



---

---

## WISCONSIN LEGISLATIVE COUNCIL

---

---

### STATE-TRIBAL RELATIONS

Rib Mountain Municipal Center  
Wausau, Wisconsin

June 4, 2009

10:00 a.m. – 1:55 p.m.

[The following is a summary of the June 4, 2009 meeting of the Special Committee on State-Tribal Relations. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc>.]

---

#### Call to Order and Roll Call

Chair Coggs called the meeting to order. The roll was called and it was determined that a quorum was lacking.

COMMITTEE MEMBERS PRESENT: Sen. Spencer Coggs, Chair; Rep. Jeffrey Mursau, Vice-Chair; and Public Members Andrew Adams, III, Gregg Duffek, Agnes Fleming, Dee Ann Mayo, Mark Montano, and Philip Shopodock.

COMMITTEE MEMBER EXCUSED: Sens. Scott Fitzgerald, Dave Hansen, and Robert Jauch; Reps. Gary Sherman and James Soletski; and Public Members Daniel Brown, Kenneth Fish, and Patricia Ninham Hoeft.

TECHNICAL ADVISORY COMMITTEE MEMBERS PRESENT: J.P. Leary, Department of Public Instruction; and Thomas Ourada, Department of Revenue.

TECHNICAL ADVISORY COMMITTEE MEMBER EXCUSED: Rachelle Ashley, Department of Workforce Development; Tom Bellavia, Department of Justice; Gwen Carr, Department of Transportation; Michael Lutz, Department of Natural Resources; and Jim Weber, Department of Health Services.

COUNCIL STAFF PRESENT: David L. Lovell, Senior Analyst.

APPEARANCES: Frank Taylor, Chief, St. Croix Tribal Police Department; Michele LaRock, President, Wisconsin Indian Education Association (WIEA) and Barbara Munson, Chair, WIEA "Indian" Mascot and Logo Task Force; Richie Plass, Green Bay; John Teller, Menominee Language Liaison, College of the Menominee Nation; Harvey and Carol Gunderson, Religious Americans Against Indian Nicknames and Logos, Osseo; and Kris Goodwill, Tribal Attorney, Ho Chunk Nation.

## **Approval of the Minutes of the December 16, 2009 Meeting**

Due to the lack of a quorum, the committee took no action on the minutes of the December 16, 2008 meeting.

### **Opening Remarks and Introductions**

Chair Coggs welcomed committee members and members of the public and asked all present to introduce themselves. He noted that the agenda included a mix of topics touching on tribal, state, and federal matters.

### **Mutual Assistance Between Tribal and County or Municipal Law Enforcement Agencies; Invited Presentation and Committee Discussion**

- Frank Taylor, Chief, St. Croix Tribal Police Department.

Chief Taylor stated that, since he and Burnett County Sheriff Dean Roland addressed the committee at its December 16, 2008 meeting, he and Sheriff Roland have been negotiating an agreement for mutual assistance between their respective agencies. However, in the absence of a signed agreement, he said, nothing has changed on the ground, with the result that the agencies are reluctant to request assistance from each other and officers do not know what requests they may respond to. He said that the draft agreement is based on an agreement between the Lac Courte Oreilles Tribal Police Department and the Sawyer County Sheriff's Department. He said that he is hopeful cooperation between the departments will resume as before under a final agreement.

Chair Coggs noted that Oneida Tribal Police Chief Rich VanBoxtel and Menominee Tribal Police Chief Mark Waukau were in the audience and invited them to join the discussion. They described their experiences working with their respective sheriffs. They agreed that signed agreements are useful in facilitating cooperation, but noted that cooperation is ultimately dependent on the personalities of the parties involved, which can change with the election of a new sheriff. They encouraged the Special Committee to consider appropriate statutory changes to address this issue.

Mr. Montano noted that, at its December 16, 2008 meeting, the Special Committee had asked that a work group be formed to study this issue, and asked about the status of that work group. Mr. Lovell explained that the work group had not yet been formed, in part waiting to see what would result from the ongoing negotiations between the St. Croix Tribal Police Department and the Burnett County Sheriff's Department. Chair Coggs stated that he would convene a working group, to work in parallel with those negotiations.

### **School Mascots and Logos Depicting American Indians; Invited Presentations and Committee Discussion**

- Michele LaRock, President, Wisconsin Indian Education Association (WIEA) and Barbara Munson, Chair, WIEA "Indian" Mascot and Logo Task Force.

Ms. LaRock described the position of the WIEA regarding school mascots and logos that depict American Indians and described the activities of the WIEA to discourage and eliminate such logos and

mascots. Ms. Munson discussed the history of efforts to eliminate the use of “Indian” logos and mascots in public schools, including the arguments put forward that they make inappropriate use of sacred articles. She discussed the diversity of American Indian cultures and religions, noting that while they share many symbols they often use them differently.

Chair Coggs related his experience as an African American growing up seeing silly and inappropriate depictions of Africans in “Tarzan” movies, noting that the impact on African American children and their self images was similar to that experienced by American Indian children growing up with stereotypic “Indian” logos and mascots.

- Ritchie Plass, Green Bay.

Mr. Plass described his personal experience acting as the Indian mascot of his school team. He shared examples of images misusing American Indian names, regalia, and religious articles. He also shared a drum that had been retired from use and given into his care, and discussed the correct manner of treating and caring for an article such as this drum. Mr. Plass also discussed his work bringing elements of traditional American Indian culture to incarcerated individuals, including conducting religious observances in the prisons. He concluded by observing that the prisons allow proper religious observances using traditional sacred articles, while some schools make a mockery of these same articles in their logos and mascots.

- John Teller, Menominee Language Liaison, College of the Menominee Nation.

Mr. Teller discussed the use of religious articles in school logos and mascots. He focused on the frequent use of the stereotyped image of an Indian seen in profile wearing a war bonnet of eagle feathers. He explained the sacred nature of eagle feathers, how their possession is earned, and the obligations that go with their possession. He concluded by encouraging the legislator members of the Special Committee to use the information presented in this meeting to advocate for passage of 2009 Senate Bill 25 and Assembly Bill 35, relating to the use of race-based names, nicknames, logos, and mascots by school boards.

Chair Coggs described the similar treatment of the djembe, a drum used in West African culture, in which people from outside the culture treat the djembe casually, without the culturally prescribed respect.

- Harvey and Carol Gunderson, Religious Americans Against Indian Nicknames and Logos, Osseo.

Ms. Gunderson described her personal experience as an American Indian student in a school that used an “Indian” mascot and the efforts of her and her husband to persuade the Osseo-Fairchild School District to change its “Chieftains” mascot and logo. Mr. Gunderson explained that they approached this effort from a religious and moral perspective, believing that race-based nicknames and logos are an intrinsic violation of any religious belief system because of their harm to innocent children. He discussed research documenting psychological harm caused by race-based nicknames and logos. He said that he believes that some Christians have been persuaded by this argument and have rejected race-based nicknames and logos on that basis.

## **Briefing on Legislation to Codify the Federal Indian Child Welfare Act in the Wisconsin Statutes**

- Kris Goodwill, Tribal Attorney, Ho Chunk Nation.

Ms. Goodwill briefed the Special Committee on the status of a project to codify the requirements of the Federal Indian Child Welfare Act in the Wisconsin Statutes. She described the purpose and general substance of the Act and the process that has been followed to develop legislation to codify its requirements in the Wisconsin Statutes. She identified some of the specific major topics addressed in the draft legislation, including provisions relating to qualified expert witnesses, active efforts to prevent the breakup of Indian families, and good cause to not transfer a case to tribal court, indicating that some of them are still under discussion.

Ms. Goodwill was joined by Mark Mitchell, Office of Legal Counsel, Department of Children and Families, who indicated that the process to develop this legislation has been ongoing for three years and that he was confident it would be completed at the work group's June 29, 2009 meeting.

Ms. Goodwill was also joined by Mary Husby, Director of the Menominee Social Services Department, who talked about the importance of preserving intact Indian families and the harm caused to Indian children who are separated from their families and culture.

### **Other Business**

No other business was brought before the committee.

### **Plans for Future Meetings**

The next meeting of the Special Committee on State-Tribal Relations will be held at the call of the Chair.

### **Adjournment**

The meeting adjourned at 1:55 p.m.

DLL:jal:jb