in violation of 118.13 must be determined on a case-by-case basis, on the particular facts of each case.
- Since the AG's opinion, DPI has decided two more appeals (Mukwonago and Mosinee), applying the case-by-case, fact-specific analysis prescribed by the AG.
- DPI employed US Department of Education Office for Civil Rights legal standards in both cases. An American Indian logo, nickname or mascot may be discriminatory if it causes a student harm by reinforcing a negative stereotype and/or results in an environment which substantially interferes with a pupil's school performance or constitutes an intimidating, hostile or offensive school environment. The legal standard is "whether a reasonable person, one similarly situated to the appellant or her children, would find that the logo depicts such a negative stereotype that it is detrimental or harmful to a protected class or person."

Note: The OCR will find a violation of Title VI of the Civil Rights Act of 1964 if it finds that (1) a racially hostile environment exists, (2) of which a [school district] has actual or

constructive notice (3) and where the [school district] has not taken action reasonably calculated to redress the hostile environment. A "racially hostile environment" is defined as an environment where "racially harassing conduct of a physical, verbal, graphic, or written nature is sufficiently severe, pervasive, or persistent as to interfere with or limit the ability of an individual to participate in or benefit from the [school district's] services, benefits, activities, or privileges." (*OCR Investigative Guidance on Racial Incidents and Harassment Against Students*, Federal Register, Vol. 59, No. 47. Thursday, March 10, 1994).

- DPI will continue to review appeals involving logos, mascots and nicknames consistent with the AG's opinion and the "reasonable person" legal standard, an objective standard that has been accepted by a reviewing circuit court (Mosinee 227 review - Marathon Co Circ. Ct.) (This decision was appealed to the Court of Appeals of Wisconsin District III on September 4, 1997)

- Under current law, as interpreted by the AG, decisions relating to the use of American Indian logos, mascots and nicknames are left to local school boards, with the expectation that due consideration will be given to 118.13, PI 9 and previous "logo" appeal decisions and to the effects that the use of a particular logo, mascot or nickname may have on pupils. Where a complaint or appeal involving discrimination arises, it is to be decided based on the facts peculiar to the logo, mascot or nickname in question and its use. In the case of a complaint the decision is made by the school district, in the case of an appeal the decision is made by State Superintendent

- Current statute and administrative rule provide a complaint and appeal process for residents and aggrieved persons to bring concerns and complaints forward. It has been the department's experience that the current complaint and appeal process related to school logos, names, nicknames and mascots can be extremely divisive, disruptive and expensive for school districts and communities. (Examples include the four communities that have had complaints and appeals and Menomonie.)

- Current law allows for inconsistency from district to district with a particular logo or image. School districts may be confused by differing findings made with respect to identical or similar logos. Finally, school districts choosing to retain an Indian-related logo are subject to ongoing complaints about their logo and its use.

In conclusion, the State Superintendent, while continuing to provide state leadership rather than a mandate, and while adjudicating appeals on a case by case basis under current statute, believes that local school districts should be the responsible unit of government for making determinations on appropriate logo, nickname and mascot use.

Mr. Menéndez and I would be happy to try and answer any questions.



# Wisconsin Interscholastic Athletic Association

DOUG CHICKERING  
*Executive Director*

FRANK MCCORMICK  
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DON HERRMANN  
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*Communications  
Director*

*Established 1896*

January 20, 1998

Barbara E. Munson, Chair  
Wisconsin Indian Education Association  
231 Steeple Road  
Mosinee, WI 54455

Dear Barb:

Thank you for keeping me current on SB 41. The WIAA's Advisory Council and Board of Control has its winter meetings on January 29-30 and preparations for them will prevent me from appearing at the hearing on January 28.

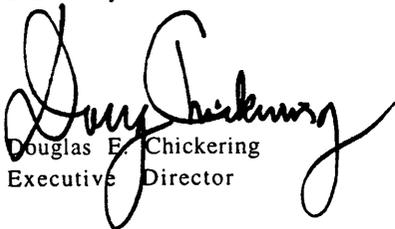
The WIAA is on record with the Legislature in opposition to any ethnic stereotypes and our publications include the following statement:

The Wisconsin Interscholastic Athletic Association objects to activities or uses of materials that may be offensive to members of American Indian or other ethnic communities.

The Association, therefore, discourages schools with American Indian or ethnic mascots from bringing mascots, posters, etc. to any and all competition. This also includes displaying logos or participating in chants, yells, gestures, or other activities that potentially influence incorrect and inappropriate attitudes about the American Indian or any ethnic heritage.

I support your efforts to teach respect, not racism.

Sincerely,



Douglas E. Chickering  
Executive Director

jk

cc: Senator Gwendolynne Moore