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JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Senate Committee on Education

FROM: Dan Rossmiller, Government Relations Director,
Wisconsin Association of School Boards

DATE: September 21, 2010

RE: Comments on Clearinghouse Rule 10-074, relating the use of race-based nicknames, logos, mascots and team names by school boards.

2009 Wisconsin Act 250 allows a school district resident to object to the use of a race-based nickname, logo, mascot, or team name by the school district by filing a complaint with the state superintendent. Act 250 also created a presumption that the use of a race-based nickname, logo, mascot, or team name promotes discrimination and it requires school boards to provide clear and convincing evidence to refute that presumption.

Under Act 250, the state superintendent must promulgate rules necessary to implement and administer these provisions and must define whether the use of the race-based nickname, logo, mascot, or team name promotes discrimination, pupil harassment, or stereotyping.

The Wisconsin School Boards Association (WASB) did not testify during legislative consideration of the legislation that led to Act 250. We would generally prefer that issues surrounding logos and mascots be resolved locally; however, we recognize that for every child to succeed and achieve to their highest potential, students must feel safe in our public schools and free from discrimination and harassment. The WASB supported the anti-bullying legislation enacted this session, for example.

We are here today because we sent the language of proposed Clearinghouse Rule 10-074 out to our members to review. Our members called to our attention that, in certain aspects, the proposed rule seems to be overreaching. One of these aspects is found in the attempt to define what nicknames, team names or logos are “unambiguously” race-based.

The rules generally provide that the use of certain nicknames or team names are unambiguously race-based and are presumed to promote discrimination, pupil harassment or stereotyping unless the school district produces clear and convincing evidence refuting this presumption.

The rules also specify that certain nicknames or team names are **unambiguously race-based** if they include any of a number of terms including **arrows**, (others are blackhawks, chiefs, chieftains, hatchets, raiders, red raiders, warriors, or warhawks) and is used in connection with any of the following logos or mascots:

1. A depiction of an American Indian person or persons,
2. **Feathers** or feather headdress,
3. **Arrows**, bows, spears, tomahawks, stone hatchets, or other historical or traditional American Indian weapons or tools, or
4. Historical or traditional American Indian drums, pipes, beadwork, clothing or footwear.

Read literally, the proposed rule suggests that the use of a nickname such as “arrows” is unambiguously race-based and presumed to promote discrimination, pupil harassment or stereotyping if it is used in conjunction with a logo depicting an arrow.

At least one district currently uses an arrow nickname. This district generally uses a logo that does not depict feathers or a stone arrowhead. The exception is the decal on their football helmets, which depicts an arrow with a feather on it similar to the arrow aspect of the decal used by Florida State University.

This district is in the process of changing that decal on its football helmets to match all of the other arrows logos it uses, all of which are of modern design and have no feathers or stone tip. However, this district faces a dilemma. Even if it makes this change, the proposed rule suggests if its nickname includes “arrow” and it uses an arrow logo in conjunction with this arrow nickname, it may be in violation of the proposed rule.

Arrows are not uniquely Native American. Arrows predate recorded history and are common to most cultures. Nor is the use of feathers on arrows uniquely Native American.

Districts that are attempting in good faith to avoid using what might be considered discriminatory logos or nickname deserve better guidance than the proposed rule provides.

Harvey Gunderson, Ph.D.
13118 12th Street, P.O. Box 667
Osseo, WI 54758
(715) 597 -6668
September 21, 2010

My name is Harvey Gunderson and I live in Osseo. I'm a co-founder with my wife Carol, who is Oneida, of "Religious Americans Against 'Indian' Nicknames & Logos", or RAAINL for short.

Carol and I and 13 other residents of the Osseo-Fairchild School District filed the first complaint under the new law when it went into effect on May 20. Our complaint was that our high school's race-based nickname and logo promotes discrimination, pupil harassment and stereotyping.

At the DPI hearing on our complaint, we submitted 1260 pages of evidence supporting our position while the School Board was only able to find nine pages to submit to support their position. Let me repeat that because it is important. 1260 pages versus 9 pages. The reason for the vast difference is that in every serious research study that has been conducted where a researcher did a study to determine whether race-based athletic policies (1) **do** or (2) **do not** promote discrimination, harassment or stereotyping, the evidence has indicated that they **do** promote these harmful effects. Accordingly, a mountain of research evidence exists supporting our position in contrast with a total absence of peer-reviewed publications indicating race-based nicknames are harmless. Combined with evidence regarding incidents that occurred in our school, DPI found in favor of the complainants.

On behalf of the 15 complainants, the American Indian families that supported our complaint but did not sign on as a complainant to protect their children, and the hundreds of non-Native residents of the Osseo-Fairchild community who want this era of a race-based athletic policy to be part of our community's past instead of our future, we wish to express our deep gratitude to the Senate Education Committee and the Senate for passing this law. Without this law, our community would continue to be mired in controversy for years to come. This will enable our community to finally move on and start to heal.

As Wisconsin citizens who have actually used this new law and the associated emergency administrative rules, we want to register our support for both the law and the administrative rules. They are a major step forward in education civil rights.

As the first Wisconsin residents filing under the new law, we heard both "thank you"s and congratulations from American Indians across the state and entire nation. We want to pass those "thank you"s and congratulations from across the nation on to you legislators who made this important education civil rights milestone possible. Thank you.

Carol S. Gunderson, M.A.
13118 12th Street, P.O. Box 667
Osseo, WI 54758
(715) 597 -6668
September 21, 2010

My name is Carol Gunderson. I'm a member of the Oneida Nation, and I live in Osseo.

You should also be aware that the Gale-Ettrick-Trempealeau School District, which is in the same county where we live, eliminated its race-based nickname the week after the law was signed. Adoption of the law provided the stimulus and the justification the School Board needed to act and to end the divisiveness that has plagued that community for years. Last week, the announcement was made of their newly selected nickname. Television coverage of the happy and excited students again showed that young people typically adapt easily to change whereas it's the older generations that cling desperately to traditional race-based practices that stereotype and cause pupil harassment and discrimination. That's why this law and the administrative rules were needed – to enable a stereotype-free learning environment for all future generations.

We wish to add one comment about the administrative rules. It is important to note what the research shows regarding feathers, arrows, bows and chiefs. Each of these are closely associated with American Indians in the minds of students. Dr. Stephanie Ann Fryberg's research showed that when non-Native students were asked to write the first thoughts or associations that come to mind when thinking about American Indians, feathers, arrows, bows and chiefs are included among the most common responses. This research provides justification for the administrative rules statement that use of feathers, arrows, bows or chiefs indicate that a school nickname has an American Indian identity. An excerpt from Dr. Fryberg's research is provided following my written statement.

Thank you for adopting this important education civil rights law and administrative rules.

Excerpt from pages 20-21 of the affidavit of Dr. Stephanie Ann Fryberg:

Student Associations: 214 non-Native students at the University of Michigan were asked to write the first thoughts or associations that come to mind when thinking about American Indians. Each word or phrase was coded for frequency. The top 20 associations include the following:

Rank	Categories	%	Rank	Categories	%
1	reservation	30.4	11	dark hair	11.2
2	teepees	22.9	12	hunters	11.2
3	brown skin	17.3	13	bow	10.3
4	tribes	16.8	14	nature	10.3
5	feathers	16.4	15	Thanksgiving	9.8
6	arrow	14.0	16	corn	7.9
7	buffalo	14.0	17	dance	7.9
8	casino	14.0	18	horses	7.9
9	chief	12.1	19	Trail of Tears	7.0
10	Cherokee	11.2	20	powwow	6.5

The non-Native students thought about American Indians in fairly stereotyped representations. In general, participants have a particularly limited set of representations they associate to American Indians and many of these representations may impact how American Indians choose to represent themselves.

March 10, 2010

204 North Milwaukee Street
Fredonia, Wisconsin 53021

State Senator Glen Grothman
Room 20
State Capital
P O Box 7882
Madison, Wisconsin 53707-7882

Dear Sir;

I am writing you because there is a bill now in the State Senate concerning my children and me. The bill wants to do away with Native American Indians as a logo and a symbol for love, respect, bravery, responsibility, courage, and compassion. I am proud to be an Indian. This bill wants me to become invisible. Wisconsin is full of Native American culture. Four of my children have graduated from Ozaukee High School. They are all proud to be Native Americans and be called warriors. Ozaukee High School uses a painted portrait of an American hero called the warrior.

I have lived in Fredonia for 31 winters and have never felt demeaned, or shown any prejudice against me or my children for being Indian. Now my youngest daughter is a junior at Ozaukee High School. Three summers ago she was chosen as the recipient for Outstanding Citizenship from school. She is also a very talented Shaw Dancer and attends pow-wows at the University of Wisconsin Milwaukee, Milwaukee Area Technical College, Wisconsin State Fair Park, and Indian Summer at Summerfest, Milwaukee

Removing the warrior will actually be removing Native American culture at Ozaukee High School.

The area around here is full of Native American culture and names. Mil-wau-kee is the Native American word for the coming together of the rivers. Waubeka was named after Chief Waubeka, and Kewaskum was named after Chief Kewaskum. This is not just Native American history, but something bigger called Wisconsin history.

I am part of this culture and started my own business here sewing Indian teepees three summers ago. I am proud to say I cut and sew Warrior Teepees. Come to Fredonia and ask anyone where the teepees are made and there will be one standing outside my house as my showroom.

Times have changed. In the past, treaty rights were thrown to the side. The State of Wisconsin took our rights to hunt and spear fish. Finally, a Federal Judge ruled we could hunt, fish, and gather in the northern one third of Wisconsin according to the treaty with the U.S. Government. We were spit on, called names, and had rocks thrown at us at boat

landings. Every tavern in northern Wisconsin had signs posted inside, "SAVE A WALLEYE, SPEAR AN INDIAN".

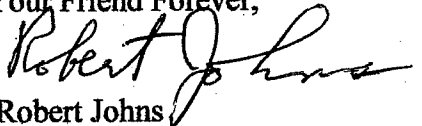
Times have changed. Now-a-days younger Indian kids feel a pride by being Native Americans. Respect is a path we follow. We show respect to the Creator, Mother Earth, and to all others. We are a large part of Wisconsin's history and culture.

The future of Wisconsin Indian Nations is great. We can make a difference by showing our pride in what we do, where we go, and how we represent Wisconsin and our tribes. Pictures of Native Americans should be everywhere. Not destroyed. It is good for Wisconsin and we are a big part of Wisconsin. North Dakota Tourism uses Native Americans on TV and in newspaper advertisements to bring in millions of tourist dollars.

Please vote to save the Native American logo as a symbol of our culture in all of Wisconsin's high schools. We didn't ask for this change. We don't want this change. Why must we be silent and bow to the wishes of a few. Let them take down pictures of Presidents Washington, Lincoln, and Kennedy in every Wisconsin high school. The progress we have made so far will be erased. Keep us visible like the symbol of our country, the AMERICAN bald eagle.

As I look back in times, I think my daughter won the award for Outstanding Dual Citizenship. Thanks for your time.

Your Friend Forever,

A handwritten signature in black ink that reads "Robert Johns". The signature is written in a cursive style with a large, stylized "R" and "J".

Robert Johns