

Native American Rights Fund

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June 8, 2018

Superintendent Kelly Spivey
Talawanda School District
131 W. Chestnut St.
Oxford, Ohio 45056
(513) 273-3100

Re: Talawanda School District's "Braves" Mascot and the Harmful Effects of Using
Native American Imagery

Dear Mrs. Spivey:

The Native American Rights Fund ("NARF") has been contacted by the Oxford Citizens for Peace & Justice requesting NARF's assistance in educating the School District regarding the well-documented harmful effects Native American mascots and the associated stereotyped imagery have on Native American and non-Native American youth. The public schools in the Talawanda School District use the Indian mascot – the "Braves" – and an associated warrior head that perpetrates inaccurate and generic stereotyped depictions of Native Americans. There are important legal and policy reasons for the School District to affirmatively take steps toward changing the mascot name and removing all Native American mascot imagery from the schools in the School District.

First, the School District should consider the negative psychological and educational impact Native American mascots and the mascot's associated imagery have on Native American youth. It is now well understood that not only are Native American mascots extremely offensive, but they also cause real documented harm to the mental health of Native American and Alaska Native students. According to the American Psychological Association, numerous studies have demonstrated that the use of Native American mascots: (1) undermines the

educational experiences of members of all communities; (2) establishes an unwelcome and hostile learning environment for Native American students; (3) has a negative impact on the self-esteem of Native American children; (4) undermines the ability of Native nations to portray accurate and respectful images of their culture; and (5) may represent a violation of the civil rights of Native American people.¹

Beginning in the early 20th century, sports clubs ranging from the professional level to local schools began appropriating Native American imagery to represent their teams.² This imagery was often based on stereotypical and false historical narratives of violence, ferociousness, and savagery, and such renderings still exist today.³ Some supporters of these mascots cite to the importance of tradition and argue that the mascots act to honor Native American cultures.⁴ However, the history behind these mascots tells a different story of racism and subjugation. Tradition should not be a reason to continue racist, offensive, or harmful practices. During this same time, American's use of the "N-word" was a part of the public and media's vernacular. Depictions of African Americans and Native Americans as caricatures in cartoons, advertisements, and the theatrical use of "black-face" and "red-face" were everyday proliferations, such as "Little Black Sambo," Disney Peter Pan's "Indian Chief," and the unnamed "Indian" cartoon characters of Bugs Bunny.⁵

As the American public evolved, there was a movement away from the caricatures and denigrating images of African Americans by removing the offensive imagery from the public eye and removing the "N-word" from the everyday vernacular. When it comes to the imagery of Native Americans, however, the opposite is true. As Americans moved away from the denigrating imagery of African Americans, the imagery of Native Americans increased with "Indian" mascotting.⁶ This mascotting remains because schools now claim that the use of the "Indian" mascot is to "honor," or stay true to the school and the community's original tradition. As mentioned, tradition is no reason to continue to perpetrate these racial imageries.

¹ American Psychological Association, *APA Resolution Recommending the Immediate Retirement of American Indian Mascots, Symbols, Images, and Personalities by Schools, Colleges, Universities, Athletic Teams, and Organizations* (2005) <https://www.apa.org/about/policy/mascots.pdf> [hereinafter, *APA Resolution*].

² National Congress of American Indians, *Ending the Legacy of Racism in Sports & the Era of Harmful "Indian" Sports Mascots*, 2 (2013), <http://www.ncai.org/proudtobe> (last visited May 25, 2018); Mark R. Connolly, *What's in a name? A Historical Look at Native American-Related Nicknames and Symbols at Three U.S. Universities*, 71(5) *Journal of Higher Education* 515, 530 (2000).

³ J. Gordon Hylton, *Before the Redskins Were the Redskins: The Use of Native American Team Names In the Formative Era of American Sports, 1857-1933*, 86 *N.D. L. Rev.* 879, 891 (2010).

⁴ *Contra* Scott Freng & Cynthia Willis-Esqueda, *A Question of Honor: Chief Wahoo and American Indian Stereotype Activation Among a University Based Sample*, 151(5) *The Journal of Social Psychology* 577, 586-87 (2011) (confirming that even when proponents argue "Indian" mascot imagery represents honor and respect, the same imagery activates only negative Native American stereotypes by non-Native American youth).

⁵ Michael Barrier, *Hollywood Cartoons: American Animation in its Golden Age* 439 (Oxford Uni. Press, Inc. 1999) (paperback ed. 2003); see also Public Domain Motion Pictures, *Merrie Melodies #181: All This and Rabbit Stew (1941) – Public Domain Animated Comedy*, YouTube (May 2, 2014) <https://www.youtube.com/watch?v=JViBSPCj2jI>.

⁶ Chu Kim-Prieto, et al., *Effect of Exposure to an American Indian Mascot on the Tendency to Stereotype a Different Minority Group*, 40(3) *Journal of Applied Social Psychology* 534, 538 (2010) ("American Indian names are among the top 10 most popular mascot names for U.S. high schools.").

By using Native American mascots, schools are teaching students that stereotyping minority groups is an acceptable practice, further legitimizing discrimination against Native Americans.⁷ These images perpetuate misrepresentations portraying Native Americans as a “culture of people frozen in time.”⁸ Research has confirmed that these mascots establish an unwelcome and hostile learning environment for Native American students.⁹ The research also revealed that the presence of Native American mascots directly resulted in lower self-esteem and mental health issues for Native American adolescents and young adults.¹⁰

Studies have shown that Native American mascots negatively affect how Native American youth see themselves and contribute to their feelings of inferiority.¹¹ When Native youth are faced with these undesirable images, it illustrates to them the constrained ways in which others view them.¹² Thus, further limiting the ways in which Native youth may view themselves.¹³ As Native American youth continue to struggle to find their sense of identity, they are presented with caricature versions of themselves, and this in turn affects how Native youth view their place in society.¹⁴ These concerns arise as Native American students often face ridicule and harassment in the classroom and at sporting events.¹⁵ Such hostile environments result in lower academic achievement and success rates across the board.¹⁶

It is our understanding that an example of this played out in your School District not too long ago with a Talawanda High School alumna of the 2012 graduating class, Sara Smith. Ms. Smith identifies as being from the Aztec Empire, which she expressed during her first week in the 7th grade at Talawanda Middle School. As a result of her expressing her Native American identity to her classmates, her classmates responded not with “honor” or respect but with racial slurs and bullying that would continue until she graduated from Talawanda High School.

Ms. Smith reported to your School Board in a letter dated August 15, 2016 that she faced immense bullying, racial slurs, and other unacceptable behavior. At the same time, the Talawanda School District decided against changing the “Indian” head imagery and moving away from the “Braves” mascot.¹⁷ Ms. Smith quit the basketball team because of the school’s mascot, she stated, “I did not want to wear a race-based symbol that perpetuates a stereotype of me.”

⁷ *APA Resolution, supra* note 1.

⁸ *Id.*

⁹ Victoria Phillips, Erik Stegman, *Missing the Point: The Real Impact of Native Mascots and Team Names on American Indian and Alaska Native Youth*, Center for American Progress, 1 (July 2014) [hereinafter, *Missing the Point*].

¹⁰ *Id.*

¹¹ *Missing the Point, supra* note 14, at 4.

¹² *APA Resolution, supra* note 1, at 1.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Missing the Point, supra* note 14, at 4.

¹⁶ *Id.* at 5.

¹⁷ See Dylan Tussel, *Braves name and warrior head mascot stay, school board says*, Journal –News (May 19, 2010), <https://www.journal-news.com/sports/high-school/braves-name-and-warrior-head-mascot-stay-school-board-says/ihmVKaZKIHfiDu2eWJiUpM/>; Ty Gilligan, *Talawanda Decides to Keep “Braves” Mascot*, The Miami Student (Jun. 1, 2010), <https://miamistudent.net/talawanda-decides-to-keep-braves-mascot/>.

The National Congress of American Indians (“NCAI”) first formally addressed the term used by the Washington, D.C.’s N.F.L. team in 1993, stating the term “is not and has never been one of honor or respect[.] [I]t has always been and continues to be a pejorative, derogatory, denigrating, offensive, scandalous, contemptuous, disreputable, disparaging, and racist designation for Native Americans.”¹⁸ Research shows that any “Indian” mascot, whether negative or positive, negatively affects the psychology and education of Native American youth.¹⁹

Equally important, recent studies also show that these mascots undermine the educational experience of all students, particularly those who have little to no contact with Native American people.²⁰ Non-Native students with little contact with Indigenous peoples come to rely on these stereotypes to inform their own understanding of Native Americans’ place in society, often times leading to discriminatory behavior.²¹ Non-Native American youth, when exposed to an “Indian” mascot, are more likely to stereotype other non-Native minority groups,²² and this mascot imagery will activate only negative Native American stereotypes like “lazy” and “uneducated.”²³ Such practices also lead to cultural intolerance and higher rates of hate crimes against Native Americans.²⁴ According to the Department of Justice, “American Indian victims were more likely to report the offender was from a different race, compared to blacks and white victims.”²⁵

In short, schools with Native American mascots and imagery miseducate its students and encourage its students and faculty to remain uninformed about the realities of Native Americans, and more generally about the shared history between European Americans and Native Americans.²⁶

¹⁸ National Congress of American Indians, Resolution #TUL-13-050, *Commending Efforts to Eliminate Racist Stereotypes in Sports and Calling on the U.S. President and Congress to Combat These Continuing Affronts to Native Peoples* (Oct. 2013),

http://www.ncai.org/attachments/Resolution_OYdGFAZFMqQHpvjvNLplcWKmsrTcaUnlcqeMnyetmhetMvcyVZn_TUL-13-050%20Final.pdf [hereinafter NCAI Resolution].

¹⁹ Fryberg, et al., *Of Warrior Chiefs and Indian Princesses: The Psychological Consequences of American Indian Mascots*, 30 *Basic and Applied Social Psychology*, 208, 209-10, 216 (2008) (finding that non-Native American youth’s self-esteem is boosted when exposed to “Indian” mascot imagery).

²⁰ *APA Resolution*, *supra* note 1, at 1; American Sociological Association, *Statement by the Council of the American Sociological Association on Discontinuing the Use of Native American Nicknames, Logos and Mascots in Sport* (Mar. 6, 2007), (“[S]tereotypes embedded in Native American nicknames, logos and mascots in sport undermine education about the lives of Native American peoples[.]”), <http://www.asanet.org/about-asa/how-asa-operates/council-statements/use-native-american-nicknames-logos-and-mascots> .

²¹ *Id.*

²² Kim-Prieto et al., *supra* note 6, at 545, 547 (“[E]ven if the intention of the depiction may have been to honor and respect, the ramification of exposure to the portrayal is heightened stereotyping of racial minorities.”).

²³ Freng & Willis-Esqueda, *supra* note 4, at 580, 586-87 (“Mascots portray American Indians stereotypically, distort Indigenous customs and culture, damage the self-esteem and self-concept of American Indians, and contribute to a racially hostile environment.”).

²⁴ U.S. Dep’t of Justice, Office of Justice Programs, Bureau of Justice Statistics, *A BJS Statistical Profile, 1992-2002: American Indians and Crime* (Dec. 2004), <https://www.bjs.gov/content/pub/pdf/aic02.pdf> .

²⁵ *Id.* at 9; *Id.* at v. (“Approximately 60% of American Indian victims of violence . . . described the offender as white.”).

²⁶ Ellen J. Staurowsky, *American Indian Imagery and the Miseducation of America*, 51 *National Association for Physical Education in Higher Education*, 382-392, 390 (1999) (“[S]chools have been extremely slow to accept responsibility for miseducating students through the continued use of American Indian imagery[.]”); C. Richard King, *Teaching Intolerance: Anti-Indian Imagery, Racial Politics, and (Anti)Racist Pedagogy*, 30 *The Review of*

Second, Adidas provides financial assistance to schools across the country that voluntarily choose to change their logo and mascot away from harmful Native American imagery, like the “Braves” mascot.²⁷ If cost is one of the reasons the School District hesitates to move away from its harmful Native American mascot and stereotyped imagery, then Adidas’s Change the Mascot Initiative will provide financial assistance to schools who want to change the mascot and logo but the process is cost prohibitive.²⁸ Adidas’ Change the Mascot Initiative will not only financially assist the Talawanda schools but will also offer its design resources to the high schools in the District to change the logo and the mascot imagery.²⁹

Third, over 2,000 athletic programs in schools, colleges, and national leagues have recognized that Native American mascots are no longer acceptable in the 21st century. NCAI, in their 2013 Resolution, states

Native Peoples and non-Native supporters have succeeded in eliminating over two-thirds (2,000+) of the so-called “Native” names, images, mascots and behaviors from educational athletic programs, beginning with the first nationwide, the University of Oklahoma’s retirement of “Little Red” in 1970[.]

[D]espite these solid successes in colleges and universities, as well as in elementary, middle and high schools, there remain nearly 1,000 of these race-based stereotypes in educational and professional sports[.]³⁰

The movement to end the use of Native American mascots has gained national attention as of late, but activists have been vigorously fighting the use of these mascots for over 60 years.³¹ Since the 1970’s, over two-thirds of Native American mascots have been retired at K-12 schools, colleges and universities across the country,³² including Ohio’s own Miami University that changed from the “Redskins” to the “Redhawks.”³³ Indeed, the NCAA adopted a policy against “hostile and abusive” Native American mascots, nicknames, or imagery at its championships in 2005.³⁴

Education, Pedagogy, and Cultural Studies, 420, 428 (2008) “Anti-Indian imagery in athletics works against the ideals of educational institutions. It produces false knowledge, fosters hostility and discomfort, and undermines the creation of inclusive, democratic learning communities.”)

²⁷ Adidas News Stream, *Adidas Announces Support For Mascot Name Changes Ahead Of White House Tribal Nations Conference* (Nov. 5, 2015), <https://news.adidas.com/US/Latest-News/adidas-announces-support-for-mascot-name-changes-ahead-of-white-house-tribal-nations-conference/s/7197ec89-d0fe-4557-b737-cd27dc76aba1> [hereinafter, *Adidas’ Change the Mascot Initiative*].

²⁸ *Id.*

²⁹ *Id.*

³⁰ NCAI Resolution.

³¹ Phillips, *supra* note 11, at 14.

³² Brief for National Congress of American Indians, et al. in Support of the Petition for a Writ of Certiorari as Amici Curiae in Support for a Writ of Certiorari at 16, *Harjo v. Pro-Football, Inc.*, No. 09-326 (U.S. Oct. 16, 2009), http://www.ncai.org/attachments/LegalBriefing_TB yaxkdqYwYRDohDiQUvSVlcVeXOGzqntVkEXTaEnFailZrpGfN_Amici-NCAI-et-al-10-16-09.pdf.

³³ *Nickname History*, Miami Redhawks, <http://www.miamiredhawks.com/trads/mioh-nickname.html> (last visited May 25, 2018).

³⁴ Amy Wimmer Schwarb, *Where Pride Meets Prejudice*, NCAA Champion Magazine, Winter 2016 Issue, <http://www.ncaa.org/static/champion/where-pride-meets-prejudice/index.php>.

Fourth, Title VI of the Federal Civil Rights Act prohibits any “program or activity receiving Federal financial assistance” from discriminating based on race or national origin.³⁵ Utilizing such mascots may violate anti-discrimination laws.³⁶ The U.S. Department of Education, Office for Civil Rights stated, “School districts may violate . . . civil rights statutes and the Department’s implementing regulations when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.”³⁷ To avoid any issues with these Civil Rights Statutes, it is wise to move away from these mascots and imagery.

In light of the extensive research that shows a school’s continued use of an “Indian” mascot and associated stereotyped imagery harms Native American youth, Talawanda School District should change the mascot name and imagery. Schools that continue to mascot a modern and contemporary population only contribute to the perpetuation of harmful and racist imagery. “Indian” mascots represent Native Americans as living and remaining in the past, but in reality, Native American peoples are modern and contemporary people, still present and alive in America.

We urge you to move your schools into the modern-day and to end the perpetuation of harmful stereotypes.

Thank you in advance for your consideration in this matter.

Sincerely,



Matthew Campbell
Staff Attorney
Native American Rights Fund

cc: Talawanda Board of Education

³⁵ 42 U.S.C. § 2000d (1964).

³⁶ See Racial Incidences and Harassment against Students at Educational Institutions; Investigative Guidance, 59 Fed. Reg. 11,448, 11,449 (Mar. 10, 1994) (stating, generally, that Title VI is violated where a hostile environment exists); Press Release, U.S. Comm’n on Civil Rights, Statement of U.S. Commission on Civil Rights on the Use of Native American Images and Nicknames as Sports Symbols (2001), <http://www.usccr.gov/press/archives/2001/041601st.htm>.

³⁷ Letter from Russlynn Ali, Ass’t Sec’y for Civil Rights, U.S. Dep’t of Education, Office for Civil Rights, to Colleague (Oct. 26, 2010), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf> (“Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, . . . or other conduct that may be physically threatening, harmful, or humiliating. . . . In these cases, the obvious signs of the harassment are sufficient to put the school on notice.”).