



Missing the Point

The Real Impact of Native Mascots and Team Names on American Indian and Alaska Native Youth

By Erik Stegman and Victoria Phillips

July 2014

Center for American Progress



Missing the Point

The Real Impact of Native Mascots and Team
Names on American Indian and Alaska Native Youth

By Erik Stegman and Victoria Phillips July 2014

Contents

- 1 Introduction and summary**
- 4 Hostile learning environments**
- 7 The suicide crisis and other challenges facing AI/AN youth**
- 9 The long movement to retire racist mascots and team names**
- 20 Recommendations**
- 23 Conclusion**
- 26 Endnotes**

Introduction and summary

The debate over the racist name and mascot of the professional football team based in the nation's capital, the “Redskins,” has reached a fever pitch in recent months.¹ Fifty U.S. senators signed a letter urging the National Football League, or NFL, to take action and change the name.² The U.S. Patent and Trademark Office recently canceled several of the team's trademarks because they were disparaging to American Indian and Alaska Native, or AI/AN, people and communities.³ And several media outlets across the country have stopped printing and using the name, including the *San Francisco Chronicle*, *Slate*, and *The Seattle Times*.⁴

Much of the recent debate has centered on issues such as economics. Many fans and media commentators have debated the cost of changing the name for the team and the league. Others have focused on the “legacy” and memories that fans will lose with a new name. And perhaps the most referenced issue is the team's supposed lack of racist or derogatory intent. But too much of the debate misses the point. It is not just about a name, a logo, a business, or a matter of intent. Racist and derogatory team names have real and harmful effects on AI/AN people every day, particularly young people.

AI/AN students across the country attend K-12 and postsecondary schools that still maintain racist and derogatory mascots. Research shows that these team names and mascots can establish an unwelcome and hostile learning environment for AI/AN students.⁵ It also reveals that the presence of AI/AN mascots directly results in lower self-esteem and mental health for AI/AN adolescents and young adults.⁶ And just as importantly, studies show that these mascots undermine the educational experience of all students, particularly those with little or no contact with indigenous and AI/AN people.⁷ In other words, these stereotypical representations are too often understood as factual representations and thus “contribute to the development of cultural biases and prejudices.”⁸

These are some of the many compelling reasons why major professional organizations have already weighed in. For example, the American Psychological Association called for the “immediate retirement of all American Indian mascots, symbols, images, and personalities by schools, colleges, universities, athletic teams, and organizations” nearly a decade ago.⁹ Similarly, the American Counseling Association passed a resolution in 2011 calling on their members to advocate for the elimination of these stereotypes where they are employed,¹⁰ and the American Sociological Association called for the elimination of AI/AN names, mascots, and logos in 2007.¹¹

The need to eliminate these derogatory representations and stereotypes is urgent and long past due. Racist team names and mascots provide a misrepresentation of AI/AN people that masks the very real and continuing hardships that these communities endure today. For example, AI/AN communities struggle with poverty at nearly double the national rate,¹² have some of the lowest high school graduation rates in the country,¹³ and suffer from extreme health disparities.¹⁴ Perhaps most disturbing, suicide is the second leading cause of death for AI/AN youth ages 15 to 24—a rate that is 2.5 times higher than the national average.¹⁵

The effects of these representations on AI/AN youth have spurred a growing nationwide movement to eliminate racist names and mascots. Although many inside the Beltway and in the national media portray the debate over the Washington football team name as something new, it is a decades-old movement that is finally getting the attention it deserves.

This report examines the current research about the impact of these mascots and team names on the mental health and self-esteem of AI/AN students, while sharing the real stories of AI/AN students in their own words.¹⁶ It also provides an overview of the ongoing movement across the country to retire them from K-12 and postsecondary schools.

Finally, the report proposes recommendations to local, state, and federal agencies that will help school administrators, educators, and community members transform learning environments that are hostile and unwelcoming to AI/AN students and their families into ones that are supportive. These recommendations include:

- The U.S. Department of Education’s Office for Civil Rights should use its full authority to enforce civil rights protections for AI/AN students and promote a safe and welcoming learning environment.

- State-level boards of education and education agencies should identify schools in their state with AI/AN representations, examine their impact, and develop recommendations to remove harmful representations.
- Nonprofit legal assistance organizations and law school clinics should develop programs to support AI/AN students who want to file complaints.
- The federal government and foundation community should identify and fund new research on the impact of derogatory AI/AN representations in schools.

Although the debate over the Washington football team may rage on until either the NFL or the team's owner, Dan Snyder, finally does the right thing and changes the name, there are many things that can be done right now to support AI/AN students in schools that perpetuate harmful stereotypes. Instead of debating merchandise economics and fan sentimentality, it is time to get to the point in this debate and to stop the harm that racist mascots and team names do to AI/AN youth.

Hostile learning environments

Our cheerleaders dressed up one of our own [students] in a Halloween 'Pokeahottie' costume and tied her to a stake after dragging her out on the field in shackles against her will. They proceeded to dance around her, acting as if they were beating her and treating her like a slave. This is the most sickening halftime show I've ever witnessed.

— Dakota Kicking Bear Brown, Miwok student and football player, describing the environment at his California high school¹⁷

This is only one of too many stories from across the country of AI/AN students who struggle with the representation of their culture and community as someone's mascot. So little of the national debate has focused on the actual negative impact of these stereotypes and representations on AI/AN students.

The consequences are real, and they are particularly harmful to young people in school. As a result, the American Psychological Association, or APA, passed a strongly worded resolution almost a decade ago calling for the immediate retirement of all team names, mascots, and other derogatory representations.¹⁸ It cited several key findings from a broad range of psychological and sociological research to support this call to action.

First, the APA found that the continued use of these representations “undermines the educational experiences of members of all communities—especially those who have had little or no contact with Indigenous peoples.”¹⁹ The resolution cited a 2001 statement from the U.S. Commission on Civil Rights that explains this issue:

The stereotyping of any racial, ethnic, religious or other groups when promoted by our public educational institutions, teach all students that stereotyping of minority groups is acceptable, a dangerous lesson in a diverse society. Schools have a responsibility to educate their students; they should not use their influence to perpetuate misrepresentations of any culture or people. Children at the elementary and secondary level usually have no choice about which school they attend.²⁰

In addition to undermining learning and understanding about AI/AN people, the APA found that these representations can also create “unwelcome and often times hostile learning environments for American Indian students that affirms negative images/stereotypes that are promoted in mainstream society.” Such hostile environments decrease students’ overall academic achievement and ability to succeed.²¹ In fact, the federal government has identified hostile learning environments as a significant and serious impediment to students’ success and requires all schools to work to ameliorate hostile environments that arise from harassment based on race and ethnicity, national origin, sex, disability, and religion.²²

The APA also found that these representations have a direct negative impact on the self-esteem of AI/AN youth. Dr. Stephanie Fryberg, a psychology professor at the University of Arizona, who is the leading researcher in this area, states that “American Indian mascots are harmful not only because they are often negative, but because they remind American Indians of the limited ways in which others see them. This, in turn, restricts the number of ways American Indians can see themselves.”²⁴ Fryberg and her colleagues conducted four studies exploring how AI/AN high school and college students react to AI/AN stereotypical mascots such as Chief Wahoo of the Cleveland Indians and Disney’s version of Pocahontas. They found a consistent, negative reaction to these images and concluded:

*American Indian mascots have harmful psychological consequences for the group that is caricaturized by the mascots. This is true whether the American Indian Mascot was represented by a caricature, a European American dressed as an American Indian, or an American Indian figure, and whether the mascot represented an American Indian university, a mainstream university, or a professional sports team.*²⁵

The bottom line from their research was that exposure to these mascots resulted in lower self-esteem, sense of community worth, and views of students’ own potential.²⁶

One of our school's biggest rivals is the Calaveras Redskins. Calaveras has always had an obscene amount of school pride, but little do they know how damaging their game-time routines are. With so many around me, I feel ganged up on, but at the same time, all of these screaming fans don't know how offensive they are, or that they are even in the presence of a Native. Most of the time, they don't even know that Natives are still around.

Worst of all, the most offensive stuff doesn't even come from the Redskins. It comes from their rival schools, mine included. I have heard my own friends yelling around me, “Kill the Redskins!” or “Send them on the Trail of Tears!”

— Dahkota Kicking Bear Brown,
Miwok student and football player,
Argonaut High School, California²³

Finally, the APA concluded that these representations undermine the ability of tribes and AI/AN people to portray themselves accurately as distinct and diverse cultures, as well as individuals' ability to portray their own distinct cultures, spiritual systems, and traditions. Stereotypical images are a dominant culture's prejudiced representations of a racial or ethnic minority group, which are a form of discrimination against AI/AN people and lead to negative relations between groups.²⁷ In other words, when certain non-AI/AN groups rely on these stereotypical representations to inform their understanding of AI/AN people and define who they are in relation to them, it leads to discriminatory treatment of the AI/AN population. The U.S. Commission on Civil Rights explains:

*Schools are places where diverse groups of people come together to learn not only the 'Three Rs,' but also how to interact respectfully with people from different cultures. The use of stereotypical images of Native Americans by educational institutions has the potential to create a racially hostile educational environment that may be intimidating to Indian students.*²⁸

The research is clear—AI/AN youth suffer from the presence of these mascots and team names, and it leads to their mistreatment by non-AI/AN students. More importantly, the impact that they have on the self-esteem and self-perceptions of AI/AN youth contribute to many serious challenges they already face.

The suicide crisis and other challenges facing AI/AN youth

Hostile and unwelcoming learning environments for AI/AN students contribute to an already dire situation for many of these youth across the country. These learning environments are already burdened with a serious history of oppression. Every generation of American Indians and Alaska Natives has suffered a range of serious mental, physical, and political harms that exacerbate and contribute to the challenges they face today. According to a recent article in the *Journal of Clinical Psychology*:

To understand the mental health needs of AI/AN, it is necessary to clearly comprehend the critical historical events and federal policies that have dramatically affected their lives. The military action, missionary efforts, the Federal Indian Boarding School Movement, the Dawes Act, the Indian Self-Determination and Education Assistance Act, and the Indian Child Welfare Act forever changed the economic, physical, and social lives of AI/AN people. Once self-reliant and self-sufficient, the policies of the federal government forced tribes/indigenous people toward removal, relocations, isolation, and, in some cases, termination and extinction, resulting in social, economic, and spiritual deprivations.²⁹

Known as “historical trauma,” this multigenerational oppression leads to a personal and community lack of self-worth.

In this context, AI/AN youth already face the serious and cumulative effects of oppression and family and cultural trauma. These conditions lead to a sense of individual and community hopelessness and helplessness.³⁰ The most telling result of this reality is the rate of AI/AN youth suicide. For AI/AN adolescents and young adults ages 15 to 34, the rate of suicide is a startling 2.5 times higher than the national average, and the second leading cause of death.³¹ That is, 31 of 100,000 AI/AN young adults and adolescents committed suicide in 2010 compared with 12.2 young adults and adolescents nationally—it is a crisis.³²

These high suicide rates are set against the backdrop of some of the highest rates of poverty and poor health and lowest educational outcomes in country. According to the most recent estimates, the poverty rate for AI/AN people was 29 percent in 2012, nearly double the overall U.S. population's rate of 15.7 percent. The poverty rate for AI/AN youth who are under 18 years old was even higher, at 36.5 percent in 2012 compared to 22.2 percent for the overall population in 2012.³³ And for AI/AN people living on reservations, the poverty rate stood at nearly 39 percent.³⁴

Substance abuse also remains persistently and disproportionately high for AI/AN youth. A recent study showed that 18.3 percent of AI/AN eighth graders reported binge drinking, compared to 7.1 percent nationally.³⁵ In addition, past-month marijuana use by AI/AN eighth graders was nearly five times the rate of non-AI/AN youth—34 percent versus 7.2 percent.³⁶ This is especially troubling considering that AI/AN people die from chronic liver disease and cirrhosis at a rate 368 percent higher than the national rate.³⁷ They also die from diabetes at a rate 177 percent higher, and chronic lower respiratory diseases at a rate 59 percent higher than the national rate, among others. Due to these serious health disparities, AI/AN people have a life expectancy that is 4.2 years shorter than the overall U.S. population.³⁸

Saddled with these challenges, AI/AN youth continue to have the worst high school graduation rates of all the country's ethnic groups. For the 2011-12 school year, AI/AN students had a graduation rate of only 67 percent.⁴⁰ And AI/AN students were the only group to have a declining graduation rate during the previous school year.⁴¹

It is also important to consider these statistics in the context of the young and fast-growing AI/AN population. The total AI/AN population grew from 4.1 million in 2000 to 5.2 million in 2010—a 27 percent increase compared to a 9.7 percent increase for the overall U.S. population.⁴² And the median age for AI/AN people was 31 years in 2012 compared to 37.4 years for the overall population.⁴³ When AI/AN young people face these drastic challenges—such as high suicide rates, poor health, and low educational attainment—it holds back their entire community and prevents future opportunities.

When I see people wearing headdresses and face paint or doing the tomahawk chop, it makes me feel demeaned. The current society does not bother to learn that our ways, customs, dress, symbols, and images are sacred. They claim it's for honor but I don't see honor in non-Natives wearing face paint or headdresses as they are not warriors who have earned the right. My heritage and culture is not a joke. My heritage and culture is not a fashion statement.

For me, it ultimately boils down to respect. Respect our heritage by not using a caricature of a proud people but by learning about our history.

— Cierra Fields, Cherokee, member, National Congress of American Indians Youth Cabinet³⁹

The long movement to retire racist mascots and team names

AI/AN activists have been involved in discussions and protests over the appropriation and use of tribal references in sports names, logos, and mascots for more than 60 years. Many of these uses have been changed over time, driven by civil rights struggles and a growing awareness of the proven social harms and inherent racism. Despite the gradual movement toward abolition and evolving signs of cultural understanding, many mascots invoking AI/AN names and imagery persist today in professional, collegiate, and local school district sports.

The Washington football team

The Indian you see most often in Washington, D.C., is at a football game—at the expense of real Indians, real history, real culture. The petty stereotype has become expected.

— Kevin Gover, *National Museum of the American Indian*⁴⁴

Perhaps no effort has received more public attention than the debate over the Washington NFL football team's name, which AI/AN groups have protested for decades. The team maintains that its use of the name is, and always has been, honorific.⁴⁵ AI/AN people do not see it that way. In June, the U.S. Patent and Trademark Office Trademark Trial and Appeal Board cancelled six of the franchise's federally registered trademarks that use the term,⁴⁶ citing a federal trademark law prohibiting the registration of any trademarks that consist of matter that may disparage or bring into contempt or disrepute any person, institution, or belief.⁴⁷ The law does not restrict the use of the terms—but rightly denies such terms a federal property right.

This was the second time the federal government determined that the team's trademarks should be denied federal protection. A group of prominent AI/AN leaders led by Suzan Shown Harjo—who is Cheyenne and Huldogee Muscogee—first challenged the trademarks as disparaging under this law in 1992.⁴⁸ In a long-running trial-like proceeding, the group presented a wide array of evidence, including dictionary definitions and other reference works, newspaper clippings, movie clips,

and scholarly articles to demonstrate that the term is an ethnic slur. In addition, they produced testimony from linguists, survey evidence, and various resolutions by AI/AN groups condemning the term. They also put forth plentiful evidence depicting the team and its fans using the term in a derisive and offensive manner.⁴⁹

The agency eventually agreed seven years later and ordered all the trademarks cancelled in 1999.⁵⁰ However, the team successfully appealed the decision in the U.S. District Court for the District of Columbia and the Court of Appeals. The trial court held that since the trademarks in question had been in use for 45 years and registered some 25 years before the action was brought, the AI/AN plaintiffs' claims were barred due to their unjustifiable delay in bringing the action. The appellate courts agreed and the U.S. Supreme Court declined to take the case, ending the challenge.⁵¹ To overcome the defense of unjustifiable delay, Harjo recruited a group of younger AI/AN petitioners led by Amanda Blackhorse—a young Navajo woman—to bring another challenge to the registered trademarks in 2006.⁵² These younger AI/AN petitioners could not have delayed in bringing a legal claim before reaching the age at which they are permitted to bring a legal claim. It was this challenge that succeeded in again convincing the U.S. Patent and Trademark Office to order cancellation of the team's registrations last month. Once again, the team plans to appeal the case, and the trademarks will remain federally protected throughout the appeal process.

The protest by Native groups of the Washington football team's name is nothing new. Shortly after the team was sold by its original owner, George Preston Marshall, to local attorney Edward Bennett Williams in 1972, the National Congress of American Indians, or NCAI, and leaders of the AI/AN community took the opportunity to reach out to the new owner and explain why the team name was a racial slur. They wrote:

*Born at a time in our history when the national policy was to seize Indian land and resources, and hunt down Indian people who stood in the way, the term 'Redskin' has been perpetuated through such media as western movies and television. Most often, the term is coupled with other derogatory adjectives, as 'dirty Redskin' or 'pesky Redskin' which is used interchangeably with the word 'savage' to portray a misleading and denigrating image of the Native American.*⁵⁴

It has been purported that using indigenous peoples as mascots honors them. I am unsure of how the word relating to the bounty of skin as proof of killing indigenous peoples is honorable. The issue is not one of political correctness but about promoting human dignity to those who have been denied it for all too long in this country.

Let us hope that U.S. society learns to be on the right side of history and can reshape the mode in which it views and interacts with Native peoples. The issue impacts me because as long as the Washington football team and others retain pejoratives as names, mascots, and are allowed to do so, it says that it is ok to marginalize me, my family, and Indian country—that it is ok for Native peoples to remain on the periphery of American consciousness.

— Joaquin Gallegos, Jicarilla Apache Nation and Pueblo of Santa Ana, 2013 Center for Native American Youth Champion for Change⁵³

Harjo has been advocating on this issue since she and her husband went to their first and last Washington football game a few years later in 1974. She recounts how fans taunted and harassed them, using the slur to describe them.⁵⁵ As executive director of the NCAI in the 1980s, she continued the protest and journey that led to last month's decision cancelling the trademark.

The public debate over professional football in the nation's capital has grown louder recently. Rep. Eni Faleomavaega (D-American Samoa) introduced a bill with wide bipartisan co-sponsorship that would prohibit the federal trademark registration of that particular slur.⁵⁶ Senate Majority Leader Harry Reid (D-NV) and House Minority Leader Nancy Pelosi (D-CA), as well as other members of Congress, have publicly criticized the name and called for the team to change it.⁵⁷ A recent letter signed by half of the members of the Senate sent the same message to the team and the NFL.⁵⁸ Even President Barack Obama has weighed in, noting that if he owned the team he would "think about changing the name," as did Attorney General Eric Holder, who called the team name offensive.⁵⁹ Locally, District of Columbia Mayor Vincent Gray and the city council have called for a change.⁶⁰

In addition to the elected officials who are speaking out, more than 75 news organizations and journalists, including high-profile sports writers and sportscasters, have taken a stand against the name and have moved to curtail its use.⁶¹ A letter from several former leaders of the Federal Communications Commission to current regulators even argued that the team name should not be used on the public airwaves because it is so contrary to the public interest.⁶² Faith leaders in the Washington, D.C., area sent a letter to NFL Commissioner Roger Goodell and team owner Dan Snyder stating their belief that they have a moral obligation to change the name.⁶³ And the regional board of the United Church of Christ, or UCC, passed a unanimous resolution in March recommending that its members boycott the team's games and products until the name and mascot are changed.⁶⁴

The most recent calls for the team and league to change the name, similar to those of the past, are rooted in the fundamental ideas of racial equity, social justice, and moral obligation. It is undisputed that such slurs cause great harm to AI/AN people, especially AI/AN youth. Public support for changing the Washington football team name and ridding the sports world of other harmful mascots is at an all-time high, and it is time for the teams and leagues to listen.

The early movement against AI/AN mascots and team names

This high-profile controversy over the Washington football team's trademarks is only the latest chapter in a much longer history of AI/AN people protesting the use of racist mascots across the country. Just after the turn of the 20th century, professional sports teams began to embrace the practice of selecting official nicknames. The trend at the time was to select names that suggested aggressive qualities. During the decades that followed, college teams and then gradually local school teams began to formally adopt AI/AN team names based on the popular association between AI/AN peoples and athletic skill. In later years, the use of AI/AN names and imagery evolved to evoke the ferociousness of the players and many of the team names, logos, and mascots evolved to convey this new message. Most of the appropriated AI/AN imagery was based on false historical narratives and highly exaggerated caricatures. Many of the portrayals included fictitious, savage, and violent imagery.⁶⁵

The NCAI began to set its sights on the elimination of negative AI/AN stereotypes as early as 1940, and the organization started to focus in on the harm done by AI/AN sports mascots in the late 1960s.⁶⁶ In 1969, the National Indian Education Association, or NIEA, also started to organize AI/AN educators, school board members, parents, and students around the cause of removing of all “Indian” names, symbols, and behaviors associated with sports teams.⁶⁷ They also started to educate the country on the very real harms experienced by AI/AN peoples and society as a whole as a result of such uses. Documented harms of racialized team names and mascots in sports included:⁶⁸

- Perpetuating false, stereotypical images of indigenous cultures and histories
- Contributing to anti-Indian racism in the United States
- Terrorizing American Indian peoples
- Preventing American Indians from full and equal enjoyment of public accommodations
- Fostering racial harassment
- Undermining equal treatment
- Fostering “racial microaggression” by transforming “learning environments into hostile environments”
- Allowing the dominant society to “define Indianness, undermining indigenous identity, tradition, and sovereignty”
- Abusing indigenous spirituality, misusing sacred objects—such as eagle feathers—and rituals for the sake of school spirit and local traditions, and promoting divisiveness and factionalism in Native nations

This early organizing laid the groundwork for the change that would soon occur on college campuses and in communities across the country. The decades that followed saw civic leaders and educators coming to the realization that the use of native names, mascots, and imagery were incompatible with a positive educational environment.

Organizing on college and university campuses

Inspired by the civil rights movements brewing around the country, the National Indian Youth Council began organizing on college campuses in 1963 to remove the AI/AN stereotypes embodied in sports mascots. They started with the University of Oklahoma and its racist mascot, Little Red. The first Native-inspired tradition during Oklahoma football games, which began in the 1930s, involved the crowning of an “Indian princess” and the dancing of a “young Indian” during halftime. Oklahoma students also used stereotypical and inaccurate Native war calls when cheering on Little Red and the team. Protesters argued that Little Red served as a symbol of the physical oppression and cultural degradation that American Indians had suffered. Like many of the claims made in defense of AI/AN mascots and imagery today, some Oklahoman Native people and students objected to these protests claiming that the name and mascot were not insulting but instead honored the American Indian people of the state.⁶⁹

In addition to the early efforts at Oklahoma, some of the first universities and colleges to remove AI/AN imagery from their sports programs included Dartmouth University, Stanford University, and Syracuse University. AI/AN imagery had taken stronghold in each of these athletic programs and change did not come easy. When Dartmouth was founded in 1769, the stated purpose was “the education and instruction of youth of the Indian tribes in this land in reading, writing, and all parts of learning.”⁷⁰ At the turn of the 20th century when Dartmouth formed a football team, the sports section of Dartmouth’s yearbook depicted AI/AN warriors kicking footballs.⁷¹ From this point on, the idea of the Dartmouth Indian quickly began to infiltrate athletics on campus. Soon “Indians” started to appear on athletic uniforms, and Dartmouth fans would display stereotypical mohawks as they cheered on their Indians. At Stanford, although the standard image and logo of the mascot varied, the Indians were often represented by a caricature of a small American Indian man with a large nose or a profile view of an American Indian man in a headdress. Timm Williams—a member, and later chief, of the Yurok Tribe

of California—played Prince Lightfoot during Stanford athletic events, continuously performing traditional Yurok dances in traditional dress.⁷² At Syracuse, students created fake scalps to represent other teams’ mascots and affixed them to the belt of a Native American statute after their football team and its mascot, the Saltine Warrior, defeated the opposing team.⁷³

There were a number of common issues and concerns in early mascot debates at each of these universities during the 1960s and 1970s. Clearly, the times were imbued with the civil rights struggles as well as a growing national conversation and appreciation of racial and cultural difference. The decades also saw a new era in federal Indian policy known as self-determination, which emphasized tribes making their own decisions about the policies that affected them.⁷⁵ However, each school wrestled with the risks and costs associated with changing their mascot, including the potential loss of support from their students, fans, and valued alumni. Each school also had to consider the additional costs associated with rebranding their teams with new names and mascots. The harms created by the disparaging nature of mascots and associated imagery on campus ultimately outweighed the concern and costs in each case. Oklahoma retired Little Red in 1970, becoming the first school to end the use of any Native stereotype in sports.⁷⁶ Stanford removed the “Indian” mascot and the live performances of Prince Lightfoot in 1973.⁷⁷ In 1974, the Dartmouth Board of Trustees responded to student and AI/AN activism on campus and found the Indian inconsistent with the founding institutional objectives of advancing AI/AN education.⁷⁸ And Syracuse removed the disparaging Saltine Warrior in 1978 after student protests proclaimed it inconsistent with the school’s values.⁷⁹

The nascent movement to do away with AI/AN mascots at the university, college, and high school level gained even more momentum when national professional organizations and government agencies began to call for change. In addition to the APA and U.S. Commission on Civil Rights statements discussed above, the National Education Association passed resolutions in 1991 and 1992 denouncing the use of all ethnicity-related sports team mascots, symbols, and nicknames.⁸⁰ The NAACP passed a resolution in 1999 calling for the end of the use of AI/AN names, images, and mascots.⁸¹ The American Counseling Association passed a resolution opposing the use of American Indian names and symbols in sports two years later.⁸²

As a Stanford University student, the effects of the long-gone Stanford Indian are still felt in the Native American community. Every year, without fail, some student group decides that it would be really awesome to have a “throwback” shirt with the Stanford Indian mascot on it. Many students know that the mascot is wrong, but don’t understand the “why.” Even with a thriving Native American studies program and Native American Cultural Center, Stanford students still don’t get the issues that come hand-in-hand with the Indian mascot. Long before Native Americans were admitted to Stanford, the sole Native representation was that of the Stanford Indian. Each year, as the Stanford Indian reveals its ugly history, the Native Americans of Stanford University are reminded of our troubled and short history at Stanford.

— Dahlton Brown, Miwok, student,
Stanford University; co-chair,
Stanford American Indian Organization⁷⁴

The NCAA ban on collegiate mascots and team names

A turning point for college sports came when the National Collegiate Athletic Association, or NCAA, announced that it would ban the use of AI/AN mascots by teams participating in any of its postseason tournament play.⁸³ While the NCAA considered the use of mascots to be an internal institutional matter, it ruled that it would enforce the ban for any events for which it had control. It also acknowledged and respected tribal governments' rights to make their own decisions regarding their relationships with school and university teams and created an exception allowing universities to keep their AI/AN names and imagery if it was based on a particular tribe and that tribe gave permission for its use. The NCAA made clear that it encouraged institutions to change their mascots in order to promote the core values of the NCAA, including cultural diversity, ethical sportsmanship, and nondiscrimination. In addition, the organization encouraged institutions to promote awareness of the negative impact of hostile symbols, names, imagery, and culture. This powerful and influential ban took effect in 2006.⁸⁴

Upon implementation of the ban, some schools changed their mascots immediately while others appealed or decided to ignore the ruling. Higher-profile institutions with large endowments and alumni bases were inclined to lodge appeals while smaller institutions generally complied with the ban. In addition, some institutions submitted evidence to the NCAA that they had support from the referenced tribes. Both Central Michigan University and the University of Utah, for example, had support from the Chippewa and Ute tribes, respectively, and were ultimately permitted to continue use of the mascots because of their “mutually respectful” relationships with the referenced tribes.⁸⁵ The NCAA also created an exception for the University of North Carolina-Pembroke because the school had historically admitted a high percentage of AI/AN students.⁸⁶

On the other hand, while the University of Illinois successfully argued that its nickname, the “Illini,” should be allowed based on its close association with the state name, the university remained on the NCAA’s sanctioned list because the school refused to discontinue use of its racialized Chief Illiniwek mascot and logo.⁸⁷ The university’s desire to continue using the mascot and AI/AN student protests and more than a decade of legal challenges led the university to finally retire Chief Illiniwek in 2007.⁸⁸ The University of North Dakota, or UND, faced a similar series of challenges over its mascot, the Fighting Sioux. The school appealed the NCAA’s ban, claiming that the university used the mascot with the utmost respect and had a positive relationship with the Sioux tribe.⁸⁹ After two years of negotiations, UND and the NCAA reached a conditional agreement:

UND would be allowed to continue the use of its mascot because of tribal support, but if any tribes rescinded their support, the university would be placed on the sanction list once again. The university ended the long-running conflict after all legal challenges were concluded in 2013, and after a statewide ballot initiative to keep the team name was defeated in 2012.⁹⁰

Action by state and local governments

There has also been great progress for K-12 schools, especially due to leadership at the state level, but there is still much work to do. While reports indicate that there were once more than 3,000 AI/AN mascots and names in use in local K-12 athletic programs, more than two-thirds of these have been changed.⁹¹ A number of state agencies have taken action against racist mascots, including:

- The Minnesota State Board of Education, which adopted a resolution stating that the use of “mascots, emblems, or symbols depicting American Indian culture or race” are unacceptable and encouraged school districts to retire any such mascots⁹²
- The Nebraska Commission on Indian Affairs, which requested that 27 public schools end their use of American Indian mascots and nicknames⁹³
- The Michigan State Civil Rights Commission, which issued a report in 1988 on nicknames, logos, and mascots depicting Native American people in Michigan education institutions⁹⁴
- The Michigan State Board of Education, which passed a resolution in 2006 urging all of its schools to drop any American Indian references such as mascots, nicknames, and logos⁹⁵
- The New York State Education Department, which called for the retirement of institutionalized “Indian” sports team nicknames, mascots, and logos from its public schools in 2001 after a five-year review⁹⁶
- The Oregon State Board of Education, which banned all Native American team names, mascots, and logos in its schools in 2012 based on the superintendent’s report detailing the harms from mascots in state schools⁹⁷

Change is coming at the local level, too. The board of education for the Los Angeles, California, consolidated school district moved to eliminate “Indian” related mascots from four schools in its jurisdiction in the 1990s. This decision was challenged but upheld by a federal court.⁹⁸ In a December 2013 preliminary vote, the Houston, Texas, school district approved a new policy against any ethnic mascots, which would require a change for several schools.⁹⁹

The struggle continues

At the local school district level, there have been some recent success stories, but also some continuing struggles. Port Townsend High School in Washington state had the same mascot as the Washington professional football team for 88 years, but after long-standing complaints from parents and the completion of a year-long study, last year its school board elected to change the name to the Redhawks, a type of bird.¹⁰¹ The Cooperstown Central School Board of Education in New York also voted overwhelmingly last year to remove the same mascot from its interscholastic athletic, extracurricular, and academic programs. The move was prompted by a student body resolution asking that the mascot be changed. The mascot was ultimately changed to the Hawkeyes.¹⁰² The administrators of Teton High School in Driggs, Idaho, also announced that they were dropping its identical nickname, logo, and mascot to show respect for Native Americans and also plan to change the name of its school newspaper, “The War Cry.”¹⁰³

However, things have not been going as well in some other localities. An outraged mother with American Indian heritage in Langhorne, Pennsylvania, started a campaign against the school’s use of the same mascot. She wrote letters, called school officials, and appeared in front of the school board several times arguing that its use of the slur was racist and derogatory. After the school newspaper supported her and attempted to ban the use of the term last fall, its leaders found themselves at odds with their principal.¹⁰⁴ The students invoked their free speech right, and the school board ultimately approved a policy that limited, but did not eliminate, the ability of students to utilize the term in school publications. The 60-year-old mascot currently remains unchanged.¹⁰⁵

Moreover, in what seems like a move against the national momentum to change offensive mascots, Wisconsin Gov. Scott Walker (R) signed a law in December 2013 that makes it difficult for those who “object to race-based mascots and sports team names to force a change at their school district.”¹⁰⁶ The law “requires at least 10 percent of a school district’s membership to sign a complaint which would be reviewed by the state’s Department of Public Instruction, with hearings in front of an administrative law judge.”¹⁰⁷ Furthermore, the Wisconsin law places the burden of proof on the complaining party to prove the offensive nature of the image, contrary

I distinctly remember listening to a radio talk show one morning discussing changing the mascot of a local northern Michigan school because it poorly depicted Native American people. Non-Native people defending the mascot seemed to populate the airtime. They all spoke about school and community pride, or fond high school memories. A Native American mascot seemed to have nothing to do with actual Native American people to them. A white person’s school pride was put above a Native American person’s sense of identity. A white person’s fond memories were more important than a Native American youth attending a school they felt still wore the mascot of oppression. Even on a local radio talk show, our voice didn’t seem to matter. I think we’ve got that backwards. Our culture and history matter, our languages matter, our sense of identity matters, and our Native American youth matter.

— Sarah Schilling, Little Traverse Bay
Bands of Odawa Indians, 2013 Center for
Native American Youth Champion for Change¹⁰⁰

to previous laws that placed the burden on the school district. Gov. Walker released a statement saying he was worried that the current law infringed on free speech. “A person’s right to speak doesn’t end just because what they say is offensive,” he said.¹⁰⁸

“Siouxper Drunk”



Even after the NCAA declared that the University of North Dakota’s Fighting Sioux mascot was “hostile and abusive” in 2005¹⁰⁹ and the state voted to retire it in 2012,¹¹⁰ its harmful legacy continues. Recently, to celebrate a popular event called “Springfest” sponsored by UND, a group of students designed and wore t-shirts that featured the UND Fighting Sioux mascot drinking out of a beer bong and the words “Siouxper Drunk” in large lettering across the front.¹¹¹

Several students complained about the incident to UND’s American Indian Student Services. As the organization’s direc-

tor, Leigh Leannotte, told the *Grand Forks Herald*: “Until there is a statement, until there is action, true action, to say that this is wrong, hurtful and it shouldn’t be continued, it’s going to just keep going on and on and on.”¹¹² Shortly after, UND President Robert O. Kelley responded to the incident with a statement on UND’s Facebook page but did not reference any specific action against the students or to address the issue more broadly.¹¹³

Source: Ruth Hopkins, “‘Siouxper Drunk’ shirts worn at University of North Dakota’s Springfest,” Last Real Indians, available at <http://lastrealindians.com/siouxper-drunk-shirts-worn-at-the-university-of-north-dakotas-springfest-by-ruth-hopkins/> (last accessed July 2014).

There has also been a backlash against the recent change-the-mascot campaigns and their perceived success. AI/AN students at Burney Junior-Senior High School in northern California found notes saying “Watch Your Redskinned Back” and “White Pride Bitch” on their lockers.¹¹⁴ The Pit River tribe parents there have alleged systemic, racially charged abuse of their children. Matilda Wilson, whose 12-year-old daughter Sarah received one of the notes and has been the subject of regular racial taunting, notes, “They have been calling the AI/AN kids names like ‘dirty rotten Indians’ and ‘wagon burners,’ but the staff just passes it off as if ‘it’s just kids being kids.’ But then it escalates.”¹¹⁵ Some AI/AN parents have already transferred their children to other schools despite the distance and difficulties associated with it.

Sadly, these allegations are similar to other reported bullying incidents across the country. At one Eureka City School District high school in Northern California, a teacher allegedly had students invent different tribes and pretend to fight each other in a wildly inaccurate lesson about tribal conflicts that deeply disturbed a Yurok student in the class.¹¹⁶ At another high school in the neighboring Loleta Union School District, the principal allegedly referred to her Native American students as “a pack of wolves” and other derogatory terms, bopped children on the head with a clipboard, and disproportionately expelled or suspended Native American students based on minor infractions.¹¹⁷ These accounts were described in two recent lawsuits filed in December 2013 by the American Civil Liberties Union of Northern California against the two Humboldt County school districts. The lawsuits accuse school officials of perpetuating systemic physical, emotional, and sexual abuse of Native American and other minority students.¹¹⁸

Federal and state legal intervention should not be necessary in any of these matters, just as it should not be necessary in the realm of professional sports. However, it may have to be considered in order to successfully transform learning environments that are hostile and unwelcoming to AI/AN students and their families into ones that are supportive. In 1996, the Supreme Court opened the doors of the all-male Virginia Military Institute to female students. Justice Ruth Bader Ginsburg wrote eloquently in that decision about the harm caused by inaccurate cultural stereotypes that stand in the way of an “equal opportunity to aspire, achieve, participate in, and contribute to society based on [a person’s] individual talents and capacities.”¹¹⁹ Harmful and inaccurate Native stereotypes in school sports mascots similarly violate our schools’ legal obligations to ensure equal opportunity and offer an accessible and effective education to AI/AN students.

Recommendations

Although the NFL and owner Dan Snyder control the fate of the Washington football team, the federal government, state governments, nonprofit organizations, and grant-making bodies can create safe and welcoming learning environments for AI/AN students.

Federal government

The federal government can take a much more active role in supporting AI/AN students by working with school administrators to create welcoming learning environments that are free of these derogatory depictions. The Office for Civil Rights, or OCR, at the U.S. Department of Education is charged with enforcing the nation's civil rights laws in schools that receive federal funding. In addition to investigating complaints on the basis of race, color, national origin, sex, and disability, it works proactively with school administrators to prevent discrimination and foster welcoming learning environments.

OCR should:

- **Work with the White House Initiative on American Indian and Alaska Native Education to seek input from tribal communities.** The White House Initiative is the executive-level office charged with strengthening the learning environment for AI/AN students and improving their educational outcomes. OCR should support the White House Initiative in identifying opportunities to seek input directly from tribal communities and consult with tribes on this issue, which should inform the development of guidance for administrators and school boards to create a safe and welcoming learning environment for AI/AN students. OCR should also work to assess any potential barriers to AI/AN students stepping forward with complaints.

- **Develop and issue a “Dear Colleague” letter to administrators and school boards providing guidance.** OCR regularly issues “Dear Colleague” letters that review the application of civil rights laws in publically funded K-12 and postsecondary schools. After seeking input and consulting with tribes and tribal communities, OCR should develop a letter of guidance on this issue. In this letter, OCR should request that administrators and school boards examine the use of AI/AN mascots, team names, and other representations to determine whether they adversely impact student understanding of AI/AN people. It should also ask them to examine whether they promote “racially hostile environments” and recommend steps to address it. Finally, they should recommend procedures to make AI/AN students aware of their rights and empower them to step forward if they have complaints.

State government

State agencies and boards of education have a significant role to play in this issue as well. States have their own anti-discrimination laws on the books and missions to create safe and supportive learning environments for all students. State executive offices and legislatures should direct these bodies to assess the impact of these representations in their schools, seek input from tribal communities and AI/AN students about them, and develop recommendations for their retirement. A recent example of this was a report by the Oregon State Superintendent of Public Instruction to their board of education recommending the elimination of these mascots and proposing a process to do so.¹²⁰

Nonprofit organizations

Nonprofit legal assistance organizations and law school clinics can support AI/AN students by helping them better understand their right to a safe and supportive learning environment free of harmful mascots and team names. In addition to helping educate students and families about their rights, they can assist in filing complaints to the OCR and other relevant agencies.

Grant-making bodies

Further research is still necessary to understand the full impact of these representations on AI/AN students. The federal government should work across agencies to identify new research topics to better understand the extent to which these mascots and team names perpetuate bullying, hostile learning environments, and negative attitudes about AI/AN people. In addition to federal funding of these research projects through agencies such as the National Institutes of Health, the foundation community should monitor this area and find ways it can support this work.

Conclusion

The current fight to change the name of the Washington football team represents a broader, long-standing struggle for AI/AN people to define themselves—instead of being defined by others. It is a simple matter of human dignity and respect for culture, heritage, and identity that anyone in our country would expect for themselves. For AI/AN youth and families who have been working to change these racist and harmful mascots at schools across the country, to have the football team in our nation's capital maintain such a derogatory mascot sends a particular symbolic message of disrespect and disregard for their communities.

While that decision may be up to the NFL and Dan Snyder, there is a lot that can be done in the meantime to support AI/AN youth who struggle with racist team names and mascots that contribute to hostile and unwelcoming school environments and low self-esteem. It is time for local, state, and federal education agencies to step up and take this issue seriously. This report has highlighted several promising efforts by state education agencies and local school authorities, and more should follow their lead. And as a national leader with a very important mission, the Department of Education's Office for Civil Rights should examine the compelling evidence already available about the impact of these team names and mascots on the learning environments of a too-often-oppressed group of students who struggle in our nation's schools.

The stories of everyday AI/AN people fighting to change team names and mascots that were featured in this report reveal the very real harm caused by these representations—we need to stop missing the point of this debate.

About the authors

Erik Stegman is the Associate Director of the Half in Ten Education Fund at the Center for American Progress. In this role, he leads the development of Half in Ten's annual report, contributes to policy development, and manages Half in Ten's network of grassroots partners and coalition members to support its mission of building the political and public will to reduce poverty. Previously, he served as majority staff counsel for the U.S. Senate Committee on Indian Affairs, as a policy advisor at the U.S. Department of Education's Office of Safe and Drug Free Schools, and as program manager at the National Congress of American Indians Policy Research Center.

Victoria Phillips teaches intellectual property and communications law at American University Washington College of Law and is the director of the Glushko-Samuels Intellectual Property Law Clinic. She and her clinic students have collaborated with Suzan Harjo and other Native advocates on cultural property issues and the ongoing effort to eliminate federal trademark recognition for racist sports names and mascots. She co-authored an amicus brief on behalf of law professors whose research and teaching focus is intellectual property law, federal Indian law, and constitutional law supporting the petition for review by the U.S. Supreme Court in *Harjo et al v. Pro Football, Inc.*

Acknowledgements

The authors would like to thank the young people who contributed their personal stories to this report, including Dahkota Kicking Bear Brown, Dahlton Brown, Cierra Fields, Sarah Schilling, and Joaquin Gallegos. We are also very grateful to Erin Bailey and Josie Raphaelito at the Aspen Institute Center for Native American Youth for the tremendous support. Jacqueline Johnson-Pata and Denise Desiderio at the National Congress of American Indians and Charlie Rose at Drinker Biddle & Reath LLP also provided us with important guidance and support. Finally, the authors would like to acknowledge the long-standing commitment and work of Suzan Harjo. For Victoria Phillips, her respect and admiration for Suzan's brilliance and passion on Native cultural issues has been a primary motivation for getting involved in this area. Victoria would also like to thank her law school colleagues and clinic students who have worked with her on these issues.

The Center for American Progress thanks the Annie E. Casey Foundation for its support. The views and opinions expressed in this report are those of Center for American Progress and the authors and do not necessarily reflect the position of the Annie E. Casey Foundation. The Center for American Progress produces independent research and policy ideas driven by solutions that we believe will create a more equitable and just world.

Endnotes

- 1 The authors of this report choose not to use the name of the Washington professional football team and will use "Washington football team" instead.
- 2 Nate Scott, "50 senators sign letter urging Redskins to change team name," *USA Today*, May 22, 2014, available at <http://ftw.usatoday.com/2014/05/senators-washington-redskins-team-name-letter>.
- 3 Amanda Blackhorse, Marcus Briggs-Cloud, Philip Gover, Jillian Pappan, and Courtney Tsotigh v. *Pro-Football, Inc.*, 92046185, available at <http://ttabvue.uspto.gov/ttabvue/v?pno=92046185&pty=CAN&eno=199>.
- 4 Andrew Beaujon, "Here's a list of outlets and journalists who won't use the name 'Redskins,'" Poynter, June 19, 2014, available at <http://www.poynter.org/latest-news/mediawire/256258/heres-a-list-of-outlets-and-journalists-who-wont-use-the-name-redskins/>.
- 5 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," available at <http://www.apa.org/about/policy/mascots.pdf> (last accessed July 2014).
- 6 Stephanie A. Fryberg and others, "Of Warrior Chiefs and Indian Princesses: The Psychological Consequences of American Indian Mascots," *Basic and Applied Social Psychology* 30 (3) (2008): 215–216, available at <http://sitemaker.umich.edu/daphna.oyserman/files/fryberg-markusoysermanstone2008.pdf>.
- 7 American Psychological Association, "Summary of the APA Resolution Recommending Retirement of American Indian Mascots," available at <http://www.apa.org/pi/oema/resources/indian-mascots.aspx> (last accessed July 2014).
- 8 American Indian Cultural Support, "Society of Indian Psychologists of the Americas," available at <http://www.aics.org/mascot/society.html> (last accessed July 2014); 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."
- 9 American Psychological Association, "Summary of the APA Resolution Recommending Retirement of American Indian Mascots."
- 10 American Indian Sports Team Mascots, "Resolution: Opposition to Use of Stereotypical Native American Images as Sports Symbols and Mascots," available at <http://aistm.org/2001aca.htm> (last accessed July 2014).
- 11 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," Press release, March 6, 2007, available at http://www.asanet.org/about/Council_Statements/use_of_native_american_nicknames_logos_and_mascots.cfm.
- 12 Bureau of the Census, "Poverty Status in the Past 12 Months by Sex by Age Universe: Population for whom poverty status is determined: 2008-2010 American Community Survey 3-Year Estimates," available at http://factfinder2.census.gov/bkmk/table/1.0/en/ACS/10_3YR/B17001/0100000US%7C0100089US (last accessed July 2014).
- 13 Marie C. Stetser and Robert Stillwell, "Public High School Four-Year On-Time Graduation Rates and Event Dropout Rates: School Years 2010-11 and 2011-12" (Washington: National Center for Education Statistics, 2014), p. 4, available at <http://nces.ed.gov/pubs2014/2014391.pdf>.
- 14 Indian Health Service, "Disparities," available at <http://www.ihs.gov/newsroom/factsheets/disparities/> (last accessed July 2014).
- 15 Centers for Disease Control and Prevention, "Suicide Facts at a Glance" (2012), available at http://www.cdc.gov/violenceprevention/pdf/suicide_datasheet-a.pdf.
- 16 These personal stories have been condensed from the original versions submitted to the authors, but the meaning and intent remain unchanged.
- 17 Personal communication from Dakota Brown, July 7, 2014.
- 18 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."
- 19 Ibid.
- 20 U.S. Commission on Civil Rights, "Statement of U.S. Commission on Civil Rights on the Use of Native American Images and Nicknames as Sports Symbols," Press release, 2001, available at <http://www.usccr.gov/press/archives/2001/041601st.htm>.
- 21 Eleanor Guetzloe, "Violence in children and adolescents—A Threat to Public Health and Safety: A Paradigm of Prevention," *Preventing School Failure* 44 (1) (2000): 21; Christy Lleras, "Hostile School Climates: Explaining Differential Risk of Student Exposure to Disruptive Learning Environments in High School," *Journal of School Violence* 7 (3) (2008): 103–135.
- 22 Letter from Russlynn Ali to colleagues, October 26, 2010, available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>.
- 23 Personal communication from Dakota Brown, July 7, 2014.
- 24 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."
- 25 Fryberg and others, "Of Warrior Chiefs and Indian Princesses: The Psychological Consequences of American Indian Mascots," p. 208–218.
- 26 Ibid.
- 27 Ibid.; 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."
- 28 U.S. Commission on Civil Rights, "Statement of U.S. Commission on Civil Rights on the Use of Native American Images and Nicknames as Sports Symbols."

- 29 Dolores Subia BigFoot and Susan R. Schmidt, "Honoring Children, Mending the Circle: Cultural Adaptation of Trauma-Focused Cognitive-Behavioral Therapy for American Indian and Alaska Native Children," *Journal of Clinical Psychology* 66 (8) (2010): 848, available at <http://www.icctc.org/BigFoot%20&%20Schmidt%20Electronic%20Version%202010.pdf>.
- 30 Ibid.
- 31 Centers for Disease Control and Prevention, "Suicide Facts at a Glance."
- 32 Ibid.
- 33 Bureau of the Census, "Selected Population Profile in the United States: 2010-2012 American Community Survey 3-Year Estimates," available at http://factfinder2.census.gov/bkmk/table/1.0/en/ACS/12_3YR/S0201/0100000US/popgroup~001|006 (last accessed July 2014).
- 34 Bureau of the Census, "Poverty Status in the Past 12 Months by Sex by Age (American Indian and Alaska Native Alone): Universe: American Indian and Alaska Native alone population for whom poverty status is determined: 2012 American Community Survey 1-Year Estimates," available at <http://1.usa.gov/1pNq8KF> (last accessed July 2014).
- 35 Colorado State University, College of Natural Sciences, "Comparing Rates of Substance Use Among AI Students to National Rates: 2009-2012," available at http://triethnicscenter.colostate.edu/ai_epi1.htm (last accessed July 2014).
- 36 Ibid.
- 37 Indian Health Service, "Indian Health Disparities," available at http://www.ihs.gov/newsroom/includes/themes/newihstheme/display_objects/documents/factsheets/Disparities.pdf (last accessed July 2014).
- 38 Ibid.
- 39 Personal communication from Cierra Fields, July 7, 2014.
- 40 Stetser and Stillwell, "Public High School Four-Year On-Time Graduation Rates and Event Dropout Rates."
- 41 Education Week, "High School Graduation Rate Approaching Milestone, Reaches Highest Point in 40 Years," Press release, June 6, 2013, available at http://www.edweek.org/media/diplomascount2013_release.pdf.
- 42 Bureau of the Census, *2010 Census Summary File 1: 2010 Census of Population and Housing* (U.S. Department of Commerce, 2012), available at <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.
- 43 Bureau of the Census, "Selected Population Profile in the United States: 2012 American Community Survey 1-Year Estimates," available at http://factfinder2.census.gov/bkmk/table/1.0/en/ACS/12_1YR/S0201/0100000US/popgroup~001%7C009 (last accessed July 2014).
- 44 Moni Basu, "Native American Mascots: Pride or Prejudice?," CNN, April 4, 2013, available at <http://inamerica.blogs.cnn.com/2013/04/04/native-american-mascots-pride-or-prejudice/>.
- 45 Robert McCartney, "1933 news article refutes cherished tale that Redskins were named to honor Indian coach," *The Washington Post*, May 28, 2014, available at http://www.washingtonpost.com/local/1933-news-article-refutes-cherished-tale-that-redskins-were-named-to-honor-indian-coach/2014/05/28/19ad32e8-e698-11e3-afc6-a1dd9407abcf_story.html.
- 46 Amanda Blackhorse, Marcus Briggs-Cloud, Philip Gover, Jillian Pappan, and Courtney Tsoitigh v. Pro-Football, Inc., 92046185.
- 47 15 U.S.C. § 1052(a) (2006) (No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it—(a) Consists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt ...)
- 48 *Suzan Shown Harjo; Raymond D. Apodaca; Vine Deloria, Jr.; Norbert S. Hill, Jr.; Mateo Romero; William A. Means; and Manley A. Begay, Jr. v. Pro-Football, Inc.*, 21,069, Trademark Trial and Appeal Board, May 27, 1998, available at <http://www.uspto.gov/web/offices/com/sol/foia/ttab/2aissues/1999/21069.pdf>.
- 49 Ibid.
- 50 *Harjo v. Pro Football, Inc.*, 50 U.S.P.Q.2d (BNA) 1705 (T.T.A.B. 1999)
- 51 *Harjo v Pro Football, Inc.* 565 F.3d 880 (D.C. Cir.), cert. denied, 130 S. Ct. 631 (2009).
- 52 U.S. Patent and Trademark Office, "Petition for Cancellation: 92046185," available at <http://ttabvue.uspto.gov/ttabvue/v?pno=92046185&pty=CAN&eno=1> (last accessed July 2014).
- 53 Personal communication from Joaquin Gallegos, July 7, 2014.
- 54 National Congress of American Indians, "Ending the Legacy of Racism in Sports & the Era of Harmful 'Indian' Sports Mascots" (2013), available at http://www.ncai.org/attachments/PolicyPaper_mijApMoUWDbjqFt-jAYzQWlQLdrwZvsYfakBwTHpMATcOroYolpN_NCAI_Harmful_Mascots_Report_Ending_the_Legacy_of_Racism_10_2013.pdf.
- 55 Suzan Shown Harjo, "The R-Word Is Even Worse Than You Think," *Politico Magazine*, June 23, 2014, available at <http://www.politico.com/magazine/story/2014/06/washington-football-team-108213.html>.
- 56 *Non-Disparagement of Native American Persons or Peoples in Trademark Registration Act of 2013*, H.R. 1278, 113th Cong. (2013).
- 57 Emmarie Huetteman, "Senator Urges NFL to Change Name of Redskins," *The New York Times*, April 30, 2014, available at http://www.nytimes.com/2014/05/01/sports/football/reid-urges-nfl-to-change-name-of-redskins.html?_r=0.
- 58 Carl Hulse and Elena Schneider, "Citing NBA Example, Senators Urge NFL to Act on Redskins' Name," *The New York Times*, May 22, 2014, available at http://www.nytimes.com/2014/05/22/sports/football/citing-nba-example-senators-urge-nfl-to-act-on-redskins-name.html?ref=football&_r=1.

- 59 John Keim, "Holder favors Redskins name change," ESPN, July 14, 2014, available at http://espn.go.com/nfl/story/_/id/11213158/united-states-attorney-general-eric-holder-washington-redskins-moniker-offensive.
- 60 Mike DeBonis, "Redskins name change should be discussed, Vincent Gray says," *The Washington Post* District of DeBonis blog, January 9, 2013, available at <http://www.washingtonpost.com/blogs/mike-debonis/wp/2013/01/09/redskins-name-change-should-be-discussed-vincent-gray-says/>; Mike DeBonis and Aaron C. Davis, "D.C. Council calls on Washington Redskins to ditch 'racist and derogatory' name," *The Washington Post*, November 5, 2013, available at http://www.washingtonpost.com/local/dc-politics/dc-council-calls-on-washington-redskins-to-ditch-racist-and-derogatory-name/2013/11/05/17cbbd66-4646-11e3-bf0c-cebf37c6f484_story.html.
- 61 Monica Anderson, "Media takes sides on 'Redskins' name," Pew Research Center Fact Tank, October 30, 2013, available at <http://www.pewresearch.org/fact-tank/2013/10/30/media-take-sides-on-redskins-name/>.
- 62 John Eggerton, "Former FCC Officials Seek Redskin Name Change," *Broadcasting and Cable*, April 5, 2013, available at <http://www.broadcastingcable.com/news/washington/former-fcc-officials-seek-redskin-name-change/61262?nopaging=1>.
- 63 Theresa Vargas, "Faith leaders urge Redskins owner Dan Snyder and NFL to change team's name," *The Washington Post*, December 5, 2013, available at http://www.washingtonpost.com/local/faith-leaders-urge-redskins-owner-dan-snyder-and-nfl-to-change-teams-name/2013/12/05/e1dad2be-5dd3-11e3-be07-006c776266ed_story.html.
- 64 Emily Schappacher, "UCC's Central Atlantic Conference unanimously passes resolution calling for Washington NFL team name change," *United Church of Christ*, June 16, 2014, available at <http://www.ucc.org/news/washington-nfl-resolution-06162014.html>.
- 65 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," *North Dakota Law Review* 86 (879) (2010).
- 66 ChangeTheMascot.org, "History of Progress," available at <http://www.changethemascot.org/history-of-progress/> (last accessed July 2014).
- 67 National Congress of American Indians, "Ending the Legacy of Racism in Sports & the Era of Harmful 'Indian' Sports Mascots."
- 68 Fryberg and others, "Of Warrior Chiefs and Indian Princesses: The Psychological Consequences of American Indian Mascots"; Chu Kim Prieto and others, "Effect of Exposure to an American Indian Mascot on the Tendency to Stereotype a Different Minority Group," *Journal of Applied Social Psychology* 40 (3) (2010).
- 69 American University Washington College of Law, Glushko-Samuels Intellectual Property Clinic, "Racist Stereotypes and Cultural Appropriation in American College Sports: Changing the Mascot at Dartmouth, Stanford, Oklahoma and Syracuse" (2014), available at <https://ipclinic.org/files.wordpress.com/2014/07/changing-the-mascot-at-dartmouth-stanford-oklahoma-and-syracuse1.pdf>.
- 70 Ibid.
- 71 Ibid.
- 72 Ibid.
- 73 Ibid.
- 74 Personal communication from Dahlton Brown, July 7, 2014.
- 75 25 U.S.C. § 450, available at <http://www.law.cornell.edu/uscode/text/25/450> (last accessed July 2014).
- 76 American University Washington College of Law, Glushko-Samuels Intellectual Property Clinic, "Racist Stereotypes and Cultural Appropriation in American College Sports."
- 77 Ibid.
- 78 Ibid.
- 79 Ibid.
- 80 ChangeTheMascot.org, "History of Progress."
- 81 American Indian Sports Team Mascots, "1999 NAACP Resolution in Opposition to Native American Mascots," available at http://aistm.org/naacp_1999_resolution.htm (last accessed 2014).
- 82 American Indian Sports Team Mascots, "Resolution: Opposition to Use of Stereotypical Native American Images as Sports Symbols and Mascots."
- 83 ESPN, "NCAA American Indian mascot ban will begin Feb. 1," August 12, 2005, available at <http://sports.espn.go.com/ncaa/news/story?id=2125735>.
- 84 National Collegiate Athletic Association, "NCAA Executive Committee Issues Guidelines for Use of Native American Mascots at Championship Events," Press release, August 5, 2005, available at <http://fs.ncaa.org/Docs/PressArchive/2005/Announcements/NCAA%2BExecutive%2BCommittee%2BIssues%2BGuidelines%2Bfor%2BUse%2Bof%2BNative%2BAmerican%2BMascots%2Bat%2BChampionship%2BEvents.html>.
- 85 Jeff Zillgitt, "Excuses, Inconsistencies Mar NCAA Mascot Ruling," *USA Today*, August 25, 2005, available at http://usatoday30.usatoday.com/sports/columnist/zillgitt/2005-08-24-zillgitt_x.htm.
- 86 Spencer D. Kelly, "What's in A Name: The Controversy Surrounding the NCAA's Ban on College Nicknames and Mascots," *Willamette Sports Law Journal* 5 (1) (2008): 17, 21.
- 87 Kelly, "What's in A Name," p. 17, 29-30.
- 88 Kelly, "What's in A Name," p. 17, 18.
- 89 Steve Wieberg, "NCAA denies UND's appeal over Fighting Sioux Nickname and Logo," *USA Today*, September 28, 2005, available at http://www.usatoday.com/sports/college/other/2005-09-28-ncaa-und-rejection_x.htm.
- 90 Aaron Blake, "North Dakota voters overwhelmingly reject 'Fighting Sioux' nickname," *The Washington Post The Fix* blog, June 13, 2012, available at http://www.washingtonpost.com/blogs/the-fix/post/north-dakota-voters-overwhelmingly-reject-fighting-sioux-nickname/2012/06/13/gJQAiGxXZV_blog.html.
- 91 *Suzan S. Harjo, Et Al., v. Pro-Football, Inc.*, 09-326, available at http://www.ncai.org/attachments/LegalBriefing_TB yaxk dqYwYRDohDiQUvSVlcVeXOGzqntVkEXTaEnFailZrpGfN_Amic-NCAI-et-al-10-16-09.pdf.
- 92 American Indian Sports Team Mascots, "Urging the Elimination of the Use of Racially Derogatory Mascots, Symbols, or Emblems in Schools Throughout the State of Minnesota," available at <http://aistm.org/minnesota.state.board.htm> (last accessed July 2014).
- 93 ChangeTheMascot.org, "History of Progress."

- 94 American Indian Sports Team Mascots, "Findings from the Michigan Civil Rights Commission Report on Use of Nicknames, Logos and Mascots Depicting Native American People in Michigan Education Institutions," available at <http://aistm.org/1988michigan.htm> (last accessed July 2014).
- 95 ChangeTheMascot.org, "History of Progress."
- 96 Ibid.
- 97 Ryan Kost, "Oregon Board of Education Votes to Ban Native American Mascots," *The Oregonian*, May 17, 2012.
- 98 American Indian Sports Team Mascots, "Chronology," available at <http://aistm.org/fr.chronology.htm> (last accessed July 2014).
- 99 ChangeTheMascot.org, "History of Progress"; Associated Press, "New school mascot policy gets preliminary approval," *News-Journal*, December 13, 2013, available at http://www.news-journal.com/blogs/talk_of_east_texas/new-school-mascot-policy-gets-preliminary-approval/article_f0b6fbdc-6431-11e3-bf06-001a4bcf887a.html.
- 100 Personal communication from Sarah Schilling, July 7, 2014.
- 101 Theo Lawson, "Port Townsend begins the search for a new mascot," *The Seattle Times*, July 4, 2013, available at http://seattletimes.com/html/highschoolsports/2021331852_porttownsendredskins05xml.html; Valerie Strauss, "From Redskins to Redhawks: Why one Washington high school changed team name after 88 years," *The Washington Post Answer Sheet* blog, June 19, 2014, available at <http://www.washingtonpost.com/blogs/answer-sheet/wp/2014/06/19/from-redskins-to-redhawks-why-one-washington-high-school-changed-team-name-after-88-years/>.
- 102 Cooperstown Central School, "CCS Contemplates Mascot Name Change," available at <http://www.cooperstowncs.org/news.cfm?story=112635&school=0> (last accessed July 2014); Indian Country Today Media Network, "Cooperstown Changes Mascot from Redskins to Hawkeyes," May 2, 2013, available at <http://indiancountrytodaymedianetwork.com/2013/05/02/cooperstown-changes-mascot-redskins-hawkeyes-149173>.
- 103 Ken Levy/TVN Staff, "Redskins mascot to be obliterated from Teton School District," June 11, 2013, available at http://www.tetonvalleynews.net/news/redskins-mascot-to-be-obliterated-from-teton-school-district/article_37aa981e-d2a6-11e2-89af-0019bb2963f4.html; Associated Press, "Idaho High School Drops Redskins Logo, Mascot," *Huffington Post*, June 12, 2013, available at http://www.huffingtonpost.com/2013/06/12/teton-redskins-logo_n_3430496.html.
- 104 Associated Press, "Pennsylvania Students Ban 'Redskins,' Get Sent to Principal," *USA Today*, November 16, 2013, available at <http://www.usatoday.com/story/sports/2013/11/16/neshaminy-redskins-banned-name-school-newspaper/3613377/>.
- 105 D.E. Schlatter, "School Board Again Implored to Change Neshaminy 'Redskins' Logo Mascot," *Bucks Local News*, October 9, 2013, available at http://www.buckslocalnews.com/articles/2013/10/09/the_advance/news/doc5255a907285cb470672258.txt?viewmode=2.
- 106 Associated Press, "Gov. Walker signs school mascots bill," *LaCrosse Tribune*, December 19, 2013, available at http://lacrosetribune.com/news/local/state-and-regional/gov-walker-signs-school-mascots-bill/article_7c566654-68d9-11e3-92aa-0019bb2963f4.html.
- 107 Ibid.
- 108 Ibid.
- 109 Associated Press, "North Dakota nickname dispute to end," *NCAA*, June 13, 2012, available at <http://www.ncaa.com/news/ncaa/article/2012-06-13/north-dakota-nickname-dispute-end>.
- 110 Ibid.
- 111 Ruth Hopkins, "'Siouxper Drunk' shirts worn at University of North Dakota's Springfest," *Last Real Indians*, available at <http://lastrealindians.com/siouxper-drunk-shirts-worn-at-the-university-of-north-dakotas-springfest-by-ruth-hopkins/> (last accessed July 2014).
- 112 Anna Burleson, "'Siouxper Drunk' t-shirts spark controversy at UND," *Grand Forks Herald*, May 12, 2014, available at <http://www.grandforksherald.com/content/siouxper-drunk-t-shirts-spark-controversy-und>.
- 113 Ibid.
- 114 Marc Dadigan, "'Watch Your Red-skinned Back': Racist Notes Surface in California Schools," *Indian Country Today Media Network*, March 18, 2014, available at <http://indiancountrytodaymedianetwork.com/2014/03/18/watch-your-red-skinned-back-racist-notes-surface-california-schools-154036>.
- 115 Ibid.
- 116 Marc Dadigan, "Lawsuit Against California Districts Allege Abuse of Native Students," *Indian Country Today Media Network*, December 24, 2013, available at <http://indiancountrytodaymedianetwork.com/2013/12/24/lawsuit-against-california-districts-allege-abuse-native-students-152853>.
- 117 Ibid.
- 118 Ibid.
- 119 *U.S. v Virginia*, 518 U.S. 515 (1996).
- 120 Susan Castillo, "Schools' Use of Native American Mascots" (Salem, OR: Oregon Department of Education, 2012), available at <http://www.ode.state.or.us/superintendent/priorities/native-american-mascot-report.pdf>.

The Center for American Progress is a nonpartisan research and educational institute dedicated to promoting a strong, just and free America that ensures opportunity for all. We believe that Americans are bound together by a common commitment to these values and we aspire to ensure that our national policies reflect these values. We work to find progressive and pragmatic solutions to significant domestic and international problems and develop policy proposals that foster a government that is “of the people, by the people, and for the people.”

