

**PANEL PRE-REGISTRATION
FOR SUPPORTERS OF
SB341**

Please fill out the form below and mail it to:

**WIEA "Indian" Mascot and Logo Taskforce
231 Steeple Road
Mosinee, WI 54455**

or FAX it to (715) 693-1756

or E-MAIL it to barb@munson.net

Pre-registration forms must be mailed no later than January 21, 1998.
After this deadline, you can still register at the hearing room at 10 AM
on the day of the hearing, January 28, 1998.

NAME OF ORGANIZATION Menomonie High School Student Council

CITY or COUNTY Menomonie

NAMES OF PANEL MEMBERS Ann Klimpke ✓

Panel 3 Beth Heinzen ✓

See Vang ✓

CONTACT PERSON, MAILING ADDRESS, PHONE NUMBER (and E-MAIL)

Karin Worthley

N7711 County Rd. F

Menomonie, WI 54751

phone (715) 235-9126 FAX 715-232-1091

**PANEL PRE-REGISTRATION
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SB341**

Students

Please fill out the form below and mail it to:
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NAME OF ORGANIZATION Menomonie High School Student Council

CITY or COUNTY Menomonie

NAMES OF PANEL MEMBERS Sarah Pamperin ✓

Panel 1 Jeannette Peters ✓

Kelly Verdon ✓

Mary Vang ✓

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NAME OF ORGANIZATION Menomonie High School Student Council

CITY or COUNTY Menomonie

NAMES OF PANEL MEMBERS Alicia Gibb ✓

Panel 2 Luke Katzmark ✓

Joy Link ✓

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NAME OF ORGANIZATION Menomonie High School Student Council

CITY or COUNTY Menomonie

NAMES OF PANEL MEMBERS Jeremy Foxwell ✓

Panel 5 Tracey Tennyson ✓

Missy Schweitzer ✓

Jennie L. Schultz ✓

CONTACT PERSON, MAILING ADDRESS, PHONE NUMBER (and E-MAIL)

Karin M. Worthley

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NAME OF ORGANIZATION Menomonie Student Council
(advisor and former advisor)

CITY or COUNTY Menomonie

NAMES OF PANEL MEMBERS Karin Worthley ✓
Panel 6 Jim Worthley ✓

CONTACT PERSON, MAILING ADDRESS, PHONE NUMBER (and E-MAIL)

Karin Worthley

N7711 County Rd F

Menomonie, WI 54751

715-235-9126 FAX 715-232-1091

We, the undersigned students, support the passage of Senate Bill 376, which will allow W-2 participants to attend up to 15 hours per week of vocational college courses as part of their 30 hours per week work requirements.

We urge you to vote in favor of this bill.

Names of Students

Learning Center - 2628 N. M.L. King

1. Marilyn Milton
2. M. Jackson Milton
3. Hattie L. Gatterson
4. Scarlett Young
5. Celvia Hamilton
6. Margindue Marley
7. Charles Linyard
8. Candy Galina
9. GUYEN BOHAMMON
10. Wanti Blum
11. Khem Wainke
12. Jashaki Shompr-
13. Quentia Bradley
14. Kenya Hall
- 15.
- 16.
- 17.
- 18.
- 19.

Hi Sharon

49 People Testified in Favor
6 Testified Against
2 For Information only (DPI)

61 Registered in Favor
5 Registered Against (Including Senn Brown for School Boards Association—no other k-12 education group took a position which is interesting)

Here are the groups in favor either from hearing slips or written statements:

WIEA

Wisconsin Indian Education Association

H.O.N.O.R., Inc.

Wunk Sheek

Oneida Nation

WEAC/WFT

American Jewish Committee

Midwest Treaty Network

Black Student Union (Green Bay)

Lutheran Office for Public Policy

National Association of Social Workers

Madison Treaty Rights Support Group

Lac Du Flambeau Tribe

Progressive Action Organization (UW-Stevens Point)

Internatioanl Socialist Organization (UW-Madison)

Alliance for Democracy (UW-Madison)

University of Wisconsin System Multicultural Information Center

Red Cliff Band of Lake Superior Chippewas

Bill Collar from Seymour High School

I hope this helps.

Paul Rusk

February 3, 1998



LUTHERAN OFFICE FOR PUBLIC POLICY IN WISCONSIN

SENATE EDUCATION COMMITTEE

Hearing on Senate Bill 341

"Prohibiting School Boards From Using American Indian Nicknames and Logos"

10:00 A.M., January 28, 1998

119 Martin Luther King, Jr, Blvd., Madison, WI

Senator Potter, and Education Committee Members;

Thank you for inviting testimony on S.B. 341, prohibiting school boards from using certain American Indian names, nicknames, logos and mascots. I am Rev. Sue Moline Larson, director of the Lutheran Office for Public Policy in Wisconsin, the legislative advocacy office of the six judicatories of the Evangelical Lutheran Church in America with congregations in Wisconsin.

The ELCA policy statement, "Freed in Christ, Race, Ethnicity and Culture," adopted in 1989, states that too often, we react fearfully or grudgingly to the diversity of cultures. The social, economic, and political dimensions of racism are acute, and indications of that abound. Acts of intimidation can be as blatant as the burning African-American churches, but many other barriers in our society are more subtle and insidious.

The question that continues to be debated in Wisconsin, of eliminating ethnic mascots and logos, illustrates the less blatant, but more pervasive, elements of racism enduring in our schools and communities. Demeaning caricatures of American Indian people as "mascots" or logos deny Native people the dignity and respect they deserve. They can be especially troublesome in a public school setting. The Department of Public Instruction's report released in 1995 pointed out the damage of stereotypical and sometimes derogatory images which set American Indian students apart as different from, or inferior to, their classmates and others not personally affected.

As a denomination with strong immigrant roots, the ELCA is committed to cultural diversity, and recognizes that racism and prejudice undermine and deform relationships, and diminish the possibility to build healthy communities. Leaders committed to healthy schools will not wish to perpetuate unfair messages to some students while tacitly teaching all students that indifference to offensive school symbols is an acceptable community value.

Both socially, and politically, ethnic identity does create barriers for some, and privilege for others who are in the majority. It behooves school officials and school board members entrusted with authority to take the lead in practicing integrity in the face of popular bias. In this way, the heritage that all races bring to the school and community will be valued and upheld, regardless of dominance or minority status. When this value is recognized and practiced, fairness in public education in Wisconsin will take a giant step forward. That can be a promising sign of wisdom and maturity for educational leaders to exhibit in this sesquicentennial year.

On behalf of the synods of the Evangelical Lutheran Church in America in Wisconsin, I urge your support for S.B. 341. Thank you.

322 East Washington Avenue Madison, Wisconsin 53703-2834 608/255/7399

*Advocating justice for disempowered people and responsible stewardship of creation
A ministry of the Evangelical Lutheran Church in America
Division for Church in Society, in partnership with
Northern Great Lakes Synod Northwest Synod of Wisconsin
East-Central Synod of Wisconsin Greater Milwaukee Synod
South-Central Synod of Wisconsin La Crosse Area Synod*



printed on recycled paper



January 28, 1998

To: ~~Assembly~~ ^{Senate} Education Committee
From: John-Carl Davis
411 North River Road
West Bend, WI 53090

Ref: Testimony on Use of Indian Logo

I am proud to say that the blood of my Delaware ancestors courses through these blood vessels. With this blood comes certain responsibilities. The responsibility of respect for all living things as well as all creations. It is the reverence for nature. That particular responsibility means that we must be especially respectful of our fellow inhabitants of this Earth. It means that all people must be treated with respect and dignity, because they too were made by the Creator.

Dignity and respect are two of those universal truths which all people should understand. This means that I must respect you as a person and give dignity to your roots. It is incumbent upon us to not degrade, demean, malign others.. It means we must avoid stereotyping others and devaluing others.

I grew up with the old adage, "Sticks and stones may hurt your bones, but names will never hurt you." This was rationalization to smooth out the hurt that names can do. The use of the Indian logo is offensive to Native American students. Stop and think about the pep signs which can be generated. If you were a Native American student would you like to see a sign that read: **kill the Indians; massacre the Indians, scalp the Indians.**

The slogans generated with the logos are distasteful enough, but the caricatures which may accompany them add their own form of degradation. What would you find? War paint, the Tumbleweed's cartoon of slow, dumb Indians, hatchets and knives. The range is from the not too bright to the ferocious savage.,

Although a logo itself may show the proud profile of an Indian warrior chief, the image quickly is transformed by the stereotypic perceptions of students. That transformation feeds on the self-esteem of students and serves to negate the contributions of Native Americans to the tapestry which is America.

Lastly, such use of the American Indian as a logo, singles out a distinct cultural-ethnic group. Whether the logo is the Warriors, the Chiefs, the RedMen, or the Indians,

we find ourselves with the ranks of the Orioles, the Martins, the Marshmen, the Panthers, the Badgers. Being in the company of animals and mythical creatures is without respectful and is without dignity. When is the last time you heard of a team called the Whitemen, the Caucasians, the Africans, the Fellowmen? I doubt that you have or ever will. The one of the important steps which you can take in your deliberations is to ban the use of the Indian logos. This step should not be taken as step for political correctness, but as step toward dignity and respect for all people.

We are tired of names; we are tired of funny caricatures; we are tired of stereotyping; we are tired of rationalization; we are tired of traditions which demean and malign our people.

Thank you for the careful consideration of these words.

John-Carl Davis
411 N. River Road
West Bend, WI 53090.

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.



*National
Congress of
American
Indians*

Executive Committee

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W. Ron Allen
Jamestown S'Klallam Tribe

First Vice President
Ernie Stevens, Jr.
Oneida Nation of Wisconsin

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Henry Cagey
Lummi Nation

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Cheryl A. Seider
Table Bluff Reservation-Wiyot

Southeast Area
A. Bruce Jones
Lumbee Tribe

Executive Director
JoAnn K. Chase
Mandan, Hidatsa & Arikara

SUPPORT THE EFFORTS OF THE

NATIONAL CONGRESS OF AMERICAN INDIANS

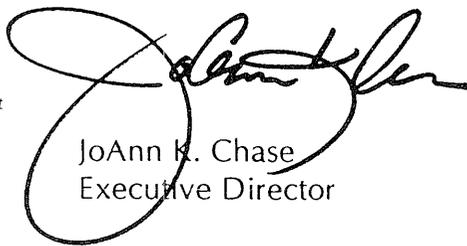
Thank you for your interest in the National Congress of American Indians (NCAI). As the pre-eminent national Indian organization, NCAI is organized as a representative congress of tribal consensus on national priority issues. Throughout the year, our legislative staff monitors legislation and events in Congress and the Administration and informs our membership on a myriad of issues while serving as a clearinghouse of information. Last year, NCAI staff developed briefing books to inform members of Congress about the devastating effects proposed legislation would have on tribes and developed educational packets, such as the one enclosed for use in advocacy efforts.

If your tribe is not a member of the National Congress of American Indians and would like to join, please complete the attached application and return along with membership dues and a tribal resolution. Once all membership items are received your tribe will begin to receive weekly legislative updates and notification of meetings and events in Washington, D.C. via fax.

The ceiling for tribal membership dues is \$1,000, but a number of tribes have voluntarily chosen to pay \$5,000 (see attached letter). Your financial contribution will greatly assist us in furthering our advocacy efforts on behalf of our tribal membership.

Questions regarding membership should be directed to Iris Friday, Development Director at (202) 466-7767 or via e-mail: ifriday@erols.com.

Sincerely,



JoAnn K. Chase
Executive Director



THE NATIONAL CONGRESS OF AMERICAN INDIANS
TRIBAL MEMBERSHIP APPLICATION

NEW MEMBERSHIP

MEMBERSHIP RENEWAL

TO: NCAI RULES AND CREDENTIALS COMMITTEE
2010 Massachusetts Avenue, NW 2nd Floor
Washington, D.C. 20036

FROM : _____
(Tribe, Pueblo, Native Village)

ADDRESS: _____

PHONE: () _____ FAX: () _____

is hereby applying for membership in the National Congress of American Indians.
ENCLOSED are the proper credentials in accordance with the NCAI Constitution
and By-Laws.

1. Tribal Resolution *(attached)*
2. Names of Official Delegate and Alternates:

Delegate: _____

Alternate: _____

Alternate: _____

Alternate: _____

3. Tribal Membership Dues of \$ _____

Authorized Signature

Date

Title

Enclosures: •Tribal Resolution •Membership Dues



**THE NATIONAL CONGRESS OF AMERICAN INDIANS
TRIBAL MEMBERSHIP CREDENTIAL PROCESS**

Membership & Credentials Requirements

1. Official **Resolution**
 - Designate Delegate
 - Designate Alternate(s)

2. Payment of **Individual** Membership Dues for:
 - Delegate
 - Alternate(s)

3. Payment of **Tribal** Membership Dues

• ALL MEMBERSHIP DUES ARE RENEWABLE AT THE ANNUAL CONVENTION EACH YEAR •

*Articles from the National Congress of American Indians
Constitution and By-Laws applicable to the membership process:*

Article II: MEMBERSHIP

Section 2 A: Tribal Membership

Any Tribe, band or identifiable group of American Indians, Eskimos, and Aleuts shall be eligible for tribal membership provided it shall fulfill all the following requirements:

1. A substantial number of its members reside upon the same reservation or, in the absence of a reservation, in the same general locality;
2. It maintains a tribal organization, with regular officers and the means of transacting business and arriving at a reasonably accurate count of its membership;
3. It is not a mere offshoot or fraction of an organized tribe, itself eligible for membership; and
4. It is recognized as a tribe or other identifiable group of American Indians by the Department of the Interior, Court of Claims, the Indian Claims Commission, or a State.

Article III: MEMBERS

Section 3B: Dues for Tribal Membership-In accordance with the following table:

Amount of Income	Amount of Dues
\$1,000,000 or over	\$1,000
\$500,000-999,999	\$ 750
\$250,000-499,999	\$ 500
\$100,000-249,999	\$ 300

Under \$100,000/Year Income

Size of Tribe	Amount of Dues
Up to and including 2,500	\$25 + .5 cents/member
2,501-25,000	\$125 + 1 cent/member
Over 25,000	\$250 + .5 cent/member

Article II: MEMBERSHIP

Section 6C: Votes

Each individual member is entitled to one vote. Each member tribe is entitled to 100-180 votes, depending upon the enrollment of the tribe. Each member tribe shall vote in accordance with the following table:

Members in Tribe	Number of Votes
up to & including 500	100
501 to 1500	110
1501 to 2500	120
2501 to 3500	130
3501 to 4500	140
4501 to 5500	150
5501 to 6500	160
6501 to 7500	170
7501 and over	180

MODEL: TRIBAL GOVERNMENT RESOLUTION FOR NCAI MEMBERSHIP

(TRIBAL LETTERHEAD)

WHEREAS, the _____ Tribe/Nation wishes to become a Member Indian/Native Government in Good Standing of the National Congress of American Indians; and,

WHEREAS, the _____ Tribe/Nation meets all requirements for Tribal Membership, pursuant to Article 11, Section 2A of the Constitution and ByLaws of the National Congress of American Indians (NCAI).

NOW, THEREFORE BE IT RESOLVED that the _____, which is the official governing body of the above-named Tribe/Nation, hereby authorizes _____ who is the official principal tribal official, to take the necessary action to place the Tribe/Nation in membership in NCAI; and,

BE IT FURTHER RESOLVED that Tribal funds in the amount of \$ _____, based on the Tribal Membership dues schedule in the NCAI By-Laws, Article III, Section 3B, are authorized to be paid for membership in NCAI; and,

BE IT FURTHER RESOLVED that, based on the tribal citizenry of _____ persons, the Tribe/Nation shall have _____ votes, in accordance with Article II, Section 6c of the NCAI Constitution; and,

BE IT FINALLY RESOLVED that, pursuant to Article III, Section 2 of the NCAI Constitution, the Tribe/Nation designates the following persons as Delegate and Alternate Delegate(s), and instructs them to become Individual Members in Good Standing in NCAI in order to fulfill their responsibilities as Official Delegates to the National Congress of American Indians Annual Convention, Mid-Year Conference and Executive Council Meetings. *(Please specify length of term for each person.)*

Please Print or Type

Delegate _____	Signature _____
Alternate _____	Signature _____
Alternate _____	Signature _____
Alternate _____	Signature _____

Process the attached or similar resolution in accordance with your procedures and have the tribal secretary or other official representative of the tribe forward this with the Membership Fee to:

National Congress of American Indians
2010 Massachusetts Avenue, N.W., 2nd Floor
Washington, D.C. 20036
Telephone 202.466.7767 Fax 202.466.7797

• IN ORDER TO VOTE, ALL DELEGATES & ALTERNATES MUST BE LISTED ON THE TRIBES'S OFFICIAL RESOLUTION •

FORT PECK TRIBES

Assiniboine & Sioux

FORT PECK TRIBES CHALLENGE ALL TRIBES TO SUPPORT NCAI

The Fort Peck Tribal Executive Board has by Resolution voluntarily increased to \$5000 our membership dues to the National Congress of American Indians, the Nation's oldest and largest Indian organization. The Tribes took this action to assist the National Congress of American Indians in its lobbying efforts which are necessary to protect and preserve the sovereign status of the tribal governments. The Fort Peck Tribal Executive Board issues a challenge to all other tribes to increase your membership dues by this amount for the November Convention in Santa Fe, New Mexico.

The efforts that the National Congress of American Indians undertake for all tribes on a daily basis in Washington-D.C. must be recognized and supported by all tribes. In the last year alone NCAI has been critical in the fight to:

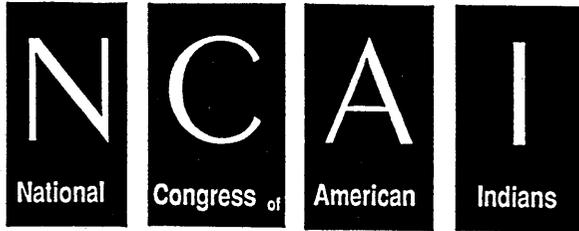
- ◆ protect tribal rights under the Indian Child Welfare Act;
- ◆ defeat the DBIT tax-on-tribal commercial revenues in the Ways and Means Committee;
- ◆ defeat the Istook proposal on the House floor;
- ◆ protect tribal gaming interests before the National Gambling Impact Study Commission; and
- ◆ preserve tribal primacy in key environmental areas.

Now we are faced with the challenges of section 118 and section 120. Both provisions would fundamentally alter the Nation's Indian policy without even the slightest consultation of tribal governments. NCAI is working hard to fight these provisions on their merits. NCAI has been tireless in meeting with the members of the Senate who have no tribes in their state and working with all tribes to ensure that their Senators are contacted and informed about the importance of voting against these two provisions.

Indian country should not assume because NCAI has been so successful in the last year, that its work is done. In fact, while we have clearly been successful in defeating each of the anti-Indian proposals before Congress in the last year, the challenges that we faced in recent years will continue. Congressman Archer is committed to tax tribal commercial revenues and will likely hold a hearing on his measure soon. Senator Gorton remains committed to his idea of changing Indian policy through appropriations. Congresswoman Pryce has promised to reintroduce her version of amendments to the Indian Child Welfare Act that would restrict tribal participation in child custody proceedings.

Thus, the days ahead of us are ones we should be prepared and equipped for. The best way to do this is to have a strong and unified voice in Washington, D.C. **NCAI IS THIS VOICE.** The Fort Peck Tribes challenge all tribes to support NCAI in this role and increase your membership dues to NCAI to \$5000.

FORT PECK TRIBAL EXECUTIVE BOARD
Caleb Shields, Chairman



FACTS ABOUT INDIAN TRIBES IN THE UNITED STATES

♦ **How many Indian Tribes are there?** There are over 557 federally-recognized Indian Tribes (some are called Bands, Nations, Pueblos, Communities and Native Villages) in the United States. About 226 of these are located in Alaska; the rest are located in 34 other states. Tribes are ethnically, culturally and linguistically diverse. By all statistical measures, members of Indian Tribes are among the poorest people in the United States with staggering rates of suicide, alcoholism, unemployment, and health problems, especially diabetes and fetal alcohol syndrome.

♦ **What is federal recognition?** Federal recognition of an Indian Tribe means acknowledgement by the United States of the political status of the Tribe as a government. Members of the Tribe are eligible for the special services of the United States because of that status. There is a long and complex process by which federal recognition can be accorded to a group of American Indians. This process is administered by the Bureau of Indian Affairs (BIA) at the Department of the Interior, the primary trustee in the Administrative Branch of the United States for Indian Tribes and their members.

♦ **Why are Indian tribal members treated differently by the United States from racial minority groups such as African Americans, Latinos, Asian Americans and others?** Indian people, or Native Americans as they are often referred to, are the members or citizens of the original indigenous Tribes of the United States, or their descendants, and as such have a political relationship, through their Tribes, with the United States. Indians are not considered a racial or ethnic minority. Because of their unique political status, Indians are citizens of three sovereigns: their Tribe, the United States and the state in which they reside.

♦ **How many members of federally recognized Tribes are there?** There are about 2 million Indians who are members of federally recognized Tribes. Most are eligible for special federal programs offered for Indian people by the BIA, as well as by the Department of Housing and Urban Development, the Department of Labor, the Department of Education and by the Indian Health Services (IHS) at the Department of Health and Human Services. These

programs are provided because of obligations the United States made when it entered into hundreds of treaties with Indian Tribes in return for vast cessions of lands.

♦ **How does the Constitution address Indian Tribes – what is the “Indian Commerce Clause” and what is the role of the Congress in Indian affairs?** Article I, section 8, clause 3 of the Constitution reads as follows: “The Congress shall have Power To...regulate Commerce...with the Indian Tribes.” This clause is the basis for congressional authority to pass laws dealing with Tribes and for the unique relationship existing between Tribes and the federal government. As a result, both bodies of the United States Congress have nearly always established specific committees to handle Indian legislation. In the Senate, the Indian Affairs Committee handles most legislation relating to American Indian Tribes (the Senate Energy Committee retains jurisdiction over most issues affecting Alaska Native lands); in the House, the Subcommittee on Native American and Insular Affairs of the House Resources Committee is responsible for Indian legislation and policy.

♦ **What is the Trust Responsibility?** The federal trust responsibility derives from the fiduciary relationship between the United States and Indian Tribes which is likened in court cases to the relationship between a trustee and a beneficiary. Since the United States holds the vast majority of Indian lands, money, and resources in “*trust*” status, it is required to manage those lands and resources in a manner most beneficial to the Tribes and individual Indian people.

♦ **What is the government-to-government relationship?** The government-to-government relationship between Indian tribal governments and the United States government has existed since the formation of the United States and has been confirmed and restated by every President since Richard Nixon. The underpinning of the relationship is that the United States government and all of the Executive Agencies historically dealt and continue to deal with Indian Tribes as governments, not as special interest groups, individuals, or some other type of entity. Just as the United States deals with states as governments, so it deals with Indian Tribes as governments.

♦ **What is Tribal Sovereignty?** Prior to the arrival of Europeans, Indian Tribes could raise armies and provide currency for commerce. Those powers and others are no longer enjoyed by Tribes. However, all other powers, except those expressly taken away by the Congress, are retained by Tribes. Certain powers, including the power to criminally prosecute non-Indians, have been removed by the Supreme Court. Congress may also expressly reaffirm inherent powers of Tribes and has done so in recognizing certain powers of Tribes in environmental statutes. This means that Tribes can regulate tribal lands, resources and the conduct of tribal members and virtually all conduct of other people which takes place within Indian country. The Tribes also have tax and zoning powers.

♦ **What is Tribal Sovereign Immunity?** Tribes, like the federal government and the states, enjoy sovereign immunity from suits by citizens (and other tribal, state and local governments). Sovereign immunity enables governments to carry out their duties on a day-to-day basis as governments without fear of being brought to court for their governmental decisions. Sovereign immunity is especially important to Tribes because of their limited revenue sources. Congress and the courts have addressed sovereign immunity in careful, intricate ways. Tribal sovereign immunity is a limited legal protection and is not a barrier to most meritorious cases. In addition, immunity may be waived by tribal governments.

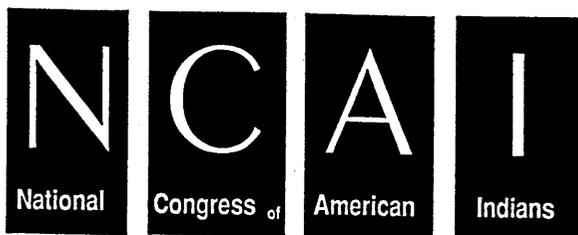
♦ **What is meant by Self-Determination and Self-Governance?** Self-Determination is a policy of the Federal government developed by President Nixon in consultation with Indian tribal leaders. The policy is codified in Federal law, including the Indian Self-Determination and Education Assistance Act, which was signed by President Ford in 1975. This Act promotes the contracting by Indian Tribes of federal programs enacted for the benefit of Indian people. As a result, for the past 20 years, Tribes have been contracting to operate programs at the tribal level. Tribal Self-Governance is a new federal policy still in its early stages. It allows Tribes to enter into one agreement with the Department of the Interior to manage and redesign all programs, rather than to enter into separate contracts for each program. Self-Governance has been very effective in allowing Tribes to effectively manage federal resources.

♦ **What is meant by the terms "trust lands," "reservations," and "Indian country?"** "Trust lands" and "reservations" are complex terms under federal law that basically define what is and what is not "Indian country." Indian country itself is that area over which the Federal government and Tribes exercise primary jurisdiction.

Most of Indian country is the land within an existing Indian reservation. Reservations are defined geographic areas with established boundaries recognized by the United States. Some reservations are made up wholly of trust lands (lands held in trust by the United States for the benefit of a Tribe or an individual Indian); other reservations include trust lands as well as fee lands owned by Tribes, individual Indians, and non-Indians. After making great cessions of vast lands to the United States in the 1700s and 1800s, the Tribes were promised in treaties that the "reserved" lands were theirs forever. As all history students know, these treaties were broken by the United States. For example, the Dawes Act opened up lands for "allotment" to Indian individuals in an attempt to make them farmers; later, lands not allotted became available to non-Indian homesteaders; hence, multiple types of land titles exist on many Indian reservations, particularly in the Northern Plains.

♦ **How do Indian Tribes organize their governments?** Tribes have the inherent power to govern all matters involving their members and virtually all matters arising within Indian country. Tribes form their governments either by election of members to a governing council as provided in each Tribe's constitution or, in some cases, by elders choosing the Tribe's leaders. Each Tribe has one elected Chairperson, President, Chief or Governor who is the recognized leader of the Tribe and has authority to act as such when dealing with the Federal government. Many Tribes have organized their governments under the auspices of the Indian Reorganization Act of 1934 and their constitutions are approved by the Secretary of the Interior. Amendments to such constitutions must be approved by the Secretary of the Interior.

♦ **Do states have jurisdiction over Indian country or Indian people?** States do not have any civil or criminal jurisdiction over Indian country except that which the Congress may delegate or the Federal courts determine exists. In the 1950s, Congress enacted several statutes giving states criminal jurisdiction over offenses committed within Indian country. However, the statute did not grant jurisdiction to states over the Tribes themselves or over their lands. Some of the states have returned jurisdiction to the Federal government. For more than a quarter century, until passage of the Indian Gaming Regulatory Act (IGRA) in 1988, no other statutes gave states any authority in Indian country. The federal government has jurisdiction over all major crimes committed in Indian country, except for crimes committed by non-Indians. Tribes prosecute all criminal misdemeanors committed by Indians on Indian lands that carry sentences of up to 1 year in jail. Tribal courts also have jurisdiction over most civil matters that arise within Indian country.



FACTS ABOUT INDIAN GAMING

- ◆ **Only 177 of the Nation's over 500 federally recognized Indian tribes operate some type of gaming, according to a recent GAO study.** The remainder of the over 300 tribes do not operate any type of gaming and depend significantly upon federal dollars to operate tribal government programs. Among the 177 gaming tribes, a large majority operate only marginally successful bingo games.
- ◆ **Total class III Indian casino-type gaming represents only 16.3 percent of all similar casino gaming dollars in the United States.** The rest of such gaming is conducted by commercial gaming interests, primarily in Nevada, New Jersey and riverboat facilities in the South and Midwest. Unlike commercial gaming interests, however, Tribes are required to use revenues for governmental programs.
- ◆ **State governments, not tribal governments, receive the lion's share of income from governmentally-authorized gaming.** The American Gaming Association reports that in 1995 state-operated lotteries earned over \$15.2 billion compared to \$3.5 billion made by Indian Tribes. Income to commercial gaming facilities was \$20.7 billion, and charitable gaming operations received about \$2.5 billion in profits.
- ◆ **Like States, Tribes must spend their gaming dollars on governmental programs,** including housing, education, health, roads, community services, day care, governmental infrastructure, and economic development.
- ◆ **Not all tribes are rich from gaming.** According to the GAO, about 40 percent of all tribal gaming revenues is earned by the six largest gaming tribes.
- ◆ **Tribes do not pay federal taxes because, like States, they are sovereign governments.** Tribal income is used to support governmental programs, including construction of facilities, that would otherwise remain unmet obligations of the United States under treaties with tribes and federal statutes.
- ◆ **Individual tribal members pay federal taxes on all income.** Just like every other citizen of the United States, all income received by a member of a federally-recognized Indian Tribe is subject to federal taxation, including income from tribal gaming whether earned as an employee of such gaming enterprise, or as a tribal member receiving per capita payments from gaming revenues. Depending on the source of income and location of residence and employment, tribal members are also subject to State income taxes.
- ◆ **Indian gaming revenues alone cannot overcome the staggering unmet need on Indian reservations.** The very poorest counties in the United States are in areas that include Indian reservation lands and these reservations are not located in areas where gaming would be economically feasible.
- ◆ **Tribal gaming is the most regulated gaming in the Nation.** Tribes regulate gaming at the tribal level in accordance with laws and ordinances approved by the federal government. In addition, the federal government has independent authority to regulate much of Indian gaming, particularly class II bingo. States often regulate class III casino type gaming under the tribal/state compacting provisions required by federal law.
- ◆ **Tribes do not object to regulation because it is critical to tribal governments that the gaming they conduct remains free of any sign of corruption.** It is certainly not in the best interests of tribal governments for gaming to be sullied by reports of wrongdoing or other possibly illegal practices. It is in everyone's interest, particularly the Tribes', for all of Indian gaming to remain free of taint or any hint of corruption. If wrongdoing occurs, Tribes report the incident to law enforcement authorities and take immediate remedial action.
- ◆ **Tribal gaming is very beneficial to the surrounding local communities.** Gaming creates wealth in many ways: less welfare, more tax income from employee wages to the state and local governments, spinoff service businesses to support employees and customers who patronize the gaming facilities. In addition, vendors and other suppliers must grow their businesses to meet the needs of the Indian gaming facilities.



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FACTS ABOUT TAXATION OF INDIAN GAMING

- ◆ **Indian Tribes are sovereign governments recognized by the laws and treaties of the United States.** As such, tribal governments, like state governments, are not subject to tax by the federal government.
- ◆ **Revenue from tribal economic development enterprises, including tribal gaming, is used to provide needed governmental services to tribal members.** Just as state governments use income from lotteries and other economic development enterprises for the public good, tribal governments gaming dollars for a variety of governmental purposes including health, housing, education, welfare, community services, judicial and law enforcement services, day care and elderly services, job training, and governmental infrastructure, as well as construction of facilities such as clinics, schools, office buildings and roads.
- ◆ **Like every other United States citizen, individual Indian people are fully subject to federal income tax on all income, no matter how it is earned.** If Indian people receive income from gaming because of their tribal membership, that income is fully taxable. Indian people are very often subject to state income tax too, depending on where they live and work and the source of the income.
- ◆ **Tribal gaming operations are fully subject to the federal Bank Secrecy Act.** The Act deals with money laundering and was made applicable to tribal gaming in 1994. In addition, all players at tribal gaming facilities pay taxes on winnings above \$2,000 as required by the Internal Revenue Service.
- ◆ **The Indian Gaming Regulatory Act of 1988 requires Tribes to use gaming revenues for governmental purposes.** All tribal gaming revenues must be used as required by IGRA: for tribal government programs; for the general welfare of the Tribe and its members; for economic development; for charitable purposes; and for assisting in funding programs of local government agencies. Tribal decisions to use part of such revenues for individual payments to members must first be approved by the Secretary of the Interior. Since individuals pay federal taxes, any gaming funds not being used directly for tribal government programs are taxed by the federal government.
- ◆ **The federal government is responsible, with tribal governments, for the health, education and welfare of Indian people, just as it is responsible, with state governments, for the health, education and welfare of all citizens.** If the IRS taxed tribal gaming income, it would only mean that the burden for providing programs that the gaming revenues provide would be re-shifted to the federal government.
- ◆ **Just as the federal government would not consider taxation of state lottery income, so it should not consider taxation of tribal gaming income.** Even though States, like Tribes, receive federal funds for social service programs such as housing, education, health, elderly care, day care, food assistance, and similar programs, no one would suggest taxing State gaming income.
- ◆ **Republican Members of Congress and many Democrats as well have pledged "no new tax."** Imposition of a tax on Indian gaming income would be new and would be a disincentive to local development.
- ◆ **If Indian gaming revenues were subject to federal tax, many tribal facilities would be forced to close.** A significant number of tribal gaming facilities are only marginally successful. If federal taxes were imposed, these facilities would have little or no economic value.



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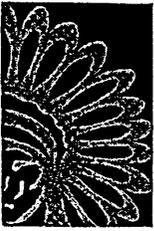
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TRIBAL LEADERS STATEMENT

Implementation of Pub. L. 104-193, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996

Approved at the Conference

*"Partnerships for the Future: Promoting Self-Sufficiency
for Tribal Nations and Native American Families"
Seattle, Washington ♦ October 29-31, 1996*

The unique government-to-government relationship between American Indian and Alaska Native tribes and the United States government must not be compromised. Implementation of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 must respect the sovereign rights of tribes arising from treaties, executive orders, and federal law and must ensure that the trust obligations of the United States to American Indian and Alaska Native governments and people are not diminished in any way.

Tribal governments promote personal responsibility and work opportunity for their members. Their efforts have been hindered by:

- ♦ *high rates of poverty and low health status of their members,*
- ♦ *discrimination against American Indians and Alaska Natives in non-tribal education and workplace settings,*
- ♦ *the lack of economic opportunity on reservations and in other Indian and Alaska Native communities,*
- ♦ *the inadequacy of support for infrastructure development,*
- ♦ *refusal by many state and local governments to respect the governmental status of tribes and to offer to tribal members the full benefits of their status as state citizens, and*
- ♦ *decades of federal policies of paternalism in which tribal governments were inappropriately deprived of the opportunity to fully control all federal spending on behalf of tribal members.*

Tribal governments recognize the harmful effects reliance on "welfare" can have. "Welfare" was not traditional among American Indian and Alaska Native peoples. Tribal governments support the provisions of the Personal Responsibility Act that give them the chance to assume control of assistance programs that have here-to-fore been solely the province of the federal and state governments, excluding tribal governments completely.

Tribal governments strenuously object, however, to the means by which this "opportunity" is being provided. After decades of federal support for state controlled "welfare" systems, with no meaningful consultation or negotiation with tribes and with no resources made available, tribal governments are faced with coping with the disruptions and dislocations of "welfare reform" legislation that even the President admits went too far and will be too harsh in its effect on the well-being of children.

Immediate and severe impacts on tribal members and tribal governments clearly are going to occur and the means for tribal governments to intervene to mitigate the potential damage is not provided.

Tribal leaders expect the Department of Health and Human Services (DHHS), in its implementation of the provisions of the Personal Responsibility Act, to honor the government-to-government relationship of the United States to tribes and to fulfill the trust responsibility of the United States. This requires immediate action by DHHS to ensure resources and information are made available to tribes and to enforce the law so that tribal members truly have the benefit of their state citizenship where tribes cannot immediately take over management of Temporary Assistance for Needy Families (TANF) programs.

Specifically, tribal leaders expect the Department of Health and Human Services to take the following steps:

Provide staff and financial resources for technical assistance and training for tribal governments regarding implementation of the Personal Responsibility Act, including:

- ♦ *funding and participating in regional tribal meetings co-facilitated and co-organized by a national Indian organization;*
- ♦ *funding a tribal education center and clearinghouse to ensure that tribes have access to high quality, tribally appropriate information and training opportunities;*
- ♦ *assigning knowledgeable staff to attend meetings of individual tribes, groups of tribes or tribal organizations to explain the Personal Responsibility Act and offer technical assistance, as requested*

Provide meaningful review of the required State certifications that equitable access to State operated programs will be provided to tribal members (42 U.S.C.602(a)(5)), by finding plans incomplete unless the certification is supported by evidence

- ♦ *that all tribes in the State have had opportunity for comment and review of the plan comparable to that provided to local governments and private sector organizations under 42 U.S.C. 602(a)(4), and*
- ♦ *that all tribes have been provided with data about expenditures for Indian families comparable to that provided for under 42 U.S.C. 612(a)(1)(B).*

Ensure tribes have meaningful opportunity for review of State plans by making a copy of each State plan (and waivers that may currently be in effect) available to all tribes in the State immediately or upon its submission by the State.

Assist tribes in their efforts to determine the feasibility of assuming responsibility for programs under the Personal Responsibility Act by making information available to each tribe, including:

- ♦ *a detailed break-out of all funding received by the State for programs under the Personal Responsibility Act and for related programs that support implementation of the Act;*
- ♦ *a detailed break-out of all funds that would be available to the Tribe for comparable programs if the Tribe were to choose to administer them (or if unavailable to the Tribe, the amount that the State should be allocating to American Indians and Alaska Natives if they are to be served equitably).*

Use negotiated rulemaking for any rulemaking carried out under the Personal Responsibility Act and include tribally designated members on any such Rulemaking Committees.

Provide resources for immediate assessment of the impact the loss of AFDC (or TANF) benefits by tribal members will have on other tribal programs and support for appropriations necessary to offset deleterious effects.

During the years in which tribes have been systematically excluded from meaningful participation in the administration of the AFDC program, DHHS approved waivers that permitted terminating benefits for failure to meet a variety of special conditions, including work participation requirements. Before tribes can assume responsibility for operation of assistance programs many tribal members already will have had state assistance benefits terminated. Impacts are anticipated in the tribal programs for General Assistance, child care, job training, housing (due to loss of housing in other areas or the means to pay for tribally provided housing), and child welfare (due to increased placement of children whose parents or other relative caregivers have lost the economic support necessary to allow them to provide care).

Provide resources for immediate assessment of the administrative, data and other infra-structure development needs of tribes to enable them to successfully administer programs under the Personal Responsibility Act and support for the appropriations and other resources and collaborative agreements necessary to satisfy the unmet need.

States have had decades in which to develop the administrative infrastructure for assistance programs. States received multi-year Federal funding for the development of data systems to enable them to now be in a position to meet the requirements of the Personal Responsibility Act. Tribes cannot be expected to be successful without comparable support.

Provide resources for the assessment of the status of tribal economic development and the need for infrastructure development necessary to provide true employment opportunity for tribal families currently reliant on assistance and support for the appropriations and other resources and collaborative agreements necessary to

satisfy the unmet need, including advocacy with other departments and agencies of the federal government to make their expertise and resources available to tribal governments.

Welfare reform cannot be successful unless every tribal member has the opportunity to be self-sufficient without having to leave their tribal community. Such opportunities do not exist on most Indian reservations or in other American Indian and Alaska Native communities. Providing such opportunities is the most fundamental element of the trust obligation the United States owes tribes and their members. It is exactly that opportunity that tribes had stripped from them in return for the treaties and executive orders they received in return for the loss of land and the loss of freedom from domination by the United States governmental.

Serve as a facilitator and mediator between tribal and state governments in meetings and negotiations regarding the Impact of State plans on tribal members and tribal government assumption of programs under the Personal Responsibility Act.

The unwarranted fear and hostility of state governments toward tribal governments is well-documented and played out over and over. States and tribes will to a certain extent be competing for the same resources under the Personal Responsibility Act.

Take steps necessary to assure that where tribes accept responsibility for assistance programs under the Personal Responsibility Act the State must collaborate with the Tribe to ensure that multiple applications are not necessary for families also eligible for Food Stamps and Medicaid.

To the extent that tribes have not been given the opportunity to administer eligibility determination for Food Stamps and Medicaid, there is a significant risk that tribal members living in an area served by the Tribe will be subject to onerous, degrading requirements that they submit to multiple application processes. Federal efforts to prevent this outcome is critical.

Propose and support rules and technical and substantive amendments necessary to make the Personal Responsibility Act conform to the obligations of the United States to Indian tribes and families.

Tribal leadership has already begun identifying the rules and technical and substantive amendments necessary to make implementation of the Personal Responsibility Act truly equitable to tribes and tribal families. These include.

♦ *providing to tribes the total funding used by the states to provide services to Indian families who will now be served by a tribal program, not just the federal share;*

♦ *ensuring tribal access to funding equivalent to all funds available to states, including supplemental funding, contingency funds, and bonuses, and make all exemptions and other options available to the states available to tribes;*

♦ *extending application of the "disregard" provision of 42 U.S.C. 608(7)(D) to Oklahoma tribes and to all tribes with high unemployment without regard to population;*

♦ *for the purposes of the disregard provision of 42 U.S.C. 606(7)(D), defining "unemployed" to include people who have given up searching for work as well as the recently unemployed;*

♦ *extending to federally recognized tribes in Alaska the same rights under the Personal Responsibility Act that other tribes have;*

♦ *providing tribes the right to determine the appropriate level of payment under the Bureau of Indian Affairs General Assistance program; and*

♦ *ensuring adequate flexibility in the conditions for tribal TANF plans so that the tribe may provide tribal members, who have lost eligibility for assistance under State waivers and plans with the opportunity to benefit from a tribally administered program with culturally appropriate work participation opportunities before individual penalties are imposed.*



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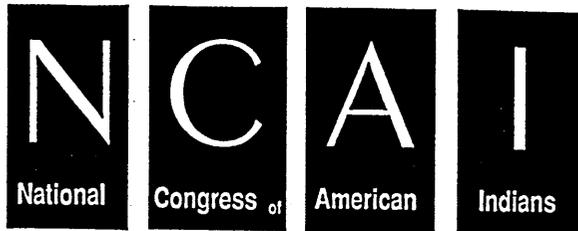
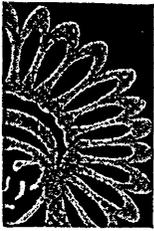
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105TH CONGRESS



THE 105TH CONGRESS OF THE UNITED STATES, AMERICAN INDIAN TRIBES, AND THE FEDERAL-TRIBAL RELATIONSHIP

Introduction

The National Congress of American Indians is a non-profit tribal organization with a membership of 225 tribes from across the nation, representing some 1.6 million Native Americans. Founded in 1944 to counteract the disastrous "termination" policies then espoused by the federal government, the NCAI is dedicated to the preservation of tribal sovereignty and the continued vitality of Indian tribal governments. Engaging the federal government in the executive, legislative, and judicial branches, the NCAI is involved with all issues and initiatives that may affect Indian tribes and Indian people.

As the pre-eminent Indian organization in the nation, the NCAI mandate is to affirm the unique "government-to-government" relationship between tribes and the United States and to advocate for the fulfillment of the obligations of the U.S. to the tribes. As the major tribal government liaison in the nation's capital, the NCAI disseminates legislative and administrative information to tribes nationwide and, in turn, develops and presents tribal consensus and opinion to the Congress on issues of concern in Indian country.

The Federal-Tribal Relationship

By virtue of their legal status as sovereign governments, Indian tribes are one of 3 sovereigns mentioned in the U.S. Constitution. As the Supreme Court has recognized and the Congress affirmed, American Indians stand apart from other ethnic and racial minorities in the U.S. and owe their unique political and legal relationship with the U.S. to their status as members of legitimate governments. The federal courts, relying on the Constitution and the hundreds of duly-ratified Indian treaties, have reaffirmed this relationship and have acknowledged the principles of sovereignty and self-determination on which current federal Indian law and policy rest.

From the earliest days of the republic, Indian tribes have been viewed as sovereign, albeit domestic, nations with a separate legal and political existence.

Article I of the Constitution vests sole authority for the management of Indian affairs with the United States. As a result of constitutional provisions, treaty obligations, hundreds of federal statutes, and dozens of federal court decisions, it is well-settled that Indian tribes have a unique legal relationship with the United States. In return for ceding vast lands and resources to the United States, Indian tribes

were provided with a series of promises from the United States including: continued protection from non-Indian encroachments; health care and educational assistance; continued powers of self-government; cultural and religious freedom; and guarantees regarding the exercise of tribal sovereignty.

The legal tie between Indian tribes and the United States is the "trust relationship" with the federal government in the role of legal trustee, and the tribes as beneficiaries. The United States is held to the most exacting fiduciary standards in all dealings with and on behalf of the tribes.

The 105th Congress and Indian Tribes

Indian tribes and Alaska Native governments face myriad problems including rampant joblessness, difficulties in protecting tribal natural resources, cultural and religious freedom issues, and the provision of health care, education, housing and related social services to tribal members. By any standard, Indian country suffers from abject poverty, short life spans, high rates of substance abuse, high unemployment, a poor infrastructural base, and difficulties in delivering basic services.

The initiatives the 105th Congress is likely to address will have lasting and significant impacts in Indian country including continuing efforts to balance the federal budget, reforming the Internal Revenue Code, salvaging federal entitlement programs, and many others. These and other legislative initiatives will undoubtedly present Indian tribes with opportunities for growth and development and because of Indian country's unique legal and practical circumstances must be addressed in an appropriate and focused fashion.

By taking note of these realities, Indian tribes and the Congress can continue the drive toward real self-determination begun in 1970 with President Richard Nixon's Indian Self-Determination Policy. This far-sighted federal policy rests on the twin pillars of enhancing the capacity of tribal governments and solid, sustained tribal economies. There are, to be sure, interests shared by Indian tribes and the Congress which will give real opportunities to work together to help Self-Determination flower in Indian country for the benefit of Indian tribes and the United States.

Forging A New Partnership

The 105th Congress should, at minimum, reaffirm its support for the Nixon Indian Self-Determination Policy while rejecting the failed policies of termination and assimilation from which Indian country is still recovering. The member tribes of the NCAI strongly believe that a bi-partisan policy which draws on the Nixon legacy can prove successful if the fundamental principles of federal Indian law and policy are honored and implemented.

NCAI: Working Toward A Consistent Federal Indian Policy

The United States should commit itself to a consistent federal policy commitment across all agencies to re-affirm the unique "government-to-government" federal-tribal relationship while securing the following critical objectives:

- ♦ *Protection of tribal treaty rights and trust assets;*
- ♦ *Support direct assistance, including the transfer of resources from the bureaucracies to the tribes for their government operations, natural resources protection, and economic development, health service, social service, education and training service delivery, law and justice systems, housing and infrastructure; and*
- ♦ *Specify Indian tribes in legislation providing assistance to states and local units of government in a manner that recognizes and protects the unique legal relationship tribes have with the United States.*

The following blueprint should be used to make these objectives attainable:

A. Government-to-Government Relationship

- 1) Meaningful recognition and establishment of a respectful partnership between tribal government and the United States, requiring consultation and negotiation with tribal leadership prior to the implementation of federal policy affecting Indians.
- 2) Recognition and support for tribes as distinct political and legal entities, and the tribes' inherent right to determine the appropriate relationship with the United States through direct services, self-determination contracts, self-governance compacts and other legal instruments.

3) Commitment to implement Congressional policies and programs and to promote legislative authorizations and appropriations supportive of American Indian and Alaska Native tribes across all federal agencies.

4) Support the appointment of personnel that have the support of the tribes and are steeped in federal Indian law and policy and Indian affairs to ensure the proper implementation of the federal-tribal partnership and fulfillment of treaty obligations by the United States.

5) Support intra- and inter-departmental coordination, improvement and expansion of financial assistance and service delivery to tribal governments.

6) Promote increased management of resources for tribal governments, such as a tribal judicial conference linked to the Justice Department and federal judiciary, and improved tribal law enforcement and justice system operations.

7) Support the streamlining of American Indian and Alaska Native programs with the savings being transferred to the tribes to establish stable tribal base budgets, including annual cost of living and consumer price index-adjustments to ensure a consistent federal policy regarding indirect costs.

8) Advocate for meaningful negotiations with tribal leadership for unique Indian directives, including the development of an Office of Management and Budget (OMB) management circular specifically for Indian tribes. Encourage the development of a federal-tribal task force to streamline the regulatory conditions that apply to tribal governments.

B. Fulfilling the Federal Trust Responsibility

The United States should commit itself to fulfilling its fiduciary obligations with regard to the protection of tribal trust assets and resources with a special emphasis on assets that may be vulnerable to violation by states, counties, municipalities and private industry; notably:

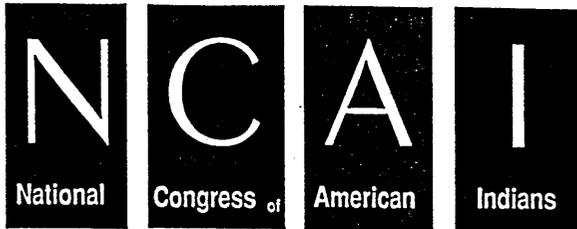
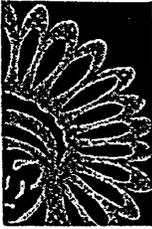
- 1) Protecting Indian water rights from competing uses, including advocacy to overturn (the McCarran Amendment) and increased assistance to tribes from the Environmental Protection Agency (EPA) and the Interior Department.

- 2) Develop a federal initiative to assist in restoring and consolidating the tribal land base within reservation boundaries and to assist in establishing adequate reservation land bases.
- 3) Support tribal fishing and hunting rights, including the protection of harvesting rights in treaty-protected areas, and assistance to competitively participate commercially; increase resource enhancement and habitat enhancement through the EPA, the Fish and Wildlife Service and the Commerce Department.
- 4) Protect Indian forests, including increased investment through the BIA to comparable industry acreage and increase assistance from the Agriculture Department's Forest Service and Interior Department's Bureau of Land Management.
- 5) Protect energy resources, including increased resources for a designated tribal program in the Department of energy.
- 6) Protect agricultural resources, including increased resources for a designated tribal assistance program in the Department of Agriculture.

C. Human, Economic and Infrastructure Development

- 1) Support fair and equitable federal assistance in human services delivery capabilities in the fields of health, social services, education and training, including opportunities to coordinate and consolidate programs from multiple federal agencies to improve service delivery efficiencies and effectiveness.
- 2) Support policies of coordinated, multi-year federal assistance to tribes for long term economic and infrastructure development (including housing and community development) involving the Departments of HUD, Commerce, Labor and Interior.
- 3) Advocate for tribal access to state and local government assistance programs in health, social services, education and veterans affairs receiving federal funds. Promote legislation that provides the tribes direct access to the federal funding intended for American Indians and Alaska Natives for these services to eliminate unnecessary bureaucracy.

- 4) Support tribal access and increase federal assistance for health promotion and disease prevention for alcoholism and drug abuse (including emphasis on the effects of fetal alcohol syndrome), mental health, and specialized National Institute of health research on illnesses prevalent in Native American communities.
- 5) Support the tribes' sovereign right to conduct Indian gaming enterprises, the most successful economic development on reservations in decades, which has enabled tribes to generate non-federal resources for tribal programs and service needs, including infrastructure, schools, health clinics, facilities, and other needs.
- 6) Support, through federal assistance and policies, the recommendations of the National Task Force on Native American, Native Alaskan, and Native Hawaiian Housing.
- 7) Support the inclusion of Indian tribes and Alaska Native government's eligibility for assistance from the Overseas Private Investment Corporation (OPIC), including the creation of a program to assist tribes to research markets and expand promotion and trade opportunities, domestically and internationally, for tribal products and resources.
- 8) Emphasize research, development and improvement of Indian education through the Department of Education and create special assistance mechanisms for Native American, Native Alaskans, and Native Hawaiians in all Department of Education assistance programs.
- 9) Support a federal initiative to assist tribes, states and local units of government to reach negotiated solutions in conflict areas, including taxation, the environment and jurisdiction.
- 10) Support the fight of native people to maintain their culture, practice their traditional religions, protect their access to sacred places, and their fights to repatriation of skeletal remains, sacred items and cultural patrimony.



INDIAN ISSUES IN THE 105TH CONGRESS

The National Congress of American Indians and other national Indian organizations will be preparing more comprehensive information on a number of subjects that are likely to arise in the 105th Congress. The following is a brief overview of most of the issues that are anticipated to be addressed:

- ◆ It is likely that efforts will be made to encourage private sector development in Indian country. There have been efforts in past Congresses to provide incentives for private entities to develop enterprises on Indian lands to combat poverty and unemployment. With proper incentives, reservations are ripe for development.
- ◆ Tribes are concerned about the welfare reform law passed in the 104th Congress, and its implementation in Indian country and may look to Congress for help if needed.
- ◆ The exercise by tribal governments of sovereign powers over their lands and natural and mineral resources is critical to the survival of Indian Nations. Tribal sovereignty over such resources may be under attack by certain forces during the 105th Congress.
- ◆ Tribes will look to Congress for help in increasing the protection of Tribes' access to sacred sites and for strengthening certain provisions of the Native American Graves Protection and Repatriation Act.
- ◆ The 105th Congress will consider final passage of amendments to the Indian Child Welfare Act that were developed by consensus of Tribes and the adoption community in the 104th Congress.
- ◆ Tribal sovereign immunity was the subject of a Senate hearing late in the 104th Congress and legislation may be developed to address congressional concerns about tort reform and federal review of procedural due process claims.
- ◆ There are many concerns about the future of Indian gaming, particularly in light of the March 1996 Supreme Court decision in the Seminole case. Indian Tribes are eager for Congress to develop an alternative to the existing tribal-state compacting process when a state invokes the 11th Amendment immunity defense. Some Senators and Representatives would like to strengthen the National Indian Gaming Commission established by the 1988 Indian Gaming Regulatory Act and establish mandatory minimum federal standards for regulating Indian gaming. Tribes would not oppose such standards. Others in Congress may renew their efforts to impose complete state jurisdiction over all of Indian gaming or to prevent development of any future gaming on Indian lands.
- ◆ There may be renewed efforts to tax Indian gaming enterprises and other tribal income as well.
- ◆ There may be efforts in Congress to interfere with the authority of the Secretary of the Interior to take lands into trust for tribal governments. In the last Congress, the House passed an amendment that was ultimately rejected. The amendment would have prevented the Secretary from acting on applications from Tribes for transfers of lands from fee to trust without a tribal agreement on tax entered into with the state or local government. The major flaw in the amendment was that there was no mechanism to require a local or state government to reach an agreement with the Tribes; simple intransigence in negotiations or inactivity on the part of state governments would have prevented the Secretary from acting in accordance with his duties under federal law.

~~become preying vipers on
Americans ~~the~~ people of the past~~

FINISH W/ ✓

To those who want to honor the American Indian, let me suggest that the best way to do so would be to respect our desire to decline the offer.

ARJUNA MARTIN

HO-CHUNK STUDENT

MADISON WEST HIGH
SCHOOL

~~To those who want to honor the American Indian, let me suggest that the best way to do so would be to respect our desire to decline the offer.~~

Mascots and Logos: A View from Indian Country

BY

William Gollnick

■ *Gollnick is the director of legislative affairs for the Oneida Nation. He has chaired the American Indian Language and Culture Education Board, to which he was appointed by Gov. Tommy Thompson, and he currently serves as a Presidential appointee to the National Advisory Council on Indian Education.*

We watch the Cleveland Indians with their ridiculous logo and the Atlanta Braves with their "chop." We hear about how the Washington Redskins really are honoring American Indian people.

Sometimes in our schools we see logos and mascots and hear songs and chants that mirror these national sports teams. We note, if the press chooses to cover it, that there are native people protesting against these images and activities.

As long as our conscience is driven by economics and the public is satisfied to exploit, dehumanize, and trivialize American Indians, there will be a businessperson who will continue to capitalize on the prevailing attitude.

Our schools, however, are not businesses. Their mission is to prepare the next generation for a better community, state, nation, and world. As educators, how can we exploit a people in the name of school tradition or school spirit? Will this make for better citizens?

Some would argue that retaining mascots and logos is intended to be prideful and honor American Indians, and, therefore, Indians should not be offended.

Does a big-nosed cartoon with a broken feather and a spear instill pride? Some would say so. What about those districts that have chosen to make the images "more respectful"? Isn't a "proud Indian"

image acceptable? Why can't a generic stereotypical prideful Indian image in a Plains headdress be acceptable?

Let's create a hypothetical situation. Let's imagine that American Indians had not been decimated by disease and had acted on their initial reaction to Europeans, which was to allow them to share in their lands and resources. The Indian nations might today have teaching institutions where possibly a few non-Indians attend. Let's think about how that might manifest itself in a society that puts status quo ahead of accuracy.

Images of a proud but generic gentleman in a white wig could be placed in our Washington, Jefferson, or Madison schools. Pick a leader; after all they were all white. And, as we all know, white people all look the same. Moreover, everybody knows that they would dress the same today as they did in the 1700s.

They were real warriors back in those days. Perhaps the team names could be the Fighting White Skins. For what President Washington did to the Oneidas, who were his allies, all presidents have been known to the Oneidas by the same title, the "Destroyer." Maybe other Indian nations would choose to honor white people in the same way. They could name their teams after these leaders.

Respectful images of old presidents or reasonable facsimiles could be hung in the school hallways. They really 

MASCOTS AND LOGOS ...

FROM PAGE 5

"If schools exist to educate our children, then the mascots and logos — no matter how well-intentioned — must go."

would be respected. Their greatness, however, would relate only to their past military prowess. Although one-dimensional (it is insignificant that they had families, had governments, had thoughts), they were great warriors.

We must create caricatures of the presidents to show our respect. Do you think it would be offensive to make Washington's wooden teeth, high heeled shoes, and powdered wig stand out? How about if he waived a flag in one hand and a cross in the other while doing a war polka? Is this what white students should aspire to?

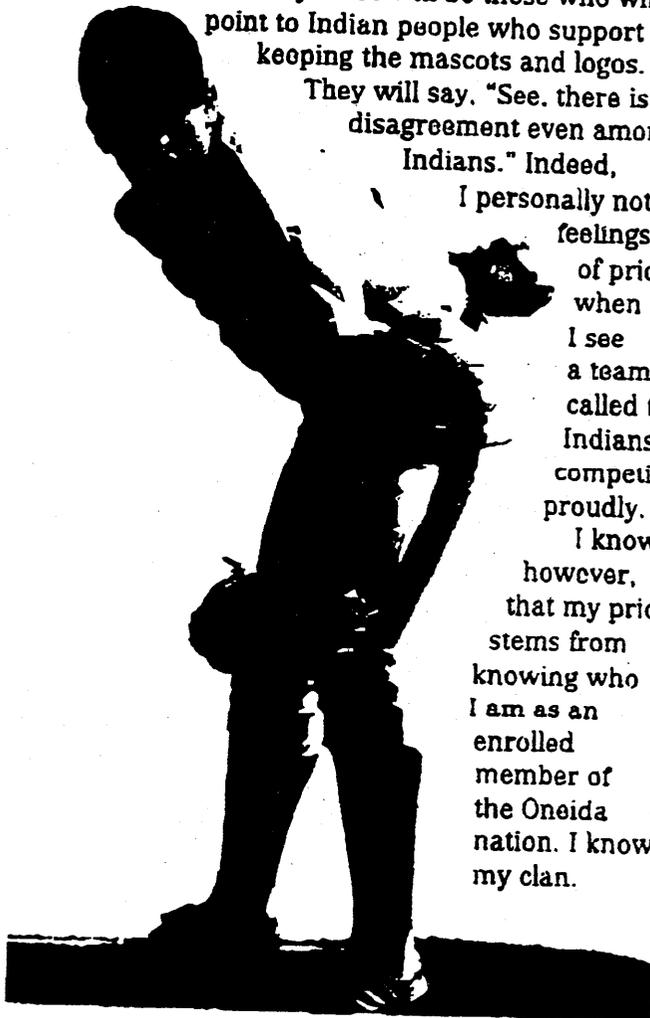
Viewed from an American Indian perspective, one might see how even well-intended images, mascots, and logos could be less than flattering.

Certainly there will be those who will point to Indian people who support keeping the mascots and logos.

They will say, "See, there is disagreement even among Indians." Indeed,

I personally note feelings of pride when I see a team called the Indians competing proudly.

I know, however, that my pride stems from knowing who I am as an enrolled member of the Oneida nation. I know my clan.



I know my ceremonies. I live on a reservation that is progressive and growing while simultaneously committed to Oneida language and culture preservation. I know that my people fought on behalf of the colonies in the Revolutionary War, and Washington said, "Were it not for the aid of the Indians, the war would have been lost." We brought corn to Washington's starving army when his "country" would not.

Hollywood war whoops from the stands and mascots doing offensive dances to complement the bands' melodies are not in keeping with assertions of pride. The waving of sacred symbols by mascots who have no knowledge of them and shouting slogans that call for the scalping or maiming of either team have little to do with the reality of Wisconsin's Indian nations.

If schools exist to educate our children, then the mascots and logos — no matter how well-intentioned — must go.

Perhaps schools that are honest about wanting to honor Indian people should look to the model advanced by the Madison School District. There they have named schools and not sports teams after notable Indian people. It is a long tradition for America's schools to do so for other notables. Will other Wisconsin districts take up the challenge to do the right thing?

If there is pride, let it be shown in the curriculum. If there is some other justification, at least districts should honestly state what it is.

Under a bill now being proposed, districts would not have to worry about this form of discrimination. The Department of Public Instruction would have no voice. If this legislation passes, I have the unhappy feeling that many districts will choose to simply let the issue drop.

I call on the education community to seriously think about what I have shared. Whether it is the DPI or conscientious school board members who advance the cause, the reality is that there continues to be a need to acknowledge the truth and recognize the inappropriateness of the stereotypes being perpetuated in our schools. @

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.

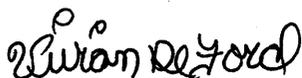
My main goal had always been to go to college, but the words "not mandatory" always came up when I discussed education with my social workers. So after 20 years of having the type of employment I was qualified for with no health insurance, no retirement fund, no job security, I decided I definitely wanted 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.



Vivian De Ford
403 Vine Street
Eau Claire, WI 54703

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Work - 715/ 833-6254

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

January 28, 1998

Ms. Angela Wylie
3323 Walter Way
Green Bay, WI 54311

To whom it may concern:

I, Angela Wylie, would like to state for the record, that I am sincerely against the use of Native Americans, their symbols, whether being fictitious, being used as mascots here in Wisconsin. I find the use of Native American mascots morally demeaning, and irreprehensible.

As a proud native Wisconsinite, I am appalled at such insensitivity by my state. We are celebrating 150 years of statehood. It is about time we rid ourselves of such blatant ignorance.

Let Wisconsin have a notch of cultural pride by respecting all of its people. I would like to see an end to Native American mascots once and for all!!!!

Sincerely,

A handwritten signature in cursive script that reads "Ms. Angela Wylie". The signature is written in dark ink and is positioned above the printed name.

Ms. Angela Wylie

**TESTIMONY BY ANDREW GOKEE
FOR
SENATE EDUCATION COMMITTEE HEARING OF SB341
JANUARY 28, 1998**

My name is Andrew Gokee, and I am a member of the Red Cliff Band of Lake Superior Chippewas. I am an education professional and a parent of four children, all enrolled in public school in Wisconsin.

I am here in support of SB341, a bill to prohibit use of certain nicknames, logos, and mascots pertaining to American Indian people.

The use of these types of symbols has been a long-standing concern to me as an American Indian person. The use of such symbols serves to reinforce widespread stereotypical perceptions of Native people.

The use of American Indian mascots evokes a demeaning sense of self worth for American Indian people and communities. At a time when parents strive to preserve a sense of cultural pride, heritage, and values in our families, the dehumanizing imagery of Indian mascots and logos have a confusing and negative impact on our children in terms of maintaining a positive cultural identity. The sheer mockery of our people, culture and religious practices sends a very negative message to our children in terms of their "Indianness".

Those who purport to "honor" us with such symbols are severely misguided. In my experience and interaction with scores of Indian people, I have yet to meet someone who has expressed a feeling of "honor" as a result of the various antics used by mascots during sporting events. Indeed, the use of such mascots often invites the cry by opposing fans of "scalp the Indians!" or some similar retort; is it surprising that we do not feel honored?

I suppose it is possible to find somewhere, an American Indian who condones or even supports the use of American Indian nicknames, mascots, and logos. Such examples are often sought out and used by those seeking to maintain the status quo. Such was the case in the Antebellum era, and yes, there were even those who also denied that "Jim Crow" laws were morally indefensible. Let us take a lesson from history and accept tokenism for what it is worth - very little.

As we prepare for the 21st century, we find an opportunity for lawmakers to address this 19th century problem. Please have the moral fortitude to say no to the continued dehumanization of American Indian people, our culture, and spirituality. Very recently, the state of Wisconsin became a national leader in the restructuring of social welfare programs. By passing SB341, your voice can help the nation understand that the time has passed when such dehumanizing practices should be accepted or condoned.

Thank you.



SARAH PAMPERIN

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

As I have gone through my high school career I have grown to know both good and evil, and to see the power of conflict. The Indian logo/mascot is a symbol of conflict in our nation and in Menomonie. Although I am only 18 years old, I believe that young people can often see things that are obscure to adults, a situation that is highlighted in Menomonie. I have made a choice to be respectful to the Indian logo, but others are not always as fortunate as I. The Indian logo stands as something that opens up already inflicted racial wounds between Native Americans and the white person.

For the past six months I have been the Student Representative to the School Board of the District of Menomonie. In my observations I have seen that adults and young people can inflict pain that is beyond their comprehension. Many adults see the Indian logo as a tradition. Often the most regarded people in an education system can be the ones to the most oblivious to right and wrong rights issues.

My family and I have endured harassment on both sides of the issues. My 14 year brother was told by a School Board members daughter, that their family wished that I was dead, and that their family felt hatred towards me. I have also had other adults tell me that I should just give up, that all my efforts were worthless, that "I had lost." This is an issue that had no winners or losers. All we can do is come to a peaceful end to this. I hope no one has to ever hear that their sister should be dead because of standing out on an Indian logo issue.

In October of 1997 I conducted a survey of the senior class provoked by a memo sent out by administrators, regarding the logo. The survey asked whether seniors would mind if the word Indian or Indianhead would appear on their diploma. Although the results were that more students didn't mind than did, an astounding 50 some said they did in fact mind. This didn't go with out much media play and public concern, and I was told once more that I was not representing students, and what would I as a teenager know about conducting a survey. I found conducting it was just one more way I could try and prove to some people that both Native Americans and other ethnicities are bothered by the logo.

I urge you to ban Indian logos and mascots. If we are truly the "friend" we claim to be, we should be a friend to all, majority and minority. Wisconsin has been known to be a progressive state, and banning Indian logos and mascots would only result in a happier, culturally sensitive state.

Sarah Pamperin

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

January 28, 1998

Ms. Angela Wylie
3323 Walter Way
Green Bay, WI 54311

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Let Wisconsin have a notch of cultural pride by respecting all of its people. I would like to see an end to Native American mascots once and for all!!!!

Sincerely,

A handwritten signature in cursive script that reads "Ms. Angela Wylie". The signature is written in dark ink and is positioned above the typed name.

Ms. Angela Wylie

January 28, 1998

LEGISLATIVE HEARING ON INDIAN MASCOTS, LOGOS AND NICKNAMES

The problem:

1. The use of these images in Wisconsin public schools promotes the use of stereotypes about American Indian.
2. Indian students experience unwelcome negative attention and a negative self-consciousness about their heritage as well as general embarrassment from these practices. This has happened to me as a youth, to my children and my nephews and nieces and to countless other American Indian children. Simply put, it hurts when our culture and spirituality is displayed in inappropriate situations and in inaccurate ways [stereotypes]. We do not have the Wittenberg Whitemen, the Janesville Jews nor the Neenah Negroes as mascots represented by other races and we ought not to be practicing this with Indians. We should also not be using aspects of other peoples spirituality as entertainment at sporting events in Wisconsin public schools [drums, songs, dances and eagle feathers are a few examples of current practices].

This damages the self-esteem of Indian children and promotes drop-outs of a specific group which already has a high drop out rate.

3. Through current practices, non-Indian children are learning that it is OK to think this way about Indian images and thus Indians. By ignoring the legitimate voices of American Indian people, we are telling these children loud and clear that we don't have to listen to people from Indian groups when they talk about legitimate pain and hurt. Is that what we want to be learned in Wisconsin public schools?

We already have a history in this country and in this state of ignoring the pain, the hurt, the voices and the needs of American Indians. This is one positive step to eliminate one highly visible source of this hurt.

4. Act 31 addresses how students could learn legitimate information that would promote understanding and respect for the many Indian cultures we have in this state. During my five years as a DPI consultant, it was painfully aware to me that our K-12 teachers are ill prepared for teaching this important area of study.

The solution:

1. Pass this legislation.
2. Put some of the tax surplus dollars into the school districts to prepare the teachers adequately in this area of study.

Schools and colleges that have made "the change" still have school spirit and they still win football and basketball games. But they no longer offend a race of people. You can help make this change complete in Wisconsin by passing this bill.

Respectfully submitted by: Francis Steindorf, p.o. box 5273, Madison, Wi 53705

I would like to thank you for letting me ~~speak~~ ~~under~~ the Bill / 34 /

My name is Mike Cieling and I am a junior at Menomonee High School. I have come to you today to convince you that at Menomonee we wear ~~the~~ the Indian logo with pride and show ~~as~~ ~~if~~ I am as strong as the native Americans are. At Menomonee High School. I have found that people of my school ~~do~~ have ~~spoke~~ but are not being listened to.

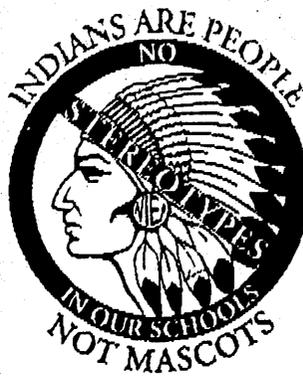
Our elected leaders who we called upon ~~are~~ ^{are} now leading us to stray. When we had the vote in the school for a new logo, we were not listened to, and these young adults that will lead the future are not listening to us. So I have come to you today to show you that in the election for a new logo I was denied my democratic right to ~~the~~ vote by the election held ~~last year~~ ^{last year in 1974}. On the ballot that I received there was the ~~one~~ ^{six} choices to choose from, ~~no~~ ^{with} no line, no box, nothing to write my choice on the ballot and when the ballots were counted the ballots that had Indians on them were thrown out. As if an election for president as long as I am a student at Menomonee

High school my ballot should count, which worries me as a member of the Menomonic High School, but I understand considering ^{the election held} by Carin Worthley and the Student Council. Is this what the Patriots of our society, Thomas Jefferson, George Washington, Thomas Paine and Henry ~~Washington~~ intend to teach us? Could our four fathers actually stomach the idea of people being ~~forced~~ force out of their principle rights?

I would like to think not. So now I think the problem is obvious, so I would like to thank you for your time and I will always have faith in Democracy. And wear the logo with dignity, strength, honor and pride.

Thank you

TEACH RESPECT



NOT RACISM

*IN SUPPORT
OF*

**THE ELIMINATION OF STEREOTYPES OF
INDIAN PEOPLE**

FROM ALL WISCONSIN PUBLIC SCHOOLS

A WRITTEN TESTIMONY

Presented to:

THE SENATE EDUCATION COMMITTEE

Madison, Wisconsin

Wednesday January 28, 1998

Submitted by:

The University of Wisconsin System - Multicultural Information Center

161 West Wisconsin Avenue, Suite 6000

Milwaukee, WI 53203-2602

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Table of Contents

	<u>pages</u>
TEACH RESPECT - NOT RACISM.....	1-2
- An outline of institutional services and philosophical overview	
AMERICAN INDIAN MASCOTS,	3
ANOTHER FORM OF HATE SPEECH	
- Related cases and review of affects of Hate Speech	

TEACH RESPECT - NOT RACISM

"Well, it's great that ya'll encourage us to go to college, but I don't know if I'll go to any of the colleges here in Wisconsin, because I hear there's a lot of racism on those campuses....."

-Wisconsin 7th grader

The University of Wisconsin System - Multicultural Information Center (MIC), located in Southeastern Wisconsin, is designed to serve as a motivational resource unit where Wisconsin's youth; particularly youth of color are strongly encouraged to *"DO COLLEGE."* Our mission is to plant the seed early, while cultivating the vision that college is a viable option in which our youth should and must pursue.

Working directly with state wide K-12 educational institutions, and community based youth serving agencies, MIC aggressively focuses on *American Indian, African American, Hispanic/Latino, and Southeast Asian* communities. MIC utilizes customized learning modules designed exclusively by the center, to address different areas of concerns relating to the need for Wisconsin's youth to incorporate the path to college in their plan of success.

These workshop learning modules include such topics as *"Prep for Success," "People Packages," "Accepting Responsibility," "Organizing your Efforts,"* and *"Do College."* It is without a doubt that the opening quote found in this testimony is indeed a real one, one that is most often forwarded to those consultants who implement our many requested workshops throughout the state of Wisconsin.

Although the MIC consultants are well trained to handle these type of responses, it is apparently clear that children are well in tuned with regards to the affects transpired by any form of discrimination. Youth today are indeed making early preparations to avoid this type of adversity when possible.

We guide and aid our workshop participants on how to develop the necessary tenacity to overcome any barrier to higher education, even forms of discrimination--particularly those of racism and sexism.

When institutions use a perceived image of an ethnic group as its mascots/logo, not only does it invites the opportunity for the institution to be a target of verbal abuse, but it also presents an opportunity for representatives of this ilk in which the mascot portrays, to also endure the same negative abuse.

The University of Wisconsin System realized several years ago that using any ethnic group as school/sports mascots and/or logos is insulting, and degrading. This came after lengthy lobbying by UW System students, officials, and community residents. The UW System has since removed all Mascots utilizing "perceived" images of racial groups as mascots on all 26 of its campuses.

During the mid-late eighties the topic of this nature was probably at its greatest, when campuses such as UW-La Crosse, and even Marquette University were the focus of tremendous opposition to the use of native people as the institutions' mascots.

From a personal perspective, I can remember attending the UW-La Crosse during this historical time when the institution was moved to omit the use of native people, or any persons as its mascot. I remember going to the institution's sport games during my early years as a freshman and sophomore, and seeing the opposing fans routing their teams on the victory, by displaying vulgar signs which read things like "*scalp the Indians,*" or "*kill the squaws.*"

As an African American, I could identify with the American Indian father and mother who, during one game sitting next to me, had to struggle to answer a question by their young child, "*why do they hate our people so much Mommy and Daddy?*" It was at this moment, I decided to fully participate as a student to lobby against the institution to eliminate these types of mascots/logos.

Although we faced a great deal of opposition to retain the mascot; some feeling that it would be a financial burden to the institution to change the logo, and some feeling that the mascot was a tribute to native people, we were able to convince the institution, through education, that the detrimental effect of this form of racism outweighed any "perceived" logical reason to continue the use of its mascot.

UW-La Crosse officials soon agreed that this was a form of racism, and that an educational institution who is truly committed to the education of its pupils should not condone such outdated practices--regardless of its history of traditions.

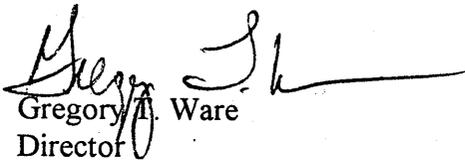
We had hoped that this would set the tone for other educational institutions, at least those within the La Crosse area, to follow suit--nevertheless there was not enough community support to also get a neighboring high school to commit to the elimination of using native peoples as its mascot/logo as well.

As citizens of this state, and administrators of an educational unit within an institutional system, we support the elimination of the use of American Indian people as mascots/logo from all Wisconsin public schools.

Let us be the sons and daughters who stand on the shoulders of success--the shoulders of our forefathers and mothers, those of the great founding fathers and leaders who participated in the shaping of this great nation. Let us look above and beyond the flaws of their limitations, and secure a more righteous, and respectful state for ourselves, our children, and ultimately our future. We shall be the next "generation of eagles" who will soar through the skies of justice and peace for all human kind!

"One of the many things we have in common are our differences,
let us celebrate, and respect those differences."

-gtw



Gregory I. Ware
Director

UW System Multicultural Information Center

AMERICAN INDIAN MASCOTS ANOTHER FORM OF HATE SPEECH

Phil St. John from South Dakota attended a local high school basketball game with his son in 1987. During the game, a white student wearing his version of Indian dress and regalia with a painted face and headband, acted out his version of how American Indians behave. Phil's eight-year-old son sank down behind him in humiliation.¹ This type of ridicule and hate speech is called "school spirit."

Hate speech isn't only words, it also encompasses symbols used to wound, humiliate and degrade; promoting and fostering feelings of inferiority and unequal treatment based on ethnicity. "First-person accounts, social science research, and new legal theories all suggest that hate speech is harmful--it harms the individual who is the target of the hate speech and it perpetuates negative stereotypes, promotes discrimination, and maintains whole groups as second-class citizens, hampering their participation in our democracy.²

How can the United States of America proclaim that this is a country of freedom and equality when you name sports teams "redskins"? The origin of this word comes from the term used by the army troops of our first president, George Washington, when they were promoting the murdering of American Indians and placing bounties on their scalps.

What do I remember about the World Series this past year? The degrading mascots of the Cleveland Indians worn by thousands of fans during the series: Fans wearing baseball caps with a cartoon figure that expresses the Anglo's perception of what an American Indian looks like: an oversized red face, with buck teeth, wearing a feather. If that's not degrading, then why don't we see an oversized face of George Washington with buck teeth as a national mascot? Why is that we don't see any mascots of funny looking Anglo men?

American Indians have been oppressed since this country was founded, although we have a constitution that claims freedom and equality for all individuals.

Ana La Llave 
Community Outreach Specialist
UW System Multicultural Information Center

¹ Laura Lederer and Richard Delgado, eds., *The Price we Pay*, 1995, p. 45

² Laura Lederer and Richard Delgado, eds., *The Price we Pay*, 1995, p. 5

TEACH RESPECT



NOT RACISM

*IN SUPPORT
OF*

**THE ELIMINATION OF STEREOTYPES OF
INDIAN PEOPLE**

FROM ALL WISCONSIN PUBLIC SCHOOLS

A WRITTEN TESTIMONY

Presented to:

THE SENATE EDUCATION COMMITTEE

Madison, Wisconsin

Wednesday January 28, 1998

Submitted by:

The University of Wisconsin System - Multicultural Information Center

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Table of Contents

	<u>pages</u>
TEACH RESPECT - NOT RACISM.....	1-2
- An outline of institutional services and philosophical overview	
AMERICAN INDIAN MASCOTS,	3
ANOTHER FORM OF HATE SPEECH	
- Related cases and review of affects of Hate Speech	

TEACH RESPECT - NOT RACISM

"Well, it's great that ya'll encourage us to go to college, but I don't know if I'll go to any of the colleges here in Wisconsin, because I hear there's a lot of racism on those campuses....."

-Wisconsin 7th grader

The University of Wisconsin System - Multicultural Information Center (MIC), located in Southeastern Wisconsin, is designed to serve as a motivational resource unit where Wisconsin's youth; particularly youth of color are strongly encouraged to *"DO COLLEGE."* Our mission is to plant the seed early, while cultivating the vision that college is a viable option in which our youth should and must pursue.

Working directly with state wide K-12 educational institutions, and community based youth serving agencies, MIC aggressively focuses on *American Indian, African American, Hispanic/Latino, and Southeast Asian* communities. MIC utilizes customized learning modules designed exclusively by the center, to address different areas of concerns relating to the need for Wisconsin's youth to incorporate the path to college in their plan of success.

These workshop learning modules include such topics as *"Prep for Success," "People Packages," "Accepting Responsibility," "Organizing your Efforts,"* and *"Do College."* It is without a doubt that the opening quote found in this testimony is indeed a real one, one that is most often forwarded to those consultants who implement our many requested workshops throughout the state of Wisconsin.

Although the MIC consultants are well trained to handle these type of responses, it is apparently clear that children are well in tuned with regards to the affects transpired by any form of discrimination. Youth today are indeed making early preparations to avoid this type of adversity when possible.

We guide and aid our workshop participants on how to develop the necessary tenacity to overcome any barrier to higher education, even forms of discrimination--particularly those of racism and sexism.

When institutions use a perceived image of an ethnic group as its mascots/logo, not only does it invites the opportunity for the institution to be a target of verbal abuse, but it also presents an opportunity for representatives of this ilk in which the mascot portrays, to also endure the same negative abuse.

The University of Wisconsin System realized several years ago that using any ethnic group as school/sports mascots and/or logos is insulting, and degrading. This came after lengthy lobbying by UW System students, officials, and community residents. The UW System has since removed all Mascots utilizing "perceived" images of racial groups as mascots on all 26 of its campuses.

During the mid-late eighties the topic of this nature was probably at its greatest, when campuses such as UW-La Crosse, and even Marquette University were the focus of tremendous opposition to the use of native people as the institutions' mascots.

From a personal perspective, I can remember attending the UW-La Crosse during this historical time when the institution was moved to omit the use of native people, or any persons as its mascot. I remember going to the institution's sport games during my early years as a freshman and sophomore, and seeing the opposing fans routing their teams on the victory, by displaying vulgar signs which read things like "*scalp the Indians,*" or "*kill the squaws.*"

As an African American, I could identify with the American Indian father and mother who, during one game sitting next to me, had to struggle to answer a question by their young child, "*why do they hate our people so much Mommy and Daddy?*" It was at this moment, I decided to fully participate as a student to lobby against the institution to eliminate these types of mascots/logos.

Although we faced a great deal of opposition to retain the mascot; some feeling that it would be a financial burden to the institution to change the logo, and some feeling that the mascot was a tribute to native people, we were able to convince the institution, through education, that the detrimental effect of this form of racism outweighed any "perceived" logical reason to continue the use of its mascot.

UW-La Crosse officials soon agreed that this was a form of racism, and that an educational institution who is truly committed to the education of its pupils should not condone such outdated practices--regardless of its history of traditions.

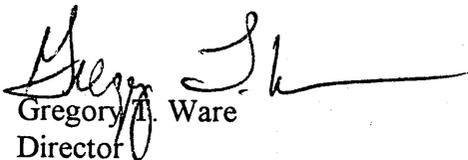
We had hoped that this would set the tone for other educational institutions, at least those within the La Crosse area, to follow suit--nevertheless there was not enough community support to also get a neighboring high school to commit to the elimination of using native peoples as its mascot/logo as well.

As citizens of this state, and administrators of an educational unit within an institutional system, we support the elimination of the use of American Indian people as mascots/logo from all Wisconsin public schools.

Let us be the sons and daughters who stand on the shoulders of success--the shoulders of our forefathers and mothers, those of the great founding fathers and leaders who participated in the shaping of this great nation. Let us look above and beyond the flaws of their limitations, and secure a more righteous, and respectful state for ourselves, our children, and ultimately our future. We shall be the next "generation of eagles" who will soar through the skies of justice and peace for all human kind!

"One of the many things we have in common are our differences,
let us celebrate, and respect those differences."

-gtw



Gregory T. Ware
Director

UW System Multicultural Information Center

AMERICAN INDIAN MASCOTS ANOTHER FORM OF HATE SPEECH

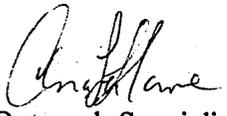
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TEACH RESPECT



NOT RACISM

TEACH RESPECT



NOT RACISM

CHRONOLOGY OF ATTEMPTS TO REMOVE INDIAN MASCOTS AND LOGOS FROM WISCONSIN SCHOOLS.

1989

- Wisconsin State Legislature passes the American Indian Studies statutes requiring all public schools to provide instruction about Wisconsin Indian history, culture, and tribal sovereignty, including Chippewa treaty rights, and provide instruction in culture and value system differences and human relations.

1990

- April 24 - United Indian Nations In Oklahoma adopts resolution opposing use of mascots logos, and caricatures in schools and elsewhere.
- September 28 - Carol Hand writes letter of concern to administrator of Milton School District.
- October 7 - Ada Deer, Chairwoman of Native American Rights Fund writes to John Platts, Superintendent of Schools, Milton WI, urging the school district to remove the "Redmen" logo.
- November 27 - Milton School Board approves use of "Redman" logo.
- December 16 - HONOR letter to Wisconsin Superintendent of Public Instruction, Herbert Grover.

1991

- January 25 - Carol Hand files formal s.118.13 complaint with the Milton School District.
- February 27 - Milton School Board claims that Carol Hand's complaint has "No standing, not attending school" and therefore cannot file a complaint.
- March 13 - Carol Hand files an appeal of negative determination based on "standing" with the State Superintendent of Public Instruction.
- June 12 - Jacqueline Boynton becomes Carol Hand's representative.
- August 6 - Great Lakes Inter-tribal Council letter opposing Indian logos to Wisconsin Department of Public Instruction.
- December 2 - National Congress of American Indians adopts the United Indian Nations of Oklahoma Resolution #042490R-05.
- December 11 - Rock County Circuit Court order to DPI to "desist and refrain from taking any further action in the Carol Hand appeal."
- December - DPI's Robert Paul upholds Carol Hand's standing to file the complaint.
- National Education Association Representative Assembly adopts policy of discouraging "the initiation and continued use of prejudicial and derogatory names and symbols of ethnic groups for schools, sporting teams, and mascots."

1992

- February 25 - Wisconsin Indian Education Association adopts resolution calling for eliminating the use of "American Indian mascots and logos in all public and private schools in the State of Wisconsin."
- Spring - Hearing of Carol Hand's case is held in Janesville Circuit Court.
- Carol Hand moves to Lac du Flambeau.

- April 14 - Shawano H.S. changes its logo from "Indians" to Eagles.
- April 15 - Chris Munson, a senior at Mosinee High School writes a letter of complaint to Principal James DeBroux.
- April 22 - Letter from Principal DeBroux to Chris Munson, he expresses the hope that Mosinee HS "can erase the duplicity that allows us to cheer loudly for the "Indians" at athletic contests, and then turn our backs on your race or be hostile to its individuals because of the prejudice that exists."
- April 27 - Chris Munson to Principal DeBroux replies "if Mosinee plans to become culturally sensitive, the Indian name must be dropped."
- May 13 - DPI requests Attorney General's opinion.
- May 18 - American Indian Language Culture Education Board adopts a resolution.
- Fall - Parent of Menomonie High School student requests the district to discontinue use of the school's "Indian" mascot.
- September 17 - Attorney General, James Doyle's opinion finds that Indian mascots and logos come under the purview of 118.13 of the state statutes, and DPI has statutory authority to administer pupil nondiscrimination cases under Wisconsin Administration Code PI9.
- October 15 - Chris Munson writes to Mosinee HS Principal DeBroux, in response to article in the Milwaukee Sentinel quoting Superintendent Rislove as stating, "We certainly would change it if it was offensive to any particular group, but we have never had a single complaint." Chris writes, "The letters I wrote to you were complaints and I would like to know how Mr. Rislove could have ignored them. From what teachers have told me, the letter was read aloud at an inservice held on the 12th of May in 1992. I also remember giving you permission to read the letters and make copies for members of the school board."
- October 15 - State Superintendent, Herbert J. Grover writes to all Wisconsin public school districts suggesting review and informing them of the Attorney General's decision.
- October 20 - Letter to Chris Munson from Principal DeBroux.
- October 21 - Letter to Chris Munson from Superintendent Rislove.
- November - Menomonie School Board names 13 member (11 adults, 2 students) task force to examine issue of "Indian" mascot.
- November - Oneida Tribal Chairman, Richard Hill to Mosinee School Board in support of Chris Munson's request that logo be removed.
- November 10 - Stockbridge-Munsee Tribal Librarian, Barbara Shubinski, writes in support of Chris Munson.
- December - National Education Association passes resolution I-39, "The National Education Association deplores prejudice based on race, ethnicity, religion, sexual orientation, or gender and rejects the use of names, symbols, caricatures, emblems, logos, and mascots that promote such prejudice."
- HONOR publishes *"What is the point of all this protesting?..." A Primer*, to counter the use of Indian Mascots/Logos/Nicknames.

1993

- Frank Boyle, Representative, 73rd Assembly District introduces AJR27, a legislative joint resolution encouraging schools to re-examine their use of Indian mascots and logos. AJR27 passes the Assembly and the Senate Education Committee, but is not brought to a vote by the Senate leader.
- March 31 - Oneida Tribe of Indians adopts resolution "to support the University of Wisconsin-Madison Athletic Board policy.
- April 6 - WIEA adopts resolution that "to support the University of Wisconsin-Madison Athletic Board in development of a policy which prohibits the University's Intercollegiate teams from playing other teams, that have Tribal mascots, symbols, nicknames, or logos."
- April 13 - Great Lakes Inter Tribal Council adopts a resolution in opposition to the use of Indian logos, mascots and nicknames.
- May - Menomonie Task Force recommends discontinuation of "Indian" mascot and development of a new mascot under the direction of the high school Student Council. Also recommended that the school district develop a stronger cultural component to educate the school and community on multicultural and diversity issues. School Board ignores all but the last part of the request and keeps the Indian logo with instructions that it be used in a respectful way.
- May - Sharon Cloud, WIEA chairperson, teaches students in Mosinee elementary and H.S. about Indian logos from an American Indian perspective.

- June 4 - Medford Area School Board votes to remove the "Red Raider" logo.
- July - Dr. Grover's letter and Attorney General's opinion included in "Athletic Guidelines" published by WIAA.
- October 22 - Renee Pfaller, a teacher in the Mukwonago School District and an Oneida Indian woman, requests that the School Board remove Native American Indian logos from the district's athletic teams and sporting events because they are "demeaning, offensive and culturally insensitive to Indian peoples."
- November 1 - Mukwonago Area School Board moves to appoint an ad hoc committee to "develop information regarding the use of the Indian logo and review the practice of using the Indian logo."
- November 22 - Mukwonago Area School Board creates a committee of 14, including one American Indian, Renee Pfaller, to conduct information gathering and review.

1994

- March to May - Mukwonago Area School District Logo Review Committee conducts eight meetings.
- April 2 - Letter from Superintendent of Public Instruction, John Bensen to all school districts having Indian Mascots and Logos suggesting review.
- April 14 - Sharon Cloud, WIEA Chairperson, letter to Mosinee School Board in support of changing Indian logo.
- April 19 - Chris and Barb Munson request that the Mosinee School Board consider changing Indian logo. School Board votes 5-4 to retain the current logo.
- May 31 - Mukwonago Area School District Logo Review Committee votes 9-4 to recommend to the board that it retain the Mukwonago High School "Indian" logo.
- May 12 - Barbara Munson writes letter to Mosinee School Board asking that the board reconsider their decision.
- May 20 - Munson files formal 118.13 complaint at the district level, vs Mosinee School Board.
- May 12 - Sharon Metz, director of HONOR, writes letter in support of complainants to Dennis Rislove, Mosinee School District Superintendent.
- June 17 - Renee and John Pfaller file two letters of complaint with the Mukwonago School District Equal Opportunity Officer, Wil Herrmann. These letters concern nine incidents of discrimination against her son, who was a student at Park View Middle School during the 1993-94 school year.
- June 20 - Mukwonago Area School Board adopts the Logo Review Committee's recommendation and resolves to continue using the Mukwonago High School "Indian" logo and nickname.
- June 21 - Munson presents formal 118.13 discrimination complaint at district level. Mosinee School Board decides, 7-2, to retain "Indian" logo.
- July 12 - HONOR and WIEA sponsor Educational Forum at Mosinee H.S. for all school board members from districts with Indian logos. Among the presenters are seven Oneida Tribal members, parents, counselors, educators, Oneida Tribal Attorney's Office representative and students.
- July 15 - Munson files appeal of Mosinee School Board decision with the DPI.
- August 1 - Mukwonago School District Equal Opportunity Officer, Wil Herrmann, concludes that there was no racial discrimination under 118.13 of the state statutes or PI9 of the Wisconsin Administrative Code against "Student A due to the use of the Indian logo, However, inappropriate behaviors had been expressed by some of the Park View staff and students and that corrective measures were being taken to eliminate these kinds of behaviors.
- August 5 - Renee and John Pfaller formally appeal Herrmann's decision to the Mukwonago Area School Board.
- August 28 - The Pfallers' file a third letter of complaint concerning incidents that happened to their son on August 26 at and following a Mukwonago High School football game.
- August 29 - Mukwonago School Board moves "to continue to uphold the use of the Indian logo/name as recommended by the committee." This motion was the Board's response to the Pfallers' appeal of the Mukwonago School District Equal Opportunity Officer's decision in their complaint of pupil discrimination filed on August 5.
- August 31 - Mukwonago Equal Opportunity Officer, Herrmann responds to the Pfaller's complaint of August 28, stating that corrective steps were taken.
- September 16 - the Pfallers appeal the Mukwonago School Board determination of their August 5th complaint to the State Superintendent of Public Instruction.
- October 14 - two Oneida Tribal members were prevented by a Mukwonago School District security worker from taking pictures at a Mukwonago High School athletic event.

- October 25 - Mosinee Telephone Company agrees to remove verse and photo of Ka-Be-Nung-We-Way from its phone directory as a result of complaint filed with the USDA by Barbara Munson.
- November - A group of students, parents and an athletic school committee at Medford High School produce and sell T-shirts with the "Red Raider" logo on school property.
- November 15, Students at Medford H.S. organize a demonstration to reinstate the "Red Raider" logo. Demonstration was held at the school and was apparently condoned by the administration.
- November 16 - Brian Wycliffe quits school at Medford H.S. because of racial harassment.
- November 17 - Medford Area School Board develops process for reconsidering the logo issue due to requests for reinstatement of "Red Raider" logo.
- December 8 - Medford Area School Board meeting to discuss possible reinstatement of "Red Raider" logo.
- December - Wisconsin Conference of Churches adopts resolution opposing "Indian mascots or logos which are by their nature demeaning..."
- December 14 - HONOR files a complaint on the basis of race and religion with the Mukwonago Area School District in regard to actions observed at a high school football game on October 19, 1994.
- December 30 - Oneida Tribe of Indians of Wisconsin files 118.13 complaints at the district level in Mosinee and Mukwonago, on behalf of its tribal members residing in the two communities.

1995

- February 6 - Medford School district held an "Educational Forum: The School Logo." Speakers were Sonny Smart, Bad River Chippewa from the UW-Stevens Point and Dean Crist, anti-Indian activist from Minoqua.
- February 20 - Medford School board votes to reinstate the "Red Raider" Indian logo.
- May - DPI Equity Team investigates Mukwonago and Mosinee discrimination cases.
- June 27 - Nancy Wycliffe writes to Medford School Board about her son's experiences at the High school with the logo.
- August 1 - Nancy Wycliffe meets with Brian Kulas, Assistant District Administrator, Medford School District to discuss her "informal complaint on behalf of her son, Brian."
- August 23 - Brian Kulas, states in a letter to Ms. Wycliffe that he will request that the Medford School Board "review the consideration for dropping the Native American logo and to consider change to a different logo."
- August 23 - Nancy Wycliffe files a formal 118.13 complaint with the Medford Area School Board on behalf of her son.
- August 29 - Hearing for Assembly Bill 488 is held at the capitol in Madison. Over 60 people sign in opposition to the bill. AB488 would change the Pupil Nondiscrimination statute so that it would not apply to Indian logos, mascots or nicknames. The measure was written by Scott Jenson, Majority Whip, a Mukwonago graduate.
- S.P.I.R.I.T.S. (Indian students and teachers at UW-Stout in Menomonie, WI) requests Menomonie High School Student Council to work to eliminate the school's "Indian" mascot.
- September - Menomonie High School Student Council decides to study Indian mascot issue.
- September 18 - Renee Pfaller and her son leave the Mukwonago School district "because of ongoing racial harassment, complaint-related ostracism and stress, and the fact that the family believed the situation in the district would not improve." Throughout the 1994-1995 school year, the Pfaller's son was repeatedly verbally and physically harassed and threatened with bodily harm and harm to his family, and the family received threatening phone calls at home. These incidents were reported to the Department of Public Instruction Equity Team investigating the Pfaller appeal.
- October 4 - Medford School Board votes to retain the Indian logo and "Red Raider" nickname until after the Mosinee case is decided. Medford will reconsider the use of the logo at the next meeting after the Mosinee decision.
- October 23 - Nancy Wycliffe files an appeal of the Medford School Board decision with the DPI.
- November 1 - Second hearing on AB488 is held in Mukwonago H.S. auditorium. Indian people come from all over the state. Those in attendance register in equal numbers for and against AB488.
- November 2 - DPI renders decision in Pfaller vs. Mukwonago School District. Mukwonago found at fault in regard to discrimination, an elementary school logo is to be removed, but H.S. logo a "Plains Indian Warrior in feathered headdress" is retained.

1996

- January 23 - Brian Wycliffe receives H.S. Equivalency Diploma through North Central Technical College-West.
- January 25 - DPI determines that Wycliffe's appeal is premature because Medford Area School Board has not completed its administrative process.
- February - Menomonie HS Student Council reaches consensus that mascot issue should be carried forward to the whole school. They invite all students to join their discussion.
- March 12 - DPI delivers decision in Munson vs Mosinee School District, exhonoring Mosinee School District and retaining the "Plains Indian Warrior in feathered headdress" logo and "Indians" nickname.
- March 24 - Open meeting for all Menomonie HS students and staff held to discuss the mascot issue.
- April 17 - Menomonie Student Council video representing the viewpoints of a variety of people who had participated in the consensus discussions is shown to all HS students. Student Council members make presentations in each classroom to answer questions and collect feedback from students.
- April 21 and April 28 - Menomonie HS Student Council invites all students, staff community members, alumni, and school board members to open meetings exploring the "Indian" mascot/logo issue. Those attending the April 28 meeting reach consensus that "Indian" name should be changed.
- June - Menomonie HS Student Council members present proposal to School Board that "Indian" mascot/logo/team name be changed.
- July - Menomonie School Board vote on Student Council proposal (three members absent) results in a 3 to 3 tie. Motion denied.
- June 20 - Medford Area School Board votes on a motion to "leave the logo and team name as it is." Motion defeated by majority vote.
- July 16 - Mosinee School Board votes to paint an "Indian" in the center of the new gym floor.
- August 12 - Menomonie School Board votes 6-3 to drop "Indian" nickname and logo. School Board charges the Student Council with carrying out the plan they proposed to select a new mascot/logo/team name by Spring of 1997, with the new one to take effect at the beginning of the '97-'98 school year.
- August 15 - Medford Area School Board decides to "temporarily allow the past school logo (Indian with Mohawk haircut with feather) and team nickname (Red Raiders) to exist until June 30, 1999." Task force formed to investigate the issue and present recommendation to the Board of Education on April 20, 1997.
- September - Menomonie, adults who want to keep the "Indian" mascot circulate petitions to "Save Our Indian Logo."
- September 11 - Notice to the State Superintendent that Nancy Wycliffe and Brian are going forward with their appeal of the Medford School Board decision.
- September 17 - Patricia Hinckley confronts Mosinee School Board about painting an Indian on gym floor.
- October 7 - A group of Menomonie residents present Menomonie School Board with a petition with 3,400 signatures asking the board to rescind its August decision and "reinstate the Menomonie Indians name and logo at the next school board meeting."
- October 29 - Mosinee School Board decides not to paint Indian on gym floor.
- November - Menomonie, "Advocates for Fairness" formed to work for recall of three School Board members who had served more than a year on the Board and had voted to abandon the "Indian" mascot. The other three members who voted with them had not served a year, so could not be recalled.

1997

- January - Dave Kruetzer, clerk of the Menomonie School Board, rules that recall petitions are insufficient. Advocates for Fairness file a complaint with the state Elections Board challenging Kruetzer's ruling.
- February 10 - Menomonie Student Mascot Committee facilitators, Tina Dahlke and Ryan Thomas present six alternatives for a new Menomonie team name to School Board for approval before students vote.

- February 26 - Menomonie HS Students vote on new mascot/team name. They choose Mustangs.
- February 27 - Wisconsin State Election Board allows election recall of three Menomonie School Board members.
- February 28 - Nancy Wycliffe files appeal of Medford School Board decision with the DPI.
- March 7 - Appeal of DPI decision in Munson vs. Mosinee School Board heard by Judge Grau in Marathon County Court. Judge Grau decides to uphold DPI decision and suggests that new legislation is needed.
- May 20 - Peter Hoover and Mary Lynn Ortner, two high school teachers and Chris and Barbara Munson present letters requesting that the Mosinee School Board reconsider changing the "Indian" logo.
- May 22 - Frank Boyle, Representative 73rd Assembly District introduces AB384, a bill to remove Indian mascots and logos from schools. AB384 is referred to the Assembly Education Committee.
- April - WIEA creates Indian Mascot and Logo Taskforce to seek innovative educational and legislative and legal means to eliminate the use of Indian mascots and logos from schools throughout the state.
- April 15 - Three Menomonie School Board incumbents recalled.
- May - Menomonie High School student, Kong Vang wins \$100.00 for his original design of the winning Mustang logo. That evening newly elected School Board reinstates the "Indian" as the official Menomonie logo/team name.
- July 21 - Barb Munson vs. Mosinee School District and DPI appeal filed in State of Wisconsin Court of Appeals, District III.
- July 30 - WIEA adopts resolution to seek elimination of all Indian mascots, logos, nicknames, emblems, symbols from all Wisconsin schools through educational, legal, and legislative means.
- September - Taskforce assists with advocacy at HONOR booth at Indian Summer Fest, Milwaukee.
- September 26 - WIEA Taskforce workshop proposal for National Indian Education Association Conference accepted by NIEA '97 Planning Committee.
- September - Oneida Tribe of Indians of Wisconsin offers to host a hearing for AB384.
- October 16 - WIEA Taskforce Position Paper sent to Governor Thompson with request for support of efforts to eliminate the use of "Indian" mascots, nicknames and logos from Wisconsin state supported educational facilities.
- October - WIEA Taskforce engages in information sharing with State Representatives and Senators about AB384 and its companion bill in the Senate.

TEACH RESPECT



NOT RACISM

COMMON THEMES AND QUESTIONS ABOUT THE USE OF "INDIAN" LOGOS

© By Barbara Munson, a woman of the Oneida Nation, living in Mosinee, WI

"Indian" logos and nicknames create, support and maintain stereotypes of a race of people. When such cultural abuse is supported by one or many of society's institutions, it constitutes institutional racism. **It is not conscionable that Wisconsin's Public Schools be the vehicle of institutional racism.** The logos, along with other societal abuses and stereotypes separate, marginalize, confuse, intimidate and harm Native American children and create barriers to their learning throughout their school experience. Additionally, the logos teach non-Indian children that its all right to participate in culturally abusive behavior. Children spend a great deal of their time in school, and schools have a very significant impact on their emotional, spiritual, physical and intellectual development. As long as such logos remain, both Native American and non-Indian children are learning to tolerate racism in our schools. The following illustrate the common questions and statements that I have encountered in trying to provide education about the "Indian" logo issue.

"We have always been proud of our "Indians"." People are proud of their high school athletic teams, even in communities where the team name and symbolism does not stereotype a race of people. In developing high school athletic traditions, schools have borrowed from Native American cultures the sacred objects, ceremonial traditions and components of traditional dress that were most obvious; without understanding their deep meaning or appropriate use. High school traditions were created without in-depth knowledge of Native traditions; they are replete with inaccurate depictions of Indian people, and promote and maintain stereotypes of rich and varied cultures. High school athletic traditions have taken the trappings of Native cultures onto the playing field where young people have played at being "Indian". Over time, and with practice, generations of children in these schools have come to believe that the pretended "Indian" identity is more than what it is.

"We are honoring Indians; you should feel honored." Native people are saying that they don't feel honored by this symbolism. We experience it as no less than a mockery of our cultures. We see objects sacred to us - such as the drum, eagle feathers, face painting and traditional dress - being used, not in sacred ceremony, or in any cultural setting, but in another culture's game.

We are asking that the public schools stop demeaning, insulting, harassing and misrepresenting Native peoples, their cultures and religions, for the sake of school athletics. Why must some schools insist on using symbols of a race of people? Other schools are happy with their logos which offend no human being. Why do some schools insist on categorizing Indian people along with animals and objects? If your team name were the *Pollacks, Niggers, Gooks, Spics, Honkies or Krauts, and someone from the community found the name and symbols associated with it offensive and asked that it be changed; would you not change the name? If not, why not?

* I apologize for using this example but have found no way to get this point across without using similar derogatory names for other racial and ethnic groups.

"Why is the term "Indian" offensive?" The term "Indian" was given to indigenous people on this continent by an explorer who was looking for India, a man who was lost and who subsequently exploited the indigenous people. "Indian", is a designation we have learned to tolerate, it is not the name we call ourselves. We are known by the names of our Nations - Oneida (On[^]yote?a·ka), Hochunk, Stockbridge-Munsee, Menominee (Omaeqnomenew), Chippewa (Anishanabe), Potawatomi, etc. There are many different nations with different languages and different cultural practices among the Native American peoples - as in Europe there are French, Swiss, Italian, German, Polish, English, Irish, Yugoslavs, Swedes, Portuguese, Latvians etc.

"Why is an attractive depiction of an Indian warrior just as offensive as an ugly caricature?" Both depictions present and maintain stereotypes. Both firmly place Indian people in the past, separate from our contemporary cultural experience. It is difficult, at best, to be heard in the present when someone is always suggesting that your real culture only exists in museums. The logos keep us marginalized and are a barrier to our contributing here and now. Depictions of mighty warriors of the past emphasize a tragic part of our history; focusing on wartime survival, they ignore the strength and beauty of our cultures during times of peace. Many Indian cultures view life as a spiritual journey filled with lessons to be learned from every experience and from every living being. Many cultures put high value on peace, right action, and sharing.

Indian men are not limited to the role of warrior; in many of our cultures a good man is learned, gentle, patient, wise and deeply spiritual. In present time as in the past, our men are also sons and brothers, husbands, uncles, fathers and grandfathers. Contemporary Indian men work in a broad spectrum of occupations, wear contemporary clothes, and live and love just as men do from other cultural backgrounds.

The depictions of Indian "braves", "warriors" and "chiefs" also ignore the roles of women and children. Although there are patrilineal Native cultures, many Indian Nations are both matrilineal and child centered. Indian cultures identify women with the Creator because of their ability to bear children, and with the Earth which is Mother to us all. In most Indian cultures the highest value is given to children, they are closest to the Creator and they embody the future. In many Native traditions, each generation is responsible for the children of the seventh generation in the future.

"We never intended the logo to cause harm." That no harm was intended when the logos were adopted, may be true. It is also true that we Indian people are saying that the logos are harmful to our cultures, and especially to our children, in the present. When someone says you are hurting them by your action, if you persist; then the harm becomes intentional.

"We are paying tribute to Indians." Indian people do not pay tribute to one another by the use of logos, portraits or statues. The following are some ways that we exhibit honor:

- ◆ In most cultures to receive an eagle feather is a great honor, and often such a feather also carries great responsibility.
- ◆ An honor song at a Pow-Wow or other ceremony is a way of honoring a person or a group.
- ◆ We honor our elders and leaders by asking them to share knowledge and experience with us or to lead us in prayer. We defer to elders. They go first in many ways in our cultures.
- ◆ We honor our young by not doing things to them that would keep them from becoming who and what they are intended to be.
- ◆ We honor one another by listening and not interrupting.
- ◆ We honor those we love by giving them our time and attention.
- ◆ Sometimes we honor people through gentle joking.
- ◆ We honor others by giving to them freely what they need or what belongs to them already because they love it more or could use it better than we do.

"Aren't you proud of your warriors?" Yes, we are proud of the warriors who fought to protect our cultures and preserve our lands. We are proud and we don't want them demeaned by being "honored" in a sports activity on a playing field. Our people died tragically in wars motivated by greed for our lands. Our peoples have experienced forced removal and systematic genocide. Our warriors gave their sacred lives in often vain attempts to protect the land and preserve the culture for future generations. Football is a game.

"This is not an important issue." If it is not important, then why are school boards willing to tie up their time and risk potential law suits rather than simply change the logos. I, as an Indian person, have never said it is unimportant. Most Indian adults have lived through the pain of prejudice and harassment in schools when they were growing up, and they don't want their children to experience more of the same. The National Council of American Indians, the Great Lakes InterTribal Council, the Oneida Tribe, and the Wisconsin Indian Education Association have all adopted formal position statements because this is a very important issue to Indian people. This issue speaks to our children being able to form a positive Indian identity and to develop appropriate levels of self-esteem. In addition, it has legal ramifications in regard to pupil harassment and equal access to education. If its not important to people of differing ethnic and racial backgrounds within the community, then change the logos because they are hurting the community's Native American population.

"What if we drop derogatory comments and clip art and adopt pieces of REAL Indian culturally significant ceremony, like Pow-Wows and sacred songs?" Though well-intended, these solutions are culturally naive and would exchange one pseudo-culture for another. Pow-Wows are gatherings of Native people which give us the opportunity to express our various cultures and strengthen our sense of Native American community. Pow-Wows have religious, as well as social, significance. To parodize such ceremonial gatherings for the purpose of cheering on the team at homecoming would multiply exponentially the current pseudo cultural offensiveness. Bringing Native religions onto the playing field through songs of tribute to the "Great Spirit" or Mother Earth would increase the mockery of Native religions even more than the current use of drums and feathers. High School football games are secular; The Creator and Mother Earth are sacred.

"We are helping you preserve your culture." The responsibility for the continuance of our cultures falls to Native people. We accomplish this by surviving, living and thriving; and, in so doing, we pass on to our children our stories, traditions, religions, values, arts, and our languages. We sometimes do this important work with people from other cultural backgrounds, but they do not and cannot continue our cultures for us. Our ancestors did this work for us, and we continue to carry the culture for the generations to come. Our cultures are living cultures - they are passed on, not "preserved".

"This logo issue is just about political correctness." Using the term "political correctness" to describe the attempts of concerned Native American parents, educators and leaders to remove stereotypes from the public schools trivializes a survival issue. A history of systematic genocide has decimated over 95% of the indigenous population of the Americas. Today, the average life expectancy of Native American males is age 45. The teen suicide rate among Native people is several times higher than the national average. Stereotypes, ignorance, silent inaction and even naive innocence damage and destroy individual lives and whole cultures. Racism kills.

"What do you mean, there is hypocrisy involved in retaining an "Indian" logo?" Imagine that you are a child in a society where your people are variously depicted as stoic, brave, honest, a mighty warrior, fierce, savage, stupid, dirty, drunken, and only good when dead. Imagine going to a school where many of your classmates refer to your people as "Dirty Squaws" and "Timber Niggers". Imagine hearing your peers freely, loudly and frequently say such things as "Spear an Indian, Save a Walleye", or more picturesquely proclaim "Spear a Pregnant Squaw, Save a Walleye". Imagine that the teachers and administration do not forbid this kind of behavior. Imagine that this same school holds aloft an attractive depiction of a Plains Indian Chieftain

and cheers on its "Indian" team. Imagine that in homecoming displays, cheers, and artwork you see your people depicted inaccurately in ways that demean your cultural and religious practices. Imagine that when you bring your experiences to the attention of your school board and request change, they simply ignore you and decide to continue business as usual. Imagine that the same school board states publicly that it opposes discriminatory practices, provides equal educational opportunity and supports respect for cultural differences.

"Why don't community members understand the need to change, isn't it a simple matter of respect?" On one level, yes. But in some communities, people have bought into local myths and folklore presented as accurate historical facts. Sometimes these myths are created or preserved by local industry. Also, over the years, athletic and school traditions grow up around the logos. These athletic traditions can be hard to change when much of a community's ceremonial and ritual life, as well as its pride, becomes tied to high school athletic activities. Finally, many people find it difficult to grasp a different cultural perspective. Not being from an Indian culture, they find it hard to understand that things which are not offensive to themselves, might be offensive or even harmful to someone who is from a Native culture. Respecting a culture different from the one you were raised in requires some effort. Even if a person lives in a different culture - insight and understanding of that culture will require interaction, listening, observing and a willingness to learn.

The Native American population, in most school districts displaying "Indian" logos, is proportionally very small. When one of us confronts the logo issue, that person, his or her children and other family members, and anyone else in the district who is Native American become targets of insults and threats; we are shunned and further marginalized - our voices become even harder to hear from behind barriers of fear and anger. We appreciate the courage, support, and sometimes the sacrifice, of all who stand with us by speaking out against the continued use of "Indian" logos. When you advocate for the removal of these logos, you are strengthening the spirit of tolerance and justice in your community; you are modeling for all our children - thoughtfulness, courage and respect for self and others.

"Is there any common ground on this issue?" All of Wisconsin's public schools are required to have a non-discrimination statement and a policy to provide enforcement. Through Act 31, all schools are required to provide education, (in the classroom, not on the basketball court), about Wisconsin's Woodland Indians. Many schools have adopted strategic plans emphasizing cultural sensitivity and awareness. These measures should establish considerable common ground between Indian people requesting the removal of the logos and the public schools. Until the logos are removed, however, they are no more than broken promises and hollow, hypocritical rhetoric.