

**STOLEN IDENTITIES: THE IMPACT OF RACIST
STEREOTYPES ON INDIGENOUS PEOPLE**

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

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STOLEN IDENTITIES: THE IMPACT OF RACIST STEREOTYPES ON INDIGENOUS PEOPLE

THURSDAY, MAY 5, 2011

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:15 p.m. in room 628, Dirksen Senate Office Building, Hon. Tom Udall, presiding.

OPENING STATEMENT OF HON. TOM UDALL, U.S. SENATOR FROM NEW MEXICO

Senator UDALL. Thank you all for being here today. I call the meeting to order.

Unfortunately, Chairman Akaka had a minor accident at home that precludes him from being at the hearing today. I know that he really wished to be here. On his behalf, I would like to welcome you to our hearing entitled *Stolen Identities: The Impact of Racist Stereotypes on Indigenous Peoples*.

In this hearing, we will explore how Indian mascots, common caricatures and prevalent mis-portrayals of Native people have far-reaching impacts on the identity and sense of self-worth of Native peoples, and negatively impacts how all of our Nation's people perceive and relate to each other. It is my hope that this hearing will help bring more understanding about the real impacts of these common mis-portrayals to light, so that we can as a Nation resolve these concerns.

I would especially like to thank Ms. Charlene Teters for being here today, a professor from the Institute of American Indian Arts in my State of New Mexico. The Institute is a great asset to young Native artists and to the Nation as a whole. I appreciate Ms. Teters' work and the work of the Institute to create beauty, retain cultural knowledge and move aggressively in a new era of technology and creativity. It is my hope that the young artists coming out of IAIA will brandish strong and creative talents that can help to wash away the ugly stereotypes and perceptions of the past.

In the last couple of days, most of us in this room have heard the news reports on the association of Geronimo being used as a code word associated with the successful mission to kill Osama bin Laden. It goes without saying that all of us feel a tremendous sense of relief and pride toward our military personnel, intelligence community and Commander In Chief, both past and present, for accomplishing this mission. This is especially relevant for Native Americans, who historically have the highest per capita rate of

military service of any ethnic group. Tens of thousands of Native Americans serve in our military today, defending their homeland, just as Geronimo did.

Here today we also have the President of the Navajo Nation, Ben Shelly. Ben and I both know that 11 Navajos have died in military service since 9/11. Just last night, our local New Mexico news stations, KOAT-7, interviewed Geronimo's great-grandson, Joseph Geronimo, who explained the offense he feels based on the report's of his ancestor's name being used. My office has tried to get clarification about the code name from the Department of Defense. Their protocol prohibits the release of information regarding operation names. As a result, the details of how Geronimo's name was used are unclear.

I find the association of Geronimo with bin Laden to be highly inappropriate and culturally insensitive. It highlights a serious issue and the very issue we have come here to discuss today: a socially ingrained acceptance of derogatory portrayals of indigenous people.

I hope that we can use this hearing as an opportunity to communicate to the Nation the importance of recognizing and rejecting derogatory stereotypes. And since no other members of the Committee have joined us quite yet, I think there will be others here, some of them may give opening statements. I may interrupt based on schedules and things. But at this point, we are going to go directly to the panel.

First, to let you know that all statements, all of your full statement will be included in the record. So you can use your five minutes to summarize or talk as you wish. There is limited time to conduct this hearing and we want to hear from all who want to participate in the discussion.

The hearing record will be open for two weeks from today and I encourage everyone to submit your comments through written testimony. I want to remind the witnesses to please limit your oral testimony to five minutes. I would like to invite the first panel to the table, you all are here and ready to go. First, I would like to welcome the Honorable Tex Hall, the Chairman of the Mandan, Hidatsa and Arikara. Chairman Hall also serves as the Chairman of the Great Plains Tribal Chairman's Association and is joining us from New Town, North Dakota.

We will also hear from Suzan Harjo, President of the Morning Star Institute, who is here in Washington. I think, Suzan, you have had a long acquaintance with these issues, and I believe you have written articles and books. We are very happy to have you here today.

And as I mentioned earlier, our final witness on the panel will be Charlene Teters, a professor with the Institute of American Indian Arts in Santa Fe, New Mexico.

Welcome to everyone. Chairman Hall, we are ready to go with you and then we will just go down the line. Great to have you here today.

STATEMENT OF HON. TEX G. HALL, CHAIRMAN, MANDAN, HIDATSA & ARIKARA NATION; CHAIRMAN, GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION; ACCOMPANIED BY TINA MARIE OSCEOLA, REPRESENTING THE SEMINOLE TRIBE OF FLORIDA

Mr. HALL. Thank you, Chairman Udall. My name is Tex Hall, I am the Tribal Chairman of the Mandan, Hidatsa and Arikara Tribal Nation on the Fort Berthold Reservation in New Town, North Dakota. I see our Chief Forebears is hanging from the wall here, a fabulous portrait of our great Chief. So it does bring to mind the comments that you made, Chairman, of Geronimo and the implications of what that means to the Mescalero Apache people.

I too would be very saddened if our forebears were included in a code name for Osama bin Laden. So this is a misfortunate incident that we need to acknowledge and try to rectify.

But I also want to congratulate President Obama and the military for the capture and the killing of Osama bin Laden for the many wrongs that have been inflicted upon the United States of America.

I also wanted to mention that in my State of North Dakota, we have the Fighting Sioux nickname at the University of North Dakota. The Great Plains Tribal Chairman's Association passed a resolution in opposition of using Native Americans for mascots and how discriminatory and stereotypical this is, especially when you talk about human rights and the rights especially of our young people in education, to go to education and to be free to participate fully, to get the highest level of educational achievement they can without discriminatory and stereotypical derogatory mascots."

I really noticed a billboard here, it really jumps out at you, as we see the Washington Redskins and the Atlanta Braves and the Cleveland Indians, these are real negative stereotypical images that really makes us think again back home of the University of North Dakota Fighting Sioux. You would think that we in North Dakota would be beyond this by now, but we are not. Fortunately, the National Collegiate Athletic Association has stood by the tribes. And in 2007, finally trying to get conclusion on this issue of not using the Fighting Sioux nickname and the mascot, they said something very honorable, that the University of North Dakota would have to get the consent of the Spirit Lake Sioux and the Standing Rock Sioux.

The Standing Rock Sioux have always not given consent, and you would think that would be pretty black and white, pretty plain. But unfortunately, the North Dakota State legislature just passed a bill to retain the University of North Dakota Fighting Sioux nickname. It is really unfortunate, because none of the tribes were consulted and none of the Native American citizens of the tribal nations in North Dakota were included at that table for that bill to be passed.

So a recent meeting was held, and the NCAA was invited to North Dakota, and I am happy to report that the NCAA stood by their decision and said, unless the tribes of North Dakota, the Standing Rock Sioux and the Spirit Lake Sioux, are included and give their consent, you will no longer be able to use the nickname, even though you passed a bill.

So Mr. Chairman, that is a quick summary of where we have come from in North Dakota. We are still trying to get beyond the use of the Fighting Sioux nickname and mascot at the University of North Dakota.

Mr. Chairman, I have one minute left, I was wondering if I could have a guest of mine make a comment if she would, please, Tina Osceola, from the Seminole Tribe. Tina, are you here?

She is coming on behalf of Chairman Mitchell Cypress.

Ms. OSCEOLA. Thank you, Chairman Hall, and thank you, Senator Udall. Tina Marie Osceola, for the record, representing the Seminole Tribe of Florida. To be real brief and no go over chairman Hall's allotted time, we wanted to make sure that we were heard on the record, that we wanted to elevate this issue to the President of the United States, and we did in March, because it was incredibly harmful to have Seminoles compared to al Qaeda terrorists.

What we are looking for is not just a verbal apology or something written for Seminoles. It is about all Native people. As we have been deeply embroiled in the issue of mascots and the use of images for years, this isn't about just images, or just hurt feelings and those being offended. Senator Akaka is right, this is about the future, this is about building a legacy for our people.

And this is also about building a better tomorrow. We can't do that without relevance. We can't do that without being real to both the President of the United States, to the Senate, to the House of Representatives. This is about sovereignty.

Our issue was about sovereignty. The tribal council was able to make a decision, just like the Senate, just like the House of Representatives. We understand what our sovereignty means; we understand what the future of its protection is; and we understand that if we are considered enemies of the State, we understand what that means. We understand what the implications are, what the reality is. That is not good for America.

Thank you.

[The prepared statement of Mr. Hall follows:]

PREPARED STATEMENT OF HON. TEX G. HALL, CHAIRMAN, MANDAN, HIDATSA & ARIKARA NATION; CHAIRMAN, GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION

I am testifying today on behalf of the Mandan, Hidatsa & Arika Nation and the Great Plains Tribal Chairman's Association.

I wish to thank the Committee and the Chairman for bringing this important topic into the public spotlight. As you know, where I am from, this is quite the controversial issue. The University of North Dakota's continued use of the name and image of "The Fighting Sioux" has landed us in the middle of a national media firestorm.

Too often though, the debate rages all around us, while we, the First Americans, often have the last word. I hope that this hearing will bring our voice to the forefront of the debate and provide some clarity and guidance for schools and people across the country.

As you know, there are many who view the use of Native American images by colleges or universities to be heroic, spirited, or just generally positive. On the other hand, there are many others who argue that the use of such images as promotes negative stereotypes, which can be offensive, demeaning and insensitive.

While I cannot speak for every single Native American in this country, I can speak from my experiences as a schoolteacher, sports team player, coach, and tournament administrator, as well as the elected leader of my tribe and a representative of many more.

Position of the MHA Nation and Great Plains Tribes

My position, and the position of my Tribe, and many others is this—we find the use of Native American mascots to be dehumanizing and disrespectful. I have submitted a resolution passed last month by the Great Plains Tribal Chairman's Association supporting the NCAA's efforts to eliminate the use of American Indian mascots, and supporting the University of North Dakota's Senate, the University's Student Senate, the North Dakota State Board of Higher Education and the North Dakota Senate Education Committee's call to stop the University from using the "Fighting Sioux" nickname and logo.

UND Fighting Sioux Controversy

As you know, the University of North Dakota reached an agreement with the NCAA in 2007 to stop using the nickname and logo by August 15, 2011, unless it received approval from two of North Dakota's tribes—the Spirit Lake and Standing Rock Sioux Tribes. The Standing Rock Sioux Tribe has been firmly opposed to the use of the "Fighting Sioux" and thus the University, if it is to comply with its own promise, must stop using the name and logo this year.

This situation has been complicated by a law passed this year by the North Dakota Legislature, and signed by the Governor, requiring the University to keep the "Fighting Sioux" name and logo. The law has also raised the issue of whether the North Dakota Attorney General will sue the NCAA.

The NCAA just reminded the University that nothing has changed since 2007 and that the settlement agreement still stands. And, since the Standing Rock Sioux Tribe has not authorized the University to keep the Fighting Sioux mascot, then the University has to no choice but to abide by the terms that it agreed to and retire the Fighting Sioux mascot. Otherwise, the NCAA could impose sanctions including barring UND teams from hosting post-season tournaments or wearing proscribed attire during those tournaments. The NCAA also said that in its view, the North Dakota law "cannot change the NCAA policy nor alter the contracted terms of the agreement."

As I testified earlier, our tribe and the Great Plains Tribal Chairman's Association stand with the Standing Rock Sioux Tribe on this issue and call on the University to start shopping for a new mascot and logo.

Our Concerns

My Tribe's concerns arise out of our concern for our children. We believe that every child has the potential to be a great leader, athlete, scholar, president, or medicine man or woman. We try and teach them that nothing can hold them back. But at the same time, we recognize that there are forces built on institutional racism and economic reality that can sometimes hold them back. My administration is built on hope and opportunity and one thing that we can do something about is challenging negative cultural stereotypes.

The sad reality is that most mascot names that refer to Native Americans reinforce negative cultural stereotypes: Redskins, the Fighting Sioux, and the grossly demeaning Cleveland Indians logo. We want to make sure that all of our children have the opportunity to create his or her own image for themselves and not have images created for them, whether by the universities, high schools, or the media.

The American Psychological Association summed up this issue by stating:

"The use of American Indian mascots as symbols in schools and university athletic programs is particularly troubling because schools are places of learning. These mascots are teaching stereotypical, misleading and too often, insulting images of American Indians. These negative lessons are not just affecting American Indian students; they are sending the wrong message to all students."

—Former APA President Ronald F. Levant

We believe that the use of Indians mascots create a negative environment for our Native American students, and other students too, by creating a hostile learning environment, by reaffirming negative stereotypes of American Indians that most of us grew up with, and by grossly misinforming students (and adults) who have had no or little contact with Native Americans in the first place. The negative environment perpetuated by Indian mascots undermines our cultures, our traditions, and our spirituality. And, as with most forms of institutional racism, the use of those images are perpetuated by institutions which have power.

And that is why I am glad to be here to speak to these powers. And that is why I am glad to have your support and friendship, Mr. Chairman, and Committee members. Together, we can fight power with power.

To this end, I would like to remind the Committee that we do not stand alone. The National Congress of American Indians, the National Education Association, the American Psychological Association, and the NCAA stand with us.

Conclusion

NBA legend and University of North Dakota graduate Phil Jackson asked the University not too long ago, "What is to be gained by keeping the Fighting Sioux?" The "objectification of people is limiting to ourselves" as well as to the people we objectify. "We have a chance to do the right thing."

We have a chance to make a change for the better, to make our children's lives richer and to lift the bonds of oppression surrounding them.

I hope that the University of North Dakota, and all schools, do indeed take the chance and do the right thing.

Senator UDALL. Thank you very much. Now we will move on to Suzan Harjo. Suzan, welcome.

**STATEMENT OF SUZAN SHOWN HARJO, PRESIDENT, THE
MORNING STAR INSTITUTE**

Ms. HARJO. Thank you, Senator. Well, yes, we must start with Geronimo, the man and the leader and the person who has become a fine role model for our children all over Indian Country. For him to be compared to a terrorist and to be called an enemy is shocking, really shocking, that this happened.

It wasn't just that his name was used, although that would be bad enough. Because what happens in America is that our names are not our own, they are stolen, our tribal names, our personal names. Then we are renamed in order to control us, very frankly. That has been going on for a very long time, and was made official through the "Civilization Regulations" from the 1880s to the 1930s, which banned religious ceremonies, banned the Sun Dance and other so-called religious ceremonies, as they say; banned any act of medicine man, the so-called medicine man; confined Native people to reservations.

This was 50 years of generational religious suppression that forced a lot of the Native languages and religions underground, and most of them never re-emerged, certainly not as full as they had been in the past. It was in this time that Geronimo was captured and his people were prisoners of war on the Fort Sill Apache Reservation, and were never permitted to go back to their territory in New Mexico. He was not permitted to stay in Fort Sill Apache, and the indignities that have been heaped upon him don't begin or end with Yale University, but certainly they have been prominent there in the Skull and Bones Society, which purports to open every meeting with the head of Geronimo, that Prescott Bush and others said they dug up in Fort Sill. We don't know the answer to that, if it really is the head of Geronimo or if they just say it. How awful, in either case.

So for all that he went through and his people went through, having every Native action criminalized to now be called an enemy, Geronimo EKIA, that is the stunning thing, enemy killed in action, Geronimo, enemy killed in action. My father was a World War II hero in the storied Thunderbird division, the 45th Infantry Division. And his company, Company C, was comprised solely of Indian young men from Chilocco Indian Boarding School. They, who had grown up in Euchee Indian School and then Chilocco Indian School and had their languages beaten out of them, it was hoped, by the

people who did the beating. They didn't succeed. So here all these enterprising Chilocco Indian boarding school guys on the troop ship to North Africa made up their code of the languages, phrases and words from the languages that were spoken by the students in secret at Chilocco. And the coordinates were the structures and the landscapes of Chilocco.

My dad was not an enemy when he helped win World War II or when his legs were almost shot off at Monte Cassino. He was not an enemy when he served in Allied Forces Southern Europe with NATO in Napoli. He was an ally.

We take very seriously our treaties of peace and friendship. They promise, we promise, the United States promises in our treaties of peace and friendship that we are going to be peaceful and friendly. Some Native nations even declared, in World War II, war on Japan and on Germany, so that they could fight alongside the United States and their young men would not be drafted, they would be loaned. Onondaga was prominent in that respect.

Our history is very complicated. But this is our Country in a way that it is no one else's Country, because no one brought any land here with them. This will always be our Country. So when we are slurred in public in this way, we all take offense.

It is a logical outgrowth, I think, of people working in this racially charged Washington Metropolitan area, where Native people are almost not safe on the streets, there is such a toxic environment during football season. The Washington football team has been something that Native people all over the Country object to, because it is the team in the Nation's Capitol, and it is the worst thing that we can be called. We have, I have and others, spent 17 years litigating this issue. We won after the first seven years before the Patent and Trademark Board, in a three-judge panel decision, unanimously in our favor, saying that the term is disparaging, holds us up to contempt and ridicule and so forth. And then we spent the next 10 years defending the agency's ruling, because that is how it works with the Patent and Trademark Board.

We lost, ultimately, the Supreme Court did not grant certiorari. But the circuit decision said that this was not on the merits, this was solely on a matter of laches, the loophole of laches, which uniquely was interpreted in our instance to mean that we didn't file our lawsuit soon enough after we had reached our majority. So we organized another lawsuit, when it looked like it was going that way in 2006, of Native young people, the identical case, and they who were 18 to 24 when they filed, presumably will not have laches problem.

I don't know if we have to give a lawsuit to every young Native person when they turn 18 or what we are going to have to do. But at some point, we are going to have to get rid of all of these Native references in sports. The good news is we have eliminated two-thirds of them since the first one fell in 1970, "Little Red" at the University of Oklahoma. There were over 3,000 at that time, and now there are under 1,000.

So there is a societal sea change, and people are understanding the problem with these race-based mascots and names and behaviors. And they are doing something to change. But something has to be done in professional sports. We have suggested a piece of leg-

isolation that we prepared for the convenience of the Committee. I will be happy to respond to any questions about that, and of course, to meet with the staff and members.

Thank you so much for your time.

[The prepared statement of Ms. Harjo follows:]

PREPARED STATEMENT OF SUZAN SHOWN HARJO, PRESIDENT, THE MORNING STAR INSTITUTE

Mr. Chairman, Mr. Vice Chairman and Members of the Committee on Indian Affairs, thank you for holding this oversight hearing on this important issue. I am Suzan Shown Harjo, President of The Morning Star Institute, a national Native rights organization founded in 1984. I am Cheyenne & Hodulgee Muscogee and a Cheyenne citizen of the Cheyenne & Arapaho Tribes of Oklahoma.

I have been impacted by "Indian" stereotypes and involved in efforts to eliminate stereotyping of Native peoples in popular culture for most of my life. These stereotypes affect the good name, reputation and self-image of every single Native nation and person. As children, we walk through landmine fields of cultural stereotypes that slander, smear, mock or belittle our ancestors, heroes, leaders, families, friends and future generations. As Native nations, communities, organizations and individuals, we help each other to address the actions that target us or to stay out of harm's way. Some of our peoples cannot or will not stand up for themselves – they shut down, avoid the issue or, the saddest reaction of all, internalize the slurs and negative messages, and act out in self-destructive ways or take aim against the nearest available target – so, those of us who can, stand up for those who can't and for each other.

Race-based stereotypes pervade the culture and usually fall into four categories: the "safe savage," the "noble savage," the "good savage" and the "savage savage." Historical Native figures, such as Hiawatha and Pocahontas, are turned from fact to fantasy, from humans to cartoons. Fictional "Indian" characters, from "The Indian in the Cupboard" to the Indian butter maiden, are presented in diminutive, harmless form. These are "safe savages."

The category of "noble savage" includes the Keep America Beautiful "Indian" (a non-Native actor), who cried as trash was thrown at his feet, and the "End of the Trail" Indian draped over his horse in humiliation and defeat. The "good savage" includes any Native nation or person who ever blazed a trail or scouted out any Indian for the historic whiteman (or deceased Indians everywhere, as in the saying spawned by Gen. Phillip Sheridan: "The only good Indian is a dead one"). The "savage savage" includes the Cleveland Indians' "Chief Wahoo," the Florida State University's "Seminoles" or "Nole" logo and "Osceola" mascot and the Chicago Blackhawks' "Tommy Hawk" and other hideous, inhuman, insulting or just plain dumb-looking caricatures.

Disembodied "Indian" heads, wooden "Indians" and all symbols that replace human Indians – arrows, arrowheads, braids, feathers, spears and the like – can be disbursed into the other categories or lumped into one "missing savage" category, along with all stolen identities, such as the Jeep Cherokee or Apache Helicopter. Some of these involve the offense (or name-calling or bullying) side of stereotypes, some involve the cultural appropriation (or theft or larceny) side of stereotypes and others involve both.

Some of these are said to be good stereotypes, but there is no such thing as a good stereotype. A stereotype is a stereotype. They present to our children undesirable traits and ends, and the unattainable perfection and goals, when most Native people exist in reality and in the great middle range.

In 1990, Morning Star's *1992 Alliance* and The Elders Circle issued a public statement, which read in part: "We call upon the entertainment and news industries, the sports and advertising worlds and all those with influence in shaping popular culture to forego the use of dehumanizing, stereotyping, cartooning images and information regarding our peoples, and to recognize their responsibility for the emotional violence their fields have perpetuated against our children."

"Geronimo EKIA"

Just this week, the landmines of stereotypes littered our lands and exploded in our homes, and we had no time to shield our children from them. As we were absorbing the news of the taking of Osama bin Laden by the heroic Navy SEALs, we also learned that his codename was "Geronimo" and that the first reports were that Geronimo had been ID'd and "Geronimo EKIA (Enemy Killed In Action)." Shortly thereafter, various spin cycles began, attempting to convince us that we hadn't heard or read what we heard and read – Geronimo stood for the operation to get bin Laden, not for the terrorist himself; Geronimo was used because he was hard to track or capture; Geronimo was the codename because the military picks obscure things the enemy would not know.

Geronimo was picked for the same reason that the term "Indian country" is still used to mean enemy territory. The "savage savage" Indian-as-enemy stereotype is so deeply embedded in the American psyche that there are those who fear that Indians, once in control of anything, will treat white people as badly as the historic whiteman treated us. (Chiricahua Apache sculptor Bob Haozous often makes the point that he means no offense to white people and only those who behave today like the historic whiteman behaved toward us in the past need feel offended.)

One of the first communications I received on the bin Laden codename was from Dr. Tom Holm (Cherokee-Creek), a Marine veteran of the Vietnam War and a retired professor of Political Science and Native American Studies at the University of Arizona: "I honor those members of our armed forces who have found and killed a particularly evil enemy of the U.S. I am, however, dismayed that...the code that our forces used to transmit the fact of bin Laden's death was 'Geronimo-KIA.' I remember very well that in Vietnam our commanders habitually called areas where the NVA and VC had control, 'Indian Country.' High schools and colleges across the nation use the image of the Native American warrior as team mascots. We have fought these false, harmful, and degrading stereotypes for years to no avail.

"As a professor, I wrote two books on Native American servicemen and women. Native Americans served in the U.S. military in greater proportional numbers than any other group. The San Carlos Apache reservation, from whence the real Geronimo escaped the oppressive conditions of 19th century Indian policy, can boast that of their entire population fully eleven percent have served or are currently serving in the U.S. armed forces. Geronimo surrendered his small band of followers in 1886, only to be imprisoned (along with numerous Apache men, women, and children), and exiled from his own land for the rest of his life. Native Americans have served in every American war, only to have our lands taken away. Why do we Native American veterans have to suffer the indignity of continually being referenced as the principal enemy of the U.S.?"

My father, Freeland E. Douglas (Muscogee Creek), was a WWII hero with the Thunderbird 45th Infantry Division, Company C, which was comprised solely of Indian men from Chilocco Indian School in Oklahoma. In training camp and on the troop ship across the Atlantic Ocean, he and his schoolmates in Co. C developed a code based on words and phrases from the heritage languages they were beaten for speaking in the federal boarding schools, and based on the coordinates of the Chilocco structures and landscapes. The Co. C men were highly decorated; among them was Ernest Childers (Muscogee Creek), who was the first Native American soldier to receive the Medal of Honor. Eric Morris wrote in his *Circles of Hell: The War in Italy, 1943-1945*: "The Germans had been told that the Forty-fifth Infantry was a National Guard outfit manned largely by Red Indians, racially inferior people who had no love of the white man and probably wouldn't fight. How wrong they were."

These "Red Indians" fought and won battles in North Africa, Sicily, Anzio, Rome and into Austria and Germany; some of them and their replacements liberated the Dachau Concentration Camp. Dad was seriously injured at Monte Cassino, Italy; after his legs were saved, but riddled with shrapnel he would carry for the rest of his life, he returned to Chilocco as a disabled veteran, completed his senior year, reentered the Army and went to the Presidio of Monterey, where he learned many other languages and code-making and code-breaking. He was later stationed in Naples, Italy, with Allied Forces Southern Europe, NATO. He was an ally, not an enemy. His Muscogee (Creek) Nation stands by its Treaties with the United States, which promise to be allies forever in peace and friendship, not enemies. This country is our country in a way that it cannot be to any other peoples who now share it with us. We should not be treated this way in our own homelands.

When people representing the U.S. reach back a century to take a gratuitous swipe at Geronimo as an enemy and to equate him with a terrorist, they are insulting all Native American nations and people. We well understand that attitudes lead to actions and actions reflect attitudes. We know that heinous things were done to our ancestors, and to our peoples in our lifetimes, and that they grew out of anti-Indian and anti-treaty attitudes, name-calling and bullying. That is why we take the matter of stereotypes so seriously and believe that we should not be subjected to denigrating names, imagery and behaviors in polite society. If it is permissible to refer to us in disparaging ways, it signals that even worse things can be done.

It is no wonder that some people in the Washington Metropolitan Area are insensitive and tone-deaf when it comes to Native peoples. The atmosphere is toxic for and about Native peoples during football season. The Washington professional football club with the despicable team name and its paid fans with their hideous costumes, ridiculous dances and woo-woo-woo "Indian" sounds sets a level of insensitivity that would make most people think they could get away with any pejoratives toward Native peoples, living or dead, even to the point of branding some as enemies. It used to be that every trashcan in Washington, D.C., had the football club's logo plastered on all four sides. The practice was discontinued when we filed suit against the disparaging team name, so at least our lawsuit got the "Indian" heads off the trashcans.

Movement to Eliminate "Native" Sports References

I have been involved in the movement to eliminate "Native" names, logos, symbols, behaviors and other references in American sports for many decades, first as a young Native woman who was influenced, informed and encouraged by Native students and the National Indian Youth Council, which shaped that movement in the early 1960s. One of the NIYC founders, Clyde Warrior (Ponca), focused on the University of Oklahoma's objectionable mascot, "Little Red."

NIYC worked with a broad coalition of OU students, faculty, administrators and support committees of women and students of color and, in 1969, formed an NIYC chapter on campus in memory of Clyde Warrior, whose brief, catalytic life had ended months earlier. They were branded as "militants" and "troublemakers." As community organizer Frances Wise (Waco & Caddo) is fond of saying, "We didn't start the trouble; the trouble was already there; we're here to do something about it."

Native students called "Little Red" the "dancing idiot." It was portrayed by white male students until the late-1960s, when Indian male students got the job and were used by administrators and fans to illustrate "divided Indian opinion" on the subject. The 1969 "Little Red" was Ron Benally (Navajo), who stunned the mascot's boosters when he sat out the big Thanksgiving game, saying he would not dance if other Native students opposed it. He was the darling of the fans, when they thought he was going to entertain them with his "Indian" dance, and the object of their pejorative and chants when he did not. In 1970, after a Native sit-in at the OU president's office, the school's human relations committee called for the "total abolishment of Little Red....Perhaps for the first time since statehood, Oklahomans have the proposition forcefully thrown up to them that being Indian is being a certain kind of human being and not an object of entertainment." OU quickly retired "Little Red."

In 1970, the University of Oklahoma became the first American university to eliminate "Indian" stereotypes in its athletic program. "Little Red" was followed soon thereafter by the Stanford University "Indians" in California in 1973; the Dartmouth College "Indian" in New Hampshire in 1974; and the Syracuse University "Saltine Warrior" and the St. Bonaventure University "Brown Squaw" in New York in 1975. (Seneca clanmothers and a chief informed the St. Bonaventure players and faculty in 1975 that "squaw" was a vulgarism for woman or meant vagina in certain Iroquoian and Algonquian languages, and the women's team abandoned the name immediately, without fanfare; it took another 20 years for the athletic program to drop "Brown Indian.")

Duane Bird Bear (Mandan-Hidatsa, Knife Clan), who was the spokesperson for the widespread coalition that got rid of the Dartmouth "Indian," coined the term "cultural drag" to describe the "Indian" get-ups worn by sports fans and trick-or-treaters. Chris McNeil (Tlingit), Mary McNeil (Winnebago), Lois Risling (Hoopa, Yurok & Karuk) and many others at Stanford ended "Indians" and dealt with the backlash that almost reinstated the stereotype. Onondaga Chiefs Irv Powless, Jr., and Oren Lyons were among those who convinced Syracuse to drop the "Saltine Warrior," which began as a joke in 1931, when a student rag reported that fictitious artifacts were unearthed by construction on campus, including a "portrait of an early Onondaga chief, O-gee-ke-da Ho-achen-ga-da, the saltine warrior Big Chief Bill Orange."

American sports teams started out with only colors. OU is Big Red; Stanford is Cardinal, the color; Dartmouth, Big Green; and Syracuse is Orange, the color, which led to the fruit. The first federal Indian boarding schools and some mission schools in the late-1800s were trying to detribalize and deculturalize Indian students and establish a pan-Indian identity, with a Plains Indian look. They named their athletic programs "Indians," "Warriors," "Chiefs" and "Braves," and these seem to have encouraged non-Indian schools to adopt "Indian" sports identities.

Most of the teams with "Indian" references and nearly all those with dancing mascots began at a time when actual Native American people could not dance on the reservations without permission of the federal Indian agent, under the *Civilization Regulations*, a 50-years-long formal plan to destroy American Indian religions, cultures and ways of life. The federal rules were issued by Interior Secretaries in 1884, 1894 and 1904, and were vigorously enforced by each one until the New Deal policies of President Franklin Roosevelt. They were not withdrawn

until 1935. The generational oppression of the *Civilization* policies forced Native American religions and languages underground, and many of them never reemerged.

Congress did not authorize the *Regulations*, but it looked the other way during the half-century they criminalized all traditional ceremonies and dancing, "roaming away from the reservation" and interfering with children being taken away to boarding schools. The *Regulations* outlawed the Sun Dance "and all other similar dances and so-called religious ceremonies." A subsequent *Circular* instructed all Indian agents to "undertake a careful propaganda against the Dance," which meant to smear the names and reputations of any kind of ceremony and its participants.

The *Civilization Regulations* also banned the "usual practices" of a "so-called 'medicine man' (who) operates as a hindrance to the civilization of a tribe"...who "shall adopt any means to prevent the attendance of children at the agency schools" or who "shall use any of the arts of a conjurer to prevent the Indians from abandoning their heathenish rites and customs." Indian people were subject to starvation and imprisonment sentences if convicted of *Civilization* "offenses" or "any other, in the opinion of the court (of Indian offenses), of an equally anti-progressive nature," were "confined in the agency guardhouse for a term not less than ten days, or until such time as he shall produce evidence satisfactory to the court, and approved by the agent, that he will forever abandon all practices styled Indian offenses under this rule."

We still experience efforts to "civilize" us, but we no longer are outlaws for dancing. What we are dealing with in the modern era are the vestiges of racism from earlier times and backlashes to our current struggles to exercise our treaty and sovereign rights and to attain human and civil rights.

The good news in the area of athletic programs is that we, Native peoples and friends collectively, have eliminated over two-thirds of the "Native American" sports references. In 1970, when "Little Red" fell, there were over 3,000 of these "Indian" stereotypes. Today, there are fewer than 1,000. A societal sea change has taken place in educational sports and we're only doing clean up now. Each of the 2,000 changes in "Indian" references at elementary, middle and high schools and colleges and universities has been a community effort, even if started by one student, family or teacher.

I wrote about a handful of these efforts -- some successful, some not, some in between -- in *Just Good Sports: The Impact of "Native" References in Sports on Native Youth and What Some Decolonizers Have Done About It*, a chapter in *For Indigenous Eyes Only: A Decolonization Handbook* (SAR Press, 2005). In addition to the offense and hurt behind the struggles, I found that the efforts themselves were empowering and confidence building for the Native students.

It's a different matter in professional sports, where no franchise has done away with its "Indian" reference. In educational sports, most people who work in schools care deeply about the emotional, physical and mental health and well being of the students. Oftentimes, they can do little or nothing to change anything that has been institutionalized. In this subject area, they can do something to avoid long-term conflict, improve a racially charged situation and make definitive, positive change. In pro sports, it seems to be all about the money, with little or no regard for a small population or "handful of militants" and "their amici cohorts," as Pro Football, Inc., called the seven of us who engaged in an orderly legal process and the National Congress of American Indians, the National Indian Education Association, the National Indian Youth Council and TICAR, the Tulsa Indian Coalition Against Racism.

What Can Congress Do?

What can Congress do about this complex problem? One quick and symbolically important step would be to affirm the 1999 decision of the Trademark Office that the term "redskins" is one that may disparage Native Americans and is therefore not eligible for trademark registration. Obviously, this action would address very little of the much larger problem, but it is a symbolically important place to start and it is an action that would correct a wrong committed by a federal government agency. The federal government should set an example and do its part by reversing its own contribution to the use of racist and stereotyped terms concerning Native Americans.

The term "redskins" is the most vile and offensive term used to describe Native Americans. It is most disturbing to the overwhelming majority of Native Americans throughout the country that the professional football team in the Nation's Capitol uses a team name that demeans us. Of course, Congress cannot pass a law that prevents people from using racist terms or a law that dictates the team name for the Washington football team. Congress, however, can correct the error committed by the United States Trademark Office when it erroneously registered trademarks that use the term "redskins."

In fact, as explained below, in 1999, the Trademark Office admitted that it had committed a legal error when it registered the trademarks because trademarks that may disparage people are not eligible for registration. Congress should codify the 1999 decision of the Trademark Office in *Harjo et al v. Pro Football, Inc.*

By way of suggestion, my testimony includes a draft bill entitled, "Non-Disparagement of Native Americans in Trademark Registrations Act of 2011," which would cancel the registrations of trademarks that employ the term "redskins" in reference to American Indian nations and people. Also included is a section-by-section analysis of the bill.¹

According to a review of the Trademark Office web site, the Trademark Office has issued registrations for six trademarks that use the term "redskin" in reference to American Indian peoples. In addition, there appear to be five pending applications for registrations for such trademarks, three submitted by the owners of the Washington football team and two submitted by others (the pending applications are for "12th Redskin," "Washington Redskins Cheerleaders," "Redskins Broadcast Network R," "Boston Redskins" and "Washington Redskins" used with certain items). Under the draft bill, the existing registrations would be cancelled and the pending applications would be ineligible for approval.

Background – The Trademark Office Admitted That It Erred In Granting Registration To Trademarks That Use The Term "Redskin" In Reference To American Indians

In 1992, I learned that, between 1967 and 1990, the United States Trademark Office had registered six trademarks owned by the Washington NFL Team that use the term "redskins" or a derivation (such as "redskinettes" to refer to the team's cheerleaders). Registering these trademarks was clearly an error on the part of the Trademark Office. Section 2(a) of the Lanham Act requires the Trademark Office to refuse to register any trademark that "[c]onsists of or

¹ I want to thank Paul Moorehead and Jesse Witten, attorneys with the law firm of Drinker Biddle & Reath LLP, as well as Philip Mause, a retired attorney formerly with that same law firm, for their assistance in drafting the bill and the section-by-section analysis.

comprises . . . matter which may disparage . . . persons, living or dead . . . or bring them into contempt, or disrepute." 15 U.S.C. § 1052(a).² Because "redskins" is such a disparaging term, the Trademark Office erred when it granted the registration applications.

In September 1992, six other Native American people and I filed a petition with the Trademark Trial and Appeal Board (TTAB) asking the Trademark Office to correct its mistakes and cancel the registrations of trademarks that contain the term "redskins." Section 14 of the Lanham Act permits petitions to cancel registrations when one believes that the Trademark Office has registered a trademark unlawfully. See 15 U.S.C. § 1064. My co-plaintiffs were Raymond D. Apodaca (Ysleta del Sur Pueblo), Manley A. Begay, Jr. (Navajo), Vine Deloria, Jr. (Standing Rock Sioux; 1933-2005), Norbert S. Hill, Jr. (Oneida), William A. Means, Jr. (Oglala Lakota) and Mateo Romero (Cochiti Pueblo).

In 1999, after seven years of administrative proceedings, including many depositions, written discovery and an adversarial proceeding, the TTAB ruled that the term "redskins" may disparage American Indians or bring them into contempt or disrepute. Accordingly, the TTAB granted our petition to cancel the registrations. See *Harjo v. Pro-Football, Inc.*, 50 U.S.P.Q.2d 1705 (TTAB 1999).

The Washington football team then appealed the TTAB decision to federal district court. Under the Lanham Act, a party dissatisfied with the Trademark Office's decision on a petition for cancellation may appeal to a United States district court. See 15 U.S.C. § 1071(b). The Director of the Patent and Trademark Office cannot be made a defendant in such an appeal, but has the right to intervene. See 15 U.S.C. § 1071(b)(2). Rather, the defendant in an appeal is the other side to the petition to cancel. Consequently, we seven Native people had to defend the administrative decision of the Trademark Office for ten years.

To defend the appeal, we were required to find our own counsel (who represented us pro bono) and our own expert witnesses (who also provided their services pro bono) to defend an administrative action of a federal government agency. In most trademark cases this may make sense because most trademark cases involve disputes between two businesses over who gets the right to use a trademark. In our case, however, it seemed inappropriate to place the burden on private individuals who were seeking to correct a legal error made by the Trademark Office, an error that affects broad public policy concerns rather than private business interests.

Eventually, the Court of Appeals for the D.C. Circuit ruled, in 2009, that my fellow petitioners and I waited too long after our 18th birthdays to file our petitions to cancel with the TTAB. The D.C. Circuit held that our petition was barred by the doctrine of laches. See *Pro-Football, Inc. v. Harjo*, 565 F.3d 880 (D.C. Cir. 2009), cert. denied 130 S.Ct. 631 (2009); *Pro Football Inc. v. Harjo*, 415 F.3d 44 (D.C. Cir. 2005).

In 2006, a group of young Native Americans filed another petition to cancel the registrations over six trademarks using the term "redskins" owned by the Washington NFL Football Team. They filed that petition after the courts held that we petitioners in the first case were too old to file our petitions. This action is currently pending before the TTAB and is captioned *Blackhorse et al. v. Pro-Football, Inc.*, No. 92/046,185 (TTAB). The *Blackhorse* plaintiffs are Amanda

² In addition, Article 1708 of the North American Free Trade Agreement requires the United States to refuse to register trademarks that "may disparage persons, living or dead, . . . or bring them into contempt or disrepute."

Blackhorse (Navajo), Marcus Briggs-Cloud (Muscogee), Phillip Gover (Paiute), Jillian Pappan (Omaha) and Courtney Tsotigh (Kiowa).

The laches issue should not be relevant to their petition because of their young ages. However, they will face the same bizarre problem that we faced – the need to find pro bono counsel and expert witnesses (linguists, historians and sociologists), in order to defend the TTAB's ruling in federal court (assuming the TTAB reaches the same conclusion in *Blackhorse* as it did in 1999 in *Harjo* that the term "redskin" may disparage Native Americans).

Additionally, during the course of the first case, a number of new trademarks requests were held until the conclusion of our case. In February 2010, the Drinker, Biddle & Reath law firm filed letters of protest against the new requests on a pro bono basis for me and five other Native people: Manley A. Begay, Jr. (Navajo), Duke Ray Harjo II (Muscogee & Cheyenne), Robert Holden (Choctaw-Chickasaw), William A. Means (Oglala Lakota) and Mateo Romero (Cochiti Pueblo).

The Term "Redskins" Disparages Native Americans

There can be no dispute that the term "redskins" disparages Native Americans and no trademark using the term should be registered. The following definitions of "redskin" from multiple well-respected dictionaries establish that the term is disparaging:

"Slang (often disparaging and offensive). A North American Indian." Random House Webster's Unabridged Dictionary (Random House, Inc., 2001).

"Usage. This term is rarely used today. It is perceived as insulting to Native Americans. – n. Older Use: Offensive. American Indian. [1690-1700]." Random House Webster's College Dictionary (2nd ed. revised, Random House, 2001).

"Offensive Slang. Used as a disparaging term for a Native American." The American Heritage College Dictionary (4th ed., Houghton Mifflin Company, 2002).

"a North American Indian (usually construed as offensive)." The New Lexicon Webster's Dictionary of the English Language (Vol. 2, Lexicon Publications, Inc., 2004).

"a No. American Indian – use, taken to be offensive." Webster's Third New International Dictionary of the English Language Unabridged (3d ed., Merriam-Webster, 1993).

"1. offensive term: an offensive term for a Native North American (dated); 2) Caribbean somebody of European and African ancestry: a light-skinned person with African features, usually of mixed European and African origin (sometimes offensive)." Encarta World English Dictionary (Online edition) http://encarta.msn.com/dictionary_1861700097/definition.html.

"colloq. offens. A Native American." The Oxford American Dictionary and Thesaurus (2nd ed., Oxford University Press, Inc. 2003).

Numerous Schools Have Changed Their Team Names

Because of the disparaging nature of the term, numerous universities and schools have ceased using "Redskins" as their team name in recent years, including:

Miami University (Ohio) – to Red Hawks
 Arvada Senior High School (Arvada, CO) – to Reds
 Bell-Chatham, Illinois Board of Education school district
 Canajoharie, New York school district
 Frontier High School (Deerfield, MA) – to Redhawks
 Grand Forks Central High School (Grand Forks, ND) – to Knights
 Hiawatha, Kansas school district
 Monticello High School (Monticello, MN) – to Magic
 Naperville Central High School (Naperville, IL) – to Redhawks
 Parsippany-Troy Hills High School (Parsippany, NJ) – to Redhawks
 Rickards High School (Tallahassee, FL) – to Raiders
 Saranac Lake, New York school district
 Scarborough High School (Scarborough, ME) – to Red Storm
 Seneca High School (Louisville, KY) – to Redhawks
 Southern Nazarene University (Bethany, OK) – to Crimson Storm

Likewise, in 2005, the National Collegiate Athletic Association, the governing body for college athletics, condemned the use of these disparaging references and banned the use of "Native" names, logos and mascots by colleges and universities during its championship tournaments.

Indeed, there is widespread objection throughout numerous segments of society to "Indian" sports mascots in general and to use of the term "redskins" in particular. American Indian tribes and organizations, governmental bodies, civil rights organizations, religious groups, professional societies, and newspaper articles and editorials have all condemned the use of the term "redskins" and "Indian" sports mascots.

Congress Should Act And Not Obligate The *Blackhorse* Petitioners To Litigate

As explained above, Congress should act to correct the erroneous legal decision of the Trademark Office, a decision that the agency has itself admitted was wrong. By registering the trademarks, the Trademark Office has effectively subsidized the use of a vile, racist term, and the government should reverse that perverse result.

Leaving this matter to the *Blackhorse* petitioners is no solution, but an abdication of Congress's responsibility to govern. The *Blackhorse* petitioners are young people who are trying to live their lives, enjoy their families and pursue their careers and interests. They filed their petitions with the TTAB to correct an injustice, and they have received pro bono legal assistance from the law firm of Drinker Biddle & Reath LLP.

Even after the TTAB rules in their favor (assuming it does not reverse its own 1999 ruling), the *Blackhorse* petitioners would then have to defend the agency's action in federal district court, finding pro bono legal counsel and experts (linguist, historian, sociologist) also willing to serve pro bono. That is because, as noted above, the Lanham Act does not require the Trademark Office to defend its decision on appeal. Rather, the Act leaves it to the petitioners to defend the agency's decision. See 15 U.S.C. § 1071(b)(2). If Congress agrees with the TTAB that "redskins" is a term that may disparage American Indians, Congress should step in and enact legislation.

Enacting the draft bill would not be unfair to the owners of the Washington football organization. First, American Indian people – as individuals and through organized associations, such as the National Indian Youth Council and the National Congress of American Indians – have protested

the name of the team on myriad campuses since the early 1960s, and well before the team owners applied for many of their registrations. Second, the Lanham Act has been clear since 1946 that trademarks that disparage are not entitled to registration and disparaging trademarks may be canceled at any time. See 15 U.S.C. §§ 1052(a) & 1064. In addition, the Washington team owners have known since my colleagues and I filed our petition in 1992 -- and since the three trademark judges of the TTAB decided unanimously in our favor in 1999 -- that its registrations were legally vulnerable. The owners have had many years to plan their business accordingly.

Furthermore, the draft bill would not cancel the trademarks, but merely cancel the registration of the trademarks. Canceling a trademark registration does not cancel the trademark because one's right in a trademark arises under the common law based on one's use of the mark. See, e.g., Volkswagenwerk Aktiengesellschaft v. Wheeler, 814 F.2d 812 (1st Cir. 1987) (holding that "the cancellation of a trademark registration does not extinguish common law rights that registration did not create"). Miller v. Glenn Miller Productions, 454 F.3d 975 (9th Cir. 2006) (stating "[r]egistration does not create a mark or confer ownership; only use in the marketplace can establish a mark."); Fossil, Inc. v. Fossil Group, 49 U.S.P.Q.2d 1451 (TTAB 1998). Rather, in the Lanham Act, Congress provided that a registered trademark carries with it certain benefits that an unregistered trademark lacks.³

Finally, nothing in the bill would limit free speech or would require the owners of the Washington NFL Team to change the team's name. Although the bill ensures that the federal government would not subsidize the use of the term "redskin" through trademark registration, no person or entity would be constrained to use that racist term if inclined to do so. The federal government, however, should play no role whatsoever in promoting disparaging and racist speech.

Conclusion

I respectfully urge the members of the Senate Committee on Indian Affairs to support legislation that would affirm the Trademark Office's 1999 decision that trademarks using the term "redskin" in reference to Native Americans are not eligible for registration and that all such existing registrations should be cancelled. To assist the Committee, I have provided a draft bill entitled "Non-Disparagement of American Indians in Trademark Registrations Act of 2011."

Thank you.

³ These benefits include: (i) federal jurisdiction for infringement without the necessity of any required amount in controversy; (ii) increased recovery in infringement actions, such as lost profits, costs, treble damages and attorneys' fees; (iii) registration serves as prima facie evidence of the validity of the mark, registrant's ownership of the mark nationwide, and the registrant's exclusive right to use the mark; (iv) registration may become "incontestable" as conclusive evidence of registrant's exclusive right to use the mark; (v) registration serves as constructive notice to others of the mark and eliminates any good faith adoption of confusingly similar marks; (vi) owners can use the ® symbol with the mark; and (vi) a registration may be filed with the U.S. Customs Service to prevent importation of infringing foreign goods.

Senator UDALL. Thank you very much.
Charlene Teters, please go ahead.

STATEMENT OF CHARLENE TETERS, STUDIO ARTS FACULTY, INSTITUTE OF AMERICAN INDIAN ARTS

Ms. TETERS. Thank you, Chairman Udall. And thank you, Mr. Johnson, for being here.

My name is Charlene Teters. I am a member of the Spokane Tribe in Washington State. I am honored to serve as Senior Fac-

ulty at the Institute of American Indian Arts in Santa Fe, New Mexico.

We have amongst our student body some of the brightest young talents and future leadership for Native America. These young people are amongst our best representation for our Native nations and our culture.

You have my written testimony, so I would like to focus on the last part of what I testified about. It has to do with what we have been talking about here.

I have an MFA, a Masters in Fine Art. So I have been asking myself what I can add to this discussion at the level of the United States Senate. There are so many who have better training, better ability to speak about institutionalized racism. Those better trained to speak about the social impact, the emotional impact, the spiritual impact, or even the financial impact of these stereotypes.

But the struggle for freedom from organized insult, public ridicule, and national collusion is my story. And it is Native America's story. These stereotypes and community attitudes are an unnecessary burden. They are an unnecessary burden for those who go to school where they have these images.

I went to the University of Illinois, it was a chief mascot there. It can easily be alleviated by eliminating this use.

But I think it is important to step back and look at history. Because history plays an important role in defining acts and practices as racist, regardless of the intent of the larger community. When the history is one of domination and subordination, as is the history of the indigenous people in the United States, then what counts is how the minority group understands its portrayal. History is very powerful. Depending on who is telling the story, it can be used to demobilize a people or it can be used to inspire a people.

When the Administration used our historical hero, the name of our hero Geronimo, a family member, in this connection with military action it takes from us. It takes from us our heroes.

Before this land was the United States, it was the homeland of many Indian nations. And yet many Americans know very little about us. They know very little about the people whose land they occupy. But we are here. We are here. We survived manifest destiny, not just physically here, we are culturally here. As parents and teachers, we work hard to instill in our children a sense of pride in our culture, our story, our names to ourselves. Our historical heroes, our family members, people like Chief Pontiac, Chief Joseph, Geronimo.

And yet we must compete with mass media's image or the military's use of our historical heroes as code for this Country's enemies.

In part, I am here to ask, as an aunt, my two nephews fought in Iraq and Afghanistan. In part, I am here to ask the question, how do we ask American Indians who serve this Nation in uniform, who have sacrificed life in defense of this Nation in so many wars in so many places, and do so with dignity and honor and commitment, is it possible at this moment of national triumph that the deepest insult was not delivered upon al Qaeda abroad, but to a small population here at home?

There are more than 500 Indian nations within the U.S. We all have a rich history, language, culture. To turn us into stereotypes is to stop seeing us as individuals and to trap us in someone else's mistaken idea of who we are. These images are so powerful that many non-native people do not see us as modern people with a valued history, living culture, language or a future. When school teams use us as mascots, it goes against education's highest goal, to teach history, instead of reinforcing stereotypes. And these schools graduate people who go on to become teachers, judges, governors, presidents, who impact Native people no matter where we live in this Country.

When the United States military uses these terms and symbols, it goes against its greatest honor. Our military discharges people who go on to become teachers, judges, governors and presidents, who impact Native people no matter where we live.

Many American Indian people have done their part to win the hearts and minds of their neighbors. Yet we are still imaged as the enemy. Now it is time for our national government to do its part. This may not require new laws, but it does cry out for action.

Thank you.

[The prepared statement of Ms. Teters follows:]

PREPARED STATEMENT OF CHARLENE TETERS, STUDIO ARTS FACULTY, INSTITUTE OF AMERICAN INDIAN ARTS

Introduction

Good afternoon, Chairman Akaka, Vice Chairman Barrasso, and distinguished members of the Senate Committee on Indian Affairs. My name is Charlene Teters; I am a member of the Spokane Nation in Spokane Washington. I am honored to serve as a senior faculty in Studio Arts at the prestigious, Institute of American Indian Arts. We have amongst our student body, some of the brightest young talent and future leadership for Native America. These young people are among our best representation of our native nations and our culture.

Let me first share with the Committee a short personal story that brought me to speaking out about the impact of racist stereotypes on Indigenous People. I was one of three American Indian students recruited to the University of Illinois' (UIUC) masters program in studio arts in 1988. When I received my letter of acceptance, it was a dream comes true; to pursue an advance degree in studio arts, a dream that soon became a nightmare. When we were recruited, not one of us asked . . . what is your mascot? Who would think that you would need to ask that question? Our university systems must be places where all peoples' identity is respected. What the three of us witnessed was anything but honoring or respectful of Indian people.

We witnessed a university community deeply embedded with AI stereotypes because this publically funded university's creation and use of "Chief Illiniwek" as its mascot. We witnessed sororities and fraternities playing with things central to our spiritual way of life while drinking heavily. We witnessed the mascot dance to Hollywood's version of our drums and songs. Found images meant to represent Indian people on welcome mats, wallpaper, whiskey bottles, toilet paper; anything these stereotypes could be put on it was, and if it could be sold at a profit the university licensed it.

The student body at UIUC numbers was near 45,000. Once one of the three of us, meaning the only three students on campus who could prove they were American Indian, criticized the use of our culture for the university's athletic identity the push back was fast, furious, harsh, threatening and devastating. In no time there were few public places that felt remotely safe. We could not go out to eat, buy groceries, gas, the mall, a movie, let alone a sporting event without being told how unwelcome we had become. I, with young children in public school, heard and saw the emotional assault that took place on my 2 children. While UIUC is a very large university, it exists in a small college town. In the end one of three left, another and I stayed, but not without being effected for life.

There were those who stood with us. Organizations familiar with the struggles of people attacked for what they were born: AJC, NOW, NCAI, AIM, SCLC, SPLC, and others, who at a distance lent what support they could. Close in there were the courageous: YWCA, African American House, and Progressive Students Alliance. These may have been small, but in a sea of hostility, welcome support.

These community and often tax-supported stereotypes are the definition of "Tyranny of the Majority," not simply because American Indians are such a small segment of the general population, but because this gateway racism comes in under the guises of community good, community identity. Candy coated for children and consumption, profiting adults and organizations, woven into the fabric of everyday life, it is tortuous for those who have bought in to see the horror of racism in these images they love and cheer. However, these grinning "Little Red Sambos" dig at the pain of history, the reality of religious and cultural oppression and hurt both Indian people and the prospects of reconciliation. No one really comes out ahead where racism sets the table.

I have been asking myself what can I add to this discussion at the level of the United States Senate. There are many who may be better trained to speak of institutionalized racism, those better trained to speak about social impact, emotional impact, spiritual impact, even financial impact. But this struggle for freedom from organized insults, public ridicule and national collusion is my story. It is Indian people's story. I believe one day these stereotypes will be looked upon with the same disdain and wonderment that Frito Bandito, Sambo and other effigies of historic racial attitudes are seen today. No one is clamoring to return these symbols to American's popular landscape. These Indian symbols and mascots are no different.

Often in cases of symbols, as these seen as innocuous, the question is asked, "What harm do they do?" A thing can be wrong without a quantifiable injury to be pointed at. With that said, I want to share with the Committee my experience with my family, students and friends made along the way. Serious depression and suicidal tendencies are rarely spoken of in the moment. It was many years before I heard from others how close my own children came to taking suicide as a way out of the pain. For them they were attacked and bullied at school and in public both for who they are, and of course who their parents are. Others unrelated to the conflict that raged in Illinois felt the pain deeply, too. Just last month I spoke at the University of Utah and discovered how devastated many of the few Indian students there feel, some in deep depression, at least one genuinely suicidal.

University of Utah Utes. Here is a case where it may well be that a tribal council is playing along to get along. Fill in the blank: "do you mind being my _____?" Even the question is repugnant, frankly, its' cowardly.

It may be difficult for those of mainstream persuasion and socialization to understand the impact of daily insults on even a strong psyche. Already the isolation an American Indian student can feel separated from tribe, community, familiar customs and faces is all too real when attending a university, or moving to an urban setting. Too few make it through the educational system to the post-secondary level. These stereotypes and community attitudes are an unnecessary burden, a burden that can be alleviated by elimination of these symbols.

But the daily insults are not limited to athletic team identities. Well documented are the film stereotypes that continue to be introduced to new generations through cable and Internet. Screenwriters continue to use "Chief" and derogatory references from a time some feel has gone by. Deeply concerning is the continued use of American Indian references by the United States military. General Norman Schwarzkopf telling the world that Desert Storm was "like going in to Indian country," hardware and weapons names, and now we who are Indian can not escape "Geronimo" is dead and all the other proclamations we will now have to endure in the moment and in the future. Did anyone stop to think, would American Indians want to be synonymous with Osama bin Laden? I think not. This United States Senate Committee on Indian Affairs has picked a salient moment to ask the question, why not!

Not only do we not ask the question: should we continue today as we have done in the past with these ever present relics of racism; should we continue to mascot American Indians. We do not ask what else happens as a result. To me the answer is plain as day, too few if any who roots for this Nation's capitol Washington Redskins asks how American Indians feel when the opposing fans yell "kill, beat, defeat . . . the redskins!" no one ever asks the question. We who have answered it without having been asked understand how few want to know. As a nation we appear not to want to hear the answer, so the question is avoided.

In part I am here today to ask this question, how do we ask American Indians who serve in uniform, who have sacrificed life in defense of this young nation in so many wars in so many places, to reconcile the irreconcilable, to defend the indefensible, and to do so with dignity, honor and commitment. Is it possible that at

this moment of national triumph that the deepest insult was not delivered upon al Qaida abroad but to a small population here at home. And if anyone, who will apologize?

Before this land was the United States, it was the homeland of many Indian nations. And yet, many American's know very little about us. We survived manifest destiny not just physically, we are here culturally. As parents and as teachers, we work hard to instill in our children a sense of pride in our culture, our stories, our names for ourselves, our historical heroes. Like Pontiac, Chief Joseph, and Geronimo and yet we find we must compete with mass media's image, or the military's use of our historical heroes as code for the country's enemies.

History plays an important role in defining acts and practices as racist, regardless of the intent of the larger community group. When the history is one of domination and subordination as is the history of the Indigenous people in the US, then what counts is how the minority group understands its portrayal. History is very powerful, depending on who is telling the story. It can be used to demobilize a people or it can be used to inspire. When the administration uses our historical heroes name "Geronimo" in connection with military action, it takes from us, our heroes.

Conclusion

There are more than 500 Indian Nations within the United States. All have their own rich history, language and culture. To turn us into stereotypes is to stop seeing us as individuals and traps us in someone else's mistaken idea of who we are. These images are so powerful that many non-Indian people do not see us as modern people with a valued history, living culture and language or a future. When school teams use us as mascots it goes against education's highest goals. These schools' graduate people who go on to become, teachers, judges, governors, and presidents who impact native communities, no matter where we live. When the United State military uses these terms and symbols it goes against its greater honor. Our military discharges people who go on to become, teachers, judges, governors, and presidents who impact native communities, no matter where we live.

Many American Indians have done their part to win the hearts and minds of their neighbors. Now it is time for our national government to do its' part. This may not require new laws. This does cry out for action.

Senator UDALL. Thank you very much.

Thank you, Senator Johnson, for joining us. I will let you proceed with questioning at this point, and I may also have questions in a little bit. I am sure we will have others joining us.

STATEMENT OF HON. TIM JOHNSON, U.S. SENATOR FROM SOUTH DAKOTA

Senator JOHNSON. Thank you, Mr. Chairman.

A question for Chairman Hall. What impacts have you seen as a result of negative stereotyping on your ability as a tribal leader to interact with other governments, businesses and the local community?

Mr. HALL. Thank you for the question, Senator Johnson. It is good to see you.

As a tribal leader, in our State of North Dakota, when we talk about the Fighting Sioux nickname and you talk about education and you talk about government to government cooperation and partnership, working together, it is all good on words, it is all good on paper. When you pass laws, like our State legislature did, without consultation, without cooperation, without consulting and getting consent from the Standing Rock Sioux Tribe, it goes against those words. So they become empty words. It is hard to move to other issues, like health care, like energy development, like economic development, like natural resource development. It is hard to get to those issues, because it is like you couldn't get the proper respect and proper dignity and relationship with the tribes, and the consent and the partnership in the first place.

So it makes it hard to get beyond that if it is just on paper. So we are kind of in a difficult situation.

Senator JOHNSON. How do you respond to the points that, when there is the "Fighting Sioux," but how do you respond to the issue of, there is the Fighting Irish and the Vikings and the Padres and so on? Other teams are nicknamed legitimately. How do you distinguish those as a different category?

Mr. HALL. It is really easy for us, I guess, Senator Johnson, because we have been used as negative nicknames and negative mascots for so many years. Even looking at Burt Lancaster, looking at the movies, we were portrayed negatively where, if Burt Lancaster or John Wayne took one shot, ten Indians died. So our children grew up seeing negative stereotypes that the Indians are always the enemy. We are not just the enemy, with the Fighting Irish football team, that is pretty limited to the Notre Dame football team. But the Fighting Sioux seems not to be just limited, but expanded to all areas of life for the Native American.

And again, especially for our youth and our education.

Senator JOHNSON. Ms. Harjo, has the 2005 NCAA policy been effective in eliminating the use of indigenous-based mascots and imagery? Are there other policies that have been successful in eliminating the use of indigenous-based mascots and imagery?

Ms. HARJO. I think it has been very successful for those schools that haven't convinced an Indian tribe or nation that that tribe or nation should give them their name or let them denigrate their name. So we have a lot of education to do in our own communities. That is a problem for us. I understand that some Native peoples think, well, if we just give them this, maybe they will leave us alone on gaming or leave us alone on water rights or other things, we will just let them have a little bit of racism.

The problem is that racism knows no bounds, and there is no such thing as a little bit of racism or a name that is just a little racist or an action that is a little racist. Racism is huge and can overwhelm you.

As far as public policies, the NCAA has done a good job. I felt the legislation that my Cheyenne brother, Ben Nighthorse Campbell, introduced at one point, with the companion bill in the House by Representative John Lewis, to not let the RFK Stadium be used for any purpose that, for any entity that would comment on or characterize a person's physical attributes, including skin color. That of course preceded, and maybe was the impetus, for Jack Kent Cooke moving the team to other places, to the suburbs of Washington, D.C.

What we need, the legislation that I am proposing deals with the Washington football team name. But it really goes to who should provide for the Federal Government's mistakes. The U.S. Patent and Trademark Board has admitted that it made a mistake in registering the trademarks for the team name and logos and associated the cheerleaders' trademarks and that sort of thing. So it already admitted that it made a mistake.

Yet we seven plaintiffs had to go on and have our own counsel and litigate this case for 17 years, because that Federal entity doesn't go to court. It is the competing parties that go to court. And we were terribly out-matched and out-monied. We weren't just

dealing with the Washington football team, we were dealing with the NFL, which wasn't a party, but which paid for all the litigation for the first seven years.

So we were fighting Pepsi, backed up by Coke. Just huge monoliths. And had we not had pro bono counsel, we would have not been able to make it as far as we have. And now the burden of that entire litigation falls to six young Native people who have all their lives before them, and they need to get on with them. Yet they have this burden for the whole of Indian Country and for the whole of the Nation to make things right.

Senator JOHNSON. Ms. Teters, you have been a leader on this issue for over 20 years. Have you seen a change in the attitudes of school officials? Are they more aware of the impacts of Native-themed mascots?

Ms. TETERS. Yes and no. I do an awful lot of speaking on other campuses and where the issue is being debated. I was just at the University of Utah a couple of weeks ago. Unfortunately what I find is the quality of the debate really doesn't improve much. It is like we keep going around in these cycles. And it is like at the University of Illinois, where I was a student, and where we challenged the use of Chief Illiniwek mascot there, it was a 20-year struggle to retire that mascot. And so the outward images are gone, but the attitudes are still there.

Senator JOHNSON. With respect to the 2005 NCAA directive?

Ms. TETERS. Well, that was the reason why they did retire it, because it did come down to basically money for them. You would hope that people would retire these for the right reasons, because it is the right thing to do. But often, for us, this is very, very difficult for us to address these issues, because we are not a large group of people. And we are not a large voting block. So it is very difficult sometimes for us to even get at this level, where you are listening to us. And I appreciate this time.

Senator JOHNSON. Over to you, Chairman Udall.

Senator UDALL. Thank you very much, Senator Johnson.

I think he opened an area of inquiry that I want to follow up on a little bit. The NCAA 2005 policy, I noticed that in your testimony, Ms. Harjo, that since 1970, these "Indian stereotypes," there were 3,000, they have come down today to less than 1,000. Do you think the policy that was put in place in 2005 accelerated that or not? What is your perception of that?

Ms. HARJO. Oh, it definitely helped. I don't know that it accelerated it. But every time some entity, whether it is the Civil Rights Commission or this good Committee holding this particular oversight hearing, every time the National Education Association makes a statement or some entity outside our immediate circle steps in and says, this is racism and we can't have this, then it helps. It always helps.

So the NCAA did good and mighty work. That is still helping and still bearing fruit. Of course, there are those in North Dakota who don't like it, and those in certain States who don't like it. But these are toys of racism that people have gotten used to and you can't pry them away from them. They are like aberrant children who cling to these things.

We are often asked, why do you waste your time on these things, don't you have more important things to do? And first of all, no one who has ever asked that question has ever done anything for our people. We are the ones who do that work, the hard work on the important issues. And this is one of them, because it is fundamental, it is overarching, it is undergirding. This is the stuff that determines what kind of public policy there is going to be for us.

And members of Congress don't make good public policy for cartoons. A lot of people perceive us as not quite human, because those are the messages that come down to us through popular culture, that we are less than human. The list that Senator Johnson ticked off before was so instructive of what people are saying to him, like the Fighting Irish. People compare us to the leprechaun. Well, the leprechaun is not a human. And on that issue, the Fighting Irish, that was a self-description. It is sort of like an Indian team calling itself warriors or something. That is a different thing from name-calling from the outside.

And with the Vikings and others, we are not descendants of the Native people. We are the Native people, same languages, same religions, same cultures, same dances, same songs. We are the people. Yet we are compared to cowboys, that is a profession, or Vikings, an era. We are not an era, we are human beings. That is the big news about us in America is that, yes, we are a small population, and sometimes we are an invisible population. So racism against us is also not perceived.

And what this Committee does in holding this hearing is help break through that and enable a few people to say, oh, of course, what were we thinking of. Let's change this, let's do something about this. If the Sioux people don't want Fighting Sioux, it shouldn't be around. That is so simple.

So yes, we are down to a little over 900 of these so-called Native references. But they are the tough nuts.

Senator UDALL. Thank you very much. I hope that as you have described it, the hearing that we are having today will also, like the NCAA policy, open the doors, make people think and continue to push the trend, as you talk about, in terms of a sea change, those numbers going down. We hope they go down dramatically.

Charlene, you talked, I know in your written testimony, about your experience at the University of Illinois, as a masters student, I think you were one of three Native students in a large university. And the mascot there was challenged. I think your description was that the backlash was fast, furious, harsh, threatening and devastating. Why was that? What do you think was at the root of that? Is there any way to have the discussion without having that backlash, do you think? You have real experience in this area, I think all the panelists do.

Ms. TETERS. When I was there as a student, there were three of us recruited. And that was my first thought, was, this is an educated group of people. I will tell them, Marcus will tell them and they will get it.

But what was saw was a pattern of hostility. It was hostile before we opened our mouths. So when the three of us got there, and it was a dream come true for all of us, we were all first generation to work on an advanced degree, to go to a Big 10 university. So it

was Marcus Ammerman who spoke out first, and wrote a letter to the student newspaper, who became targeted. People were riding him and belittling him. He lived in a student dormitory type setting. And really couldn't separate himself from the hostility that in the community, because he dared open his mouth about how he felt with this community that was permeated with stereotypes of Native people.

And as much as the university and a lot of these universities and organizations always describe theirs as different, ours is dignified somehow, ours is noble. But you can't control what the community does with these images. So we saw all kinds of things. There was a Miss Illini squaw contest, there was a bar in downtown in the campus town that had a falling down drunken Indian, over and over again. This is where the sorority and fraternity brothers and sisters would go and act out their negative stereotypes of us.

So when a university has this as their identity, it becomes a platform for people to act out things. Because let's face it, Americans know very little about us. At the root of what was going on in terms of the hostility at this university, and it is not so different other places, is that they don't know much about us. They may even be surprised that we are still here. Because I have heard that, what, Indians are still here? Sometimes they will say things like, well, gee, you don't look Indian. What they really mean is we don't look like the stereotype that they manufactured.

So it is insult on top of insult. And so Marcus was targeted. And you would call it, it is hate crime, what was happening to him. He was targeted in a way that pushed him out. And we are pushed out of these universities and schools more than any other people, because it becomes so hostile.

One of the professors who recruited all three of us told the two of us left, keep your mouth shut. Get your degree and get out. So we really aren't given much choice in terms of how to deal with this. We are almost always told to just shut up, internalize it, don't you know we are honoring you? Stuff like that. It is really, what I am describing is a hostile environment.

And I was there with my children, who also had to witness this hostility that is being played out by the community. Because one, they don't want to know that what they are doing is possibly racist. So they immediately, the backlash is immediate. That is what I mean, immediate. They targeted my children.

The only reason I was able to survive that hostile environment is I had a lot of help. There were a lot of people who came and stood with me, people who understood racism. One of those organizations, the American Jewish Committee, who was doing research for a document called *Bigotry on Campuses*. And as an expert on anti-Semitism and hate, he recognized the pattern of hate, by looking at some of the newspaper articles. The news was also being used as a tool to target me, to make me look stupid and ridiculous.

That is often, when we address issues that are of concern in our community, the press is often used as a tool. So it is more time than we have in terms of talking about how hostile that was. But I was able to survive it, I did get my MFA from there. But I had a lot of help, had a lot of people from different organizations, racial justice groups, who stood with me. And a lot of people, and Suzan

came to our campus, a number of people came to lend their voice to the student struggle on that campus. That is why we were able to push it.

But it was a 20-year struggle on this campus. And I really resent that this is left on the shoulders of the few Native people in these communities to try to push this forward. Because it is not just a hostile environment for Native people. It is any people of consciousness who are addressing these issues become targeted as well.

So it needs to be seen as, this is not a Native American concern, it is a concern of racism. It is racism, and address it in that way.

Senator UDALL. Chairman Hall, one of the things she just mentioned there was the impact on her children. I think that is something that is a thread through all of your testimony, is that we want to break the cycle, we don't want this passed on to our children. Do you have any thoughts on that, and in hearing the other testimony? How can we do that? How do we approach it in that way? What are the strongest things we could do to make sure that our children don't grow up with that kind of imprint and feeling and it impacting them in a derogatory way?

Mr. HALL. A great question, Mr. Chairman. Just a couple of thoughts. First of all, I have a daughter that is graduating May 29th. She can't wear her eagle feather. She is in a non-Native school. And we have another tribal member graduating, a boy, and same thing, he can't—or she was going to bead her cap, and he was going to wear eagle feather, and they can't do that.

So all the parents are concerned. They are going in and they are going to talk about what the eagle feather means. It is the highest honor, so graduation is a high honor. They come from a sovereign tribe, these young students who are graduating, they are a member of a federally-recognized sovereign tribe. So the school needs to be educated.

To the second point, Mr. Chairman, I really think that we can't stop with not continuing to educate about what an eagle feather means and what a member of a sovereign federally-recognized tribe and its member, and that significance. Because only Native Americans can possess eagle feathers. So this is not to be offensive to that non-Indian school, it is part of the honoring of that Native American student. So that education is real key.

If there is proper education like that, and there are advocates, and it has to come from more than just a couple of folks, as Charlene and Suzan have mentioned, I as a tribal chairman have to advocate for those students. I can't sit back as a tribal leader and say, oh, leave it to the parents, let those guys do that. Tribal councils and tribal leaders have to step forward and say, or pass resolutions to the schools, and half of our students go to the non-Indian public schools. Working groups, resolutions, I think the Senate Committee on Indian Affairs could establish a working group, Mr. Chairman, especially when it comes to the name of the Geronimo chief with the code name for Osama bin Laden, working with Defense, the military, White House, tribal leaders, the testimony that was given today. I can't just say that without volunteering, so I would volunteer myself, Chairman Udall, to be a part of that working group and do whatever I can to continue to help educate and advocate for the right thing to do. Our tribes are sovereign

governments, and things as eagle feathers are a high honor. They are not to disrespect a non-public school or anything else.

Senator UDALL. Thank you very much, Chairman Hall. I really want to thank this panel for your testimony. I think you have addressed this issue in a very thoughtful way. I hope that our action here today will move us in a positive direction.

At this point I am going to excuse this panel, and we have a second panel that I am going to call forward. Thank you again.

So we want our panel two members to come forward. I would like to invite them to the table.

As they are coming up, let me do introductions. Testifying first is Stephanie Fryberg, the Associate Professor of Psychology at the University of Arizona in Tucson. The next witness after Ms. Fryberg is Chaske Spencer, a Lakota actor, producer and partner with Urban Dreams Productions in New York. Mr. Spencer is best known for his portrayal as Sam in the Twilight films.

Then our final witness will be Mr. Jim Warne, President of the Warrior Society Development in San Diego, California.

Welcome to all of you. It is great to have you today.

Ms. Fryberg, why don't we start with you and move to the left. Thank you for being here today.

STATEMENT OF STEPHANIE A. FRYBERG, PH.D, ASSOCIATE PROFESSOR OF SOCIAL AND CULTURAL PSYCHOLOGY, UNIVERSITY OF ARIZONA

Ms. FRYBERG. Chairman Udall and Members of the Committee, please allow me to express appreciation for the opportunity to speak on behalf of 154,000 members and affiliates of the American Psychological Association about the use of American Indian mascots.

My name is Dr. Stephanie Fryberg, and I am an enrolled member of the Tulalip Tribes in Washington State. [Greeting in native tongue.] I want to take a moment from my tribe and my family to express our thanks and to express our greeting.

I am an associate professor of social and cultural psychology at the University of Arizona and a researcher dedicated to alleviating education disparities for American Indian and low income children. I have conducted many studies on the psychological effects of using American Indian mascots, and I am the author of a number of published articles on the topic.

In terms of the use of American Indian mascots, the carefully-honed research methods and theories in the field of psychology provide a basis for examining and assessing the psychological consequences for American Indians, non-Natives and race relations in American society. In my statement, I will provide a brief overview of the empirical research on the psychological consequences of using these mascots.

In summary, the research finds that American Indian mascots have negative psychological consequences for American Indians, positive psychological consequences for European Americans and negative effects on race relations in the U.S.

Let me begin by discussing the psychological consequences for American Indians. A growing number of studies revealed that American Indian mascots have a wide variety of negative psycho-

logical consequences. Exposing American Indian high school and college students to American Indian mascots decreases self-esteem, feelings of community worth and achievement-related aspirations and increased levels of anxiety and depression. In fact, one study found that being exposed to an American Indian mascot lowered self-esteem significantly more than being exposed to a set of negative stereotypes, such as alcoholism, high school dropout rates and suicide.

Beyond these psychological consequences, American Indian mascots have also been shown to negatively influence the campus climate. American Indian students at a large university with an American Indian mascot reported more threats to personal safety and more experiences of discrimination than non-Native students. Thus, American Indian mascots in school context have the potential to cause short-term and long-term harm for American Indians.

Now, as we turn to the effects for European Americans, past research has shown the stereotypes typically exacerbate inequality by producing negative effects for the stereotyped group and positive effects for the high status group. This pattern holds for the use of American Indian mascots. In contrast to the negative psychological consequences for American Indians, research reveals that European Americans may benefit from the use of American Indian mascots. One study showed that European Americans exposed to an American Indian mascot reported a boost in self-esteem compared to European Americans in the no-mascot control condition. Another study revealed that European Americans reported liking and feeling more similar to a European American wearing an American Indian mascot tee-shirt than to the same person wearing an Irish tee-shirt or a plain tee-shirt. These psychological benefits may partially explain the tenacity with which some Americans cling to American Indian mascots.

Taken together, the work summarized above highlights the discrepancy of psychological consequences associated with American Indian mascots. After exposure to an American Indian mascot, American Indians reported reduced feelings of self-esteem and community worth, and fewer achievement-related aspirations, whereas European Americans, when exposed to the same mascots, reported a boost in feelings of self-worth. And rather than being seen as culturally or racially insensitive for endorsing stereotypes of American Indians, they were liked more by their European American peers.

Consistent with the stereotyping literature, American Indian mascots foster racial and ethnic inequality in this Country.

Finally, I will address the negative consequences for race relations. Mounting research reveals that American Indian mascots undermine race relations by activating negative stereotypes of American Indians and by increasing the likelihood that non-Native individuals will negatively evaluate and interact with American Indians. For example, one study examined 1,699 user comments from an online internet forum that was created in response to a newspaper article about the University of North Dakota Fighting Sioux mascot. UND mascot supporters expressed not only negative attitudes and stereotypes about American Indians, they believed that American Indians owed them something. That is, that American Indians should be grateful to them for using the mascot.

The issue with respect to race relations is not simply that the use of American Indian mascots activated negative stereotypes of American Indians, but rather that these mascots influence how European Americans, particularly those who support the use of American Indian mascots, think and act toward American Indians and other racial and ethnic minority groups. One study found, for example, that European American students who agreed with the use of American Indian mascots were more likely to engage in racial prejudice and discrimination against American Indian students than European American students who disagreed with the use of American Indian mascots.

The research findings on the use of American Indian mascots are proving to be remarkably consistent across studies, and in terms of how the studies align with past research on stereotyping and prejudice. American Indian mascots reveal negative consequences for the targeted minority group and positive consequences for the mainstream majority group.

Hence, the use of American Indian mascots not only promotes the development, endorsement and activation of negative attitudes and behaviors toward contemporary American Indians, but they reinforce inequality, and in so doing, undermine race relations in this Country.

I want to express my gratitude for the opportunity to be here, and I look forward to hearing your questions. Thank you.

[The prepared statement of Ms. Fryberg follows:]

PREPARED STATEMENT OF STEPHANIE A. FRYBERG, PH.D, ASSOCIATE PROFESSOR OF SOCIAL AND CULTURAL PSYCHOLOGY, UNIVERSITY OF ARIZONA

Chairman Akaka, Ranking Member Barrasso, and Members of the Committee, please allow me to express appreciation for the opportunity to speak on behalf of the 154,000 members and affiliates of the American Psychological Association (APA) about the use of American Indian mascots. My name is Dr. Stephanie Fryberg. I am an enrolled member of the Tulalip Tribes in Washington State, and I bring warm greetings from my family and tribal community. I am an Associate Professor of Social and Cultural Psychology at the University of Arizona, and a researcher dedicated to alleviating education disparities for American Indian and low-income children. I have conducted many studies on the psychological effects of using American Indian mascots and I am the author of a number of published articles on the topic.

APA, as an organization, has a long-standing commitment to using psychological knowledge to improve people's lives and to benefit society. The membership includes researchers, practitioners, and educators whose work has played a pivotal role in facilitating the resolution of personal and societal challenges in diverse, multicultural contexts. In terms of the use of American Indian mascots, the carefully honed research methods and theories of our field provide a basis for examining and assessing the psychological consequences for American Indians, non-Natives, and race relations in American society.

In my statement, I will provide a brief overview of the empirical research on the psychological consequences of using American Indian mascots. In summary, the research finds that American Indian mascots have (1) negative psychological consequences for American Indians, (2) positive psychological consequences for European Americans, and (3) negative effects on race relations in the U.S.

Negative Psychological Consequences for American Indians

A growing number of studies reveal that American Indian mascots have a variety of negative psychological consequences for American Indians. Exposing American Indian high school and college students to American Indian mascots decreased self-esteem, feelings of community worth (*i.e.*, the belief that one's community can improve itself), and achievement related aspirations (Fryberg, Markus, Oyserman, & Stone, 2008; Fryberg & Watts, 2010), and increased levels of anxiety and depression (LaRocque, 2004). In fact, one study found that being exposed to an American In-

dian mascot lowered self-esteem significantly more than being exposed to a set of negative stereotypes (*i.e.*, alcoholism, suicide, teen-pregnancy, high school dropout rates) (Fryberg *et al.*, 2008). Also notable, another study showed that even when an American Indian mascot represented an American Indian university, the negative effects were the same as when the mascot represented a largely non-Native organization (*e.g.*, University of Illinois or Cleveland Indians Major League Baseball team; Fryberg *et al.*, 2008).

Beyond these psychological consequences, American Indian mascots also negatively influenced the campus climate for American Indian students. American Indian students at a large university with an American Indian mascot reported more threats to personal safety and experiences of discrimination, and higher levels of stress and tension than non-Native students (LaRocque, 2004). Thus, American Indian mascots in school contexts have the potential to cause harm, both short term (*e.g.*, on self-esteem) and long term (*e.g.*, negative campus climate) to American Indians.

Positive Psychological Consequences for European Americans

Stereotypes typically exacerbate inequality by producing negative effects for the stigmatized target group and positive effects for high status groups. This pattern holds for the use of American Indian mascots. In contrast to the negative psychological consequences for American Indians, research reveals that European Americans may benefit from the use of American Indian mascots (Fryberg & Oyserman, 2011). One study showed that European American students exposed to American Indian mascots in a news article or on a t-shirt reported a boost in self-esteem compared to European Americans in the no mascot control condition. Another study revealed that European Americans also reported liking and feeling more similar to a European American wearing an American Indian mascot t-shirts than to the same person wearing an Irish t-shirt or a plain t-shirt. These studies suggest that European Americans may benefit from both exposure (*i.e.*, feel better about themselves) and using (*i.e.*, are liked more) American Indian mascots, and that this benefit may partially explain the tenacity with which some Americans cling to American Indian mascots.

Taken together, the work summarized above highlights the discrepancy of psychological consequences associated with American Indian mascots. After exposure to an American Indian mascot, American Indians reported reduced feelings of self-esteem and community worth, fewer achievement related aspirations, and higher rates of anxiety and depression. In contrast, European Americans, when exposed to the same mascots, report a boost in feelings of self worth and are liked more, rather than being seen as culturally or racially insensitive for endorsing stereotypes of American Indians. Consistent with the stereotyping literature, American Indian mascots are one of the taken-for-granted features of everyday life that serve to foster racial and ethnic inequality in this country.

Negative Consequences for Race Relations

Mounting research reveals that American Indian mascots undermine race relations by activating negative stereotypes of American Indians and by increasing the likelihood that non-Native individuals will negatively evaluate and interact with American Indians (Nelson, 2009). For example, one study examined 1699 user comments from an online Internet forum that was created in response to a newspaper article about the University of North Dakota (UND) Fighting Sioux mascot (Steinfeldt *et al.*, 2010). Reflecting antipathy toward American Indians, 32 percent of the comments attacked the credibility and legitimacy of American Indians who opposed the use of American Indian mascots, 21 percent responded disparagingly toward American Indians (*e.g.*, just get over it), 21 percent noted that American Indians should be grateful that the mascot “honors” them and 7 percent directly vilified American Indians (*e.g.*, savages, drunks). Moreover, revealing a lack of empathy for American Indians, 20 percent reported that American Indians are not the victims, but rather that the users of American Indian mascots are the true victims because *their* mascot was banned. In summary, UND mascot supporters not only expressed negative attitudes and stereotypes about American Indians, they believed that American Indians owed them something (*i.e.*, they should be grateful) for using the mascot.

Beyond *explicit* (conscious) attitudes and stereotypes, American Indian mascots may also elicit *implicit* (*i.e.*, unconscious) attitudes and stereotypes (Nosek *et al.*, 2007). A recent study revealed that exposure to American Indian mascots brought to mind negative and positive implicit stereotypes of contemporary American Indians (Stone, Focella, Fryberg, & Covarrubias, 2011). Notably, however, the study found that the ease with which negative stereotypes came to mind was significantly

quicker than the ease with which positive stereotypes came to mind, which suggests that American Indian mascots more readily yield implicit negative stereotypes of contemporary American Indians. Moreover, while the negative stereotype effect was limited to the American Indian mascot condition, the positive stereotype effect was found in all three mascot conditions (i.e., American Indian mascot, Irish mascot and non-ethnic mascot). This result suggests that the sports mascots in general seem to bring forth positive stereotypes of contemporary American Indians, but only American Indian mascots elicit negative stereotypes of this group.

The issue, with respect to race relations, is not simply that the use of American Indian mascots activated negative stereotypes of American Indians, in important contexts such as education, but rather that these mascots influence how European Americans, particularly those who support the use of American Indian mascots, think and act toward American Indians and other racial-ethnic minority groups. One study, for example, found that European American students who agreed with the use of American Indian mascots were more likely to engage in racial prejudice and discrimination against American Indian students than European American students who disagreed with American Indian mascots (Gonzalez, 2005). In terms of other racial-ethnic minority groups, two studies revealed that European American participants who were exposed to American Indian mascots endorsed more anti-Asian American stereotypes relative to participants who had not been exposed to the mascots (Kim-Prieto, Goldstein, Okazaki, & Kirschner, 2010). This research demonstrated that once a person starts thinking in stereotypical terms about one racial-ethnic minority group, the same type of stereotypic thinking can spill over onto other stigmatized groups.

The research findings on the use of American Indian mascots are proving to be remarkably consistent across studies and in terms of how the studies align with past research on stereotyping and prejudice. The research empirically demonstrates, for the first time, that the negative stereotypes promoted by American Indian mascots reveal negative consequences for the targeted minority group and positive consequences for the mainstream majority group. Hence, the use of American Indian mascots not only promotes the development, endorsement, and activation of negative attitudes and behaviors toward contemporary American Indians, but they reinforce inequality and, in so doing, undermine race relations in this country.

As I conclude, I want to express my gratitude for the opportunity to discuss the relevant research with you today. I look forward to hearing your questions and welcome the chance to respond. Thank you.

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Senator UDALL. Thank you for your testimony.
Mr. Spencer?

**STATEMENT OF CHASKE SPENCER, ACTOR/PRODUCER,
PARTNER, URBAN DREAM PRODUCTIONS**

Mr. SPENCER. Hello. My name is Chaske Spencer. I am an actor and a producer. I am here to testify today as someone who has been directly impacted by racist stereotypes of indigenous peoples.

Although I have experienced this as a Native man, it is not a Native issue, I believe it is a human issue. I believe we need to approach it as humanistic approach that fosters dignity, equality, and value and diversity in all cultures.

I wish to thank the Committee and the Chairman for bringing this important topic into the public spotlight, for inviting me to speak at these proceedings. I am honored and grateful for this opportunity to express my thoughts and stand on the matter.

As a child, I was very confused when I saw mascots and propaganda about Native Americans. I experienced feelings of shame, guilt, and since a lot of media and propaganda portrayed us as savages, people of ignorance, and lack of sophistication, I spent the majority of my childhood struggling to understand my people and identifying with the current day role models, since most of my Native heroes were historical.

I was frustrated, because I was the target of racism as a child. I was called many negative names, so bad I prefer not to repeat them here. I went to one school where the vast majority of kids were Caucasian. I was one of four or five Native kids, and we were ignored most of the time. Needless to say, I got into some fights as a kid. Throughout the years, I learned to deal with it in better ways, but underlying frustration still remains.

When our children are targeted with racist comments and actions, regardless of their race, religion, culture, et cetera, it impacts them for life, whether they show it or not. Their self-worth, their drive, their relationships they create with other people are affected in a myriad of ways. In today's society, it is almost impossible to escape the influence of stereotypes in the media, sports, entertainment and politics. There are people in the spotlight who have transcended stereotypes such as Will Smith, Denzel Washington, Jennifer Lopez, Oprah, Hillary Clinton, Halle Berry, President Obama. For the most part, the vast majority are still impacted daily by them.

Where team names and mascots are concerned, all I will say to you is that I have never seen a team called a wetback. A lot of people just don't understand the negative impact.

A couple of hundred years ago, Native Americans were considered terrorists to some people. These stereotypes still prevail in media today. For example, the hunt for bin Laden is portrayed with wild west imagery and has been nicknamed Geronimo, when in reality it is thanks to the Native American's legendary bravery that the two elite Army units received the legendary nickname Geronimo.

Whether it is intentional or unintentional, we need to be more conscious of the associations we make. When we associate Geronimo with someone like Osama bin Laden, even if it is used to depict the courage necessary to capture him, the negative impact is inevitable.

As a culture, we need to focus on expanding the opportunities of all peoples. After all, we are in the land of opportunity. Any stereotype of any people will narrow the opportunities of that people.

As a young actor, I was faced with limited opportunities in terms of roles, other than stereotypically Native roles. These roles I had to take, because I needed to work at that point. But at some point, I might pass on some. While this has dramatically shifted over the years, it is still by no means where it could be. We have seen the struggle for women throughout the years standing for equality-empowering portrayals, in all forms of media. Yet women still earn less than a man in this Country in the same jobs in many instances. We see it with almost every ethnic group you can think of. While it is moving in the right direction, without a concentrated, without united effort, without new legislation, without new accepted practices in industries and in communities, the movement will not match the much-needed paradigm shift.

I do think things are changing. In this younger generation, the teens have a more positive view of Native Americans. I think that is because of movies such as *Twilight*, which really has a lot of young people looking at Natives in a different light. Recently I have turned down roles that somehow portrayed Native American people in negative light. It is a pivotal time where I have unique opportunity to break down the stereotypes. I try to make decisions in my career that support that as much as possible.

I have been fortunate to have opportunities to go beyond the stereotypes with such projects as *Twilight*. As a producer, my company and my partners are Urban Dreams Productions are conscious only to choosing material that is not stereotypical in nature, whether it be stereotypical to Native people or any people. Stereotypes by inherent nature limit the opportunities of that group of people.

I am committed to expanding opportunities for people of all kinds. The work that companies like summit are doing is crucial to positively impacting young people all over, not only Native young people. But when I go to conventions for *Twilight*, what becomes obvious is that all youth from every race or community is excited about these modern, beyond-stereotype roles that are being portrayed by young Native actors. We are not just Native actors, we are actors. I have seen more and more roles being open to any ethnicity which has impacted the opportunities that I have been privileged to have. It is rare that specifically Native roles go beyond what has been traditionally known as leather and feathers, stereotype roles. That is why films like *Twilight* are so important to us as people.

The reason I chose to do my last film, and independent film called *Shouting Secrets*, is because it was about a family. It could be a Caucasian family, an African American family, an Asian American family. Really any family, and it happens just to be a Native American family. That factor is the biggest reason I was attached to the project.

One of the biggest opportunities I have now as a Native actor, given the mainstream spotlight and attention, is to help shine the light on issues that have impacted us for decades and in some

cases, generations. Again, I would like to thank you for having me here.

[The prepared statement of Mr. Spencer follows:]

PREPARED STATEMENT OF CHASKE SPENCER, ACTOR/PRODUCER, PARTNER, URBAN DREAM PRODUCTIONS

The Impact of Stereotypes

My name is Chaske Spencer and I am an actor and producer. I am testifying today as someone who has been directly impacted by racist stereotypes of indigenous peoples. Although I have experienced this as a Native man it is not a Native issue it is a HUMAN issue and I believe we need to approach it from a humanistic approach that fosters dignity, equality and valuing diversity of all cultures.

I wish to thank the Committee and the Chairman for bringing this important topic into the public spotlight and for inviting me to speak in these proceedings. I am honored and grateful for this opportunity to express my thoughts and stand in the matter.

As a child, I was very confused when I saw mascots and propaganda about Native Americans. I experienced feelings of shame and guilt since a lot of media and propaganda portrayed us as "savages, people of ignorance and a lack of sophistication. I spent the majority of my childhood struggling to understand my people and identifying with a current-day role model since most of my Native Heroes were historical.

I was frustrated because I was the target of racism as a child. I was called many negative names. So bad I prefer not to repeat them here. I went to a school where the vast majority of kids were Caucasian. I was one of 4 or 5 kids that were Native American, and we were ignored most of the time. Needless to say, I got into a lot of fights as a kid. Through the years, I learned to deal with it in better ways, but the underlying frustration remained.

When our children are targeted with racist comments and actions, regardless of their race, religion, culture, etc...it impacts them for life, whether they show it or not, their self-worth, their drive and the relationships they create with other people are affected in a myriad of ways.

In today's society, it is almost impossible to escape the influence of stereotypes in media, sports, entertainment and politics. There are people in the spotlight who have transcended stereotypes such as Will Smith, Denzel Washington, Jennifer Lopez, Oprah, Hillary Clinton, Halle Berry, and President Obama...For the most part, the vast majority is still impacted daily by them.

Where team names and mascots are concerned, all I will say is you would never call a team a wetback. A lot of people just don't understand the negative impact.

A couple hundred years ago, Native Americans were considered terrorists to some people, and these stereotypes still prevail in media today. For example, the hunt for Bin Laden has been portrayed with Wild West imagery and has been nicknamed Geronimo. When in reality it's thanks to the Native American's legendary bravery that two of America's elite army units received the legendary nick name Geronimo.

Whether it's intentional or unintentional we need to be more conscious of the associations we make. When we associate GERONIMO with someone like Osama Bin Laden, even if it is to depict the courage necessary to capture him, the negative connotations are inevitable.

As a culture, we need to focus on expanding the opportunities of all people; after all we are the land of opportunity. Any stereotype of ANY people will inhibit or narrow the opportunities for that people.

As a young actor, I was faced with limited opportunities in terms of roles, other than stereotypically native roles. These were roles I had to take because I needed to work that at this point I would pass on. While that has dramatically shifted over the years, it is still by no means where it could be. We have seen this struggle for women throughout the years, standing for equality and empowering portrayal in all forms of media, and yet a woman still earns less than a man in this country for the same job in many instances. We see it with almost every ethnic group you can think of, and while it is moving in the right direction, without a concentrated united effort, without legislation, without new accepted practices in industry and communities, the movement will not match the much needed paradigm shift.

I do think that things are changing. In this younger generation the teens have a more positive view of Native Americans and I think that is because of movies such as *Twilight*, which really has a lot of young people, are looking at natives differently.

Recently, I have turned down roles in that somehow portray Native American people in a negative light. It is a pivotal time where we have a unique opportunity to break beyond the stereotypes, and I try to make decisions in my career that support that as much as possible.

I have been fortunate enough to have opportunities that go beyond the stereotypes with projects like *Twilight*.

As a producer, my company and my partners at Urban Dream Productions are conscious to only choosing material that is not stereotypical in nature, whether it is stereotypical to Native American people or ANY people. Stereotypes by their inherent nature, limit the opportunity to that group of people. I am committed to expanding opportunity for people of all kinds.

The work that companies like Summit is doing is crucial to positively impacting young people all over. Not only Native young people, but when I go to conventions for *Twilight*, what becomes obvious is that all youth from every race or community is excited about these modern beyond the stereotype roles that are being portrayed by young native actors...we are not just Native actors we are actors. I have seen more and more roles being open to any ethnicity which has impacted the opportunities that I have been privileged to have. It is rare that specifically NATIVE roles go beyond what has been traditionally known as LEATHERS AND FEATHERS types of roles...That is why films like *Twilight* are so important to us as a people. The reason I chose to do my last film, an independent film called *SHOUTING SECRETS* is because it is about FAMILY; it could be a Caucasian family, an African American family an Asian American family, an Southeast Asian family, really any family and it happens to be a Native American family. That factor is the biggest reason I was attracted to the project.

One of the biggest opportunities that we as Native Americans, now have, given the more mainstream spotlight and attention, is to shine a light on issues that have impacted us for decades and in some cases, generations.

One issue that I am personally working on is the issue of water rights, not only to Native American people, but to all Indigenous people. This is a crisis that cannot be ignored given the limited amount of water on our planet and the undeniable need for it in order to survive.

In addition, three weeks ago this Committee held a hearing on Senator Cantwell's *tsunami protection legislation*, S. 636, to help save our children and elders. Since that time, there have been many media stories on the tsunami danger to our Tribe and the legislation. The majority of responses to the legislation have been very positive. The Tribe is very grateful for this support. Unfortunately, some of the on-line responses to the reports and editorials have reflected the worst of racist stereotyping: the subject of today's hearing. I am attaching a letter from the tribal council to my testimony to further support that issue as well.

Also In support of this Issue I submit the following from the MEDIA AWARENESS NETWORK:

Media stereotypes are inevitable, especially in the advertising, entertainment and news industries, which need as wide an audience as possible to quickly understand information. Stereotypes act like codes that give audiences a quick, common understanding of a person or group of people—usually relating to their class, ethnicity or race, gender, sexual orientation, social role or occupation.

But stereotypes can be problematic. They can:

- reduce a wide range of differences in people to simplistic categorizations
- transform assumptions about particular groups of people into "realities"
- be used to justify the position of those in power
- perpetuate social prejudice and inequality

More often than not, the groups being stereotyped have little to say about how they are represented.

Also from the same source:

The Impact of Stereotyping on Young People
 Generations of North American children have grown up watching "cowboys and Indians" films and TV shows and reading books such as *The Adventures of Tom Sawyer* and *Little House on the Prairie*. Popular films and novels reinforced the notion that Aboriginal people existed only in the past—forever chasing buffalo or being chased by the cavalry. These images showed them as forever destined to remain on the margins of "real" society. Such impressions and childhood beliefs, set at an early age, are often the hardest to shake. While the old-style Westerns are long gone, today's media producers still continue their tradition. For instance, Disney's *Peter Pan* may be a new take on an old tale, but its stereotyping of Indians as cruel and malicious, with their articulation reduced to "ugh" and their dress to loincloths, is as strong as ever. The same can be said for *Pocahontas* even though that film was more politically correct. How can a child negotiate the distance between portrayals like these, and "real" First Nations people? Canadian Cayuga actor Gary Farmer is most concerned with the effect of such portrayals on young Aboriginal people themselves. "Consider the impression left when they see themselves portrayed this way time and time again. It's hard for them to have a positive image of themselves." Even Disney's arguably positive portrayal of Pocahontas, Farmer says, "will have kids walking away with the stereotype of the 'sexual savage.'" It's worth noting that Pocahontas' appearance falls well within white mainstream media norms. In fact, her facial features were a composite of several non-Aboriginal models, one of whom was British fashion star Kate Moss. Anyone who understands or studies the social development of children and young people knows that attitudes, values and self-esteem are well developed by the mid-teen years, or even earlier. What young people see and hear in the media helps them to figure out how the world works and who and what is valued in our society. If the media's take on Aboriginal people is interpreted at face value, then kids are growing up

with a skewed vision of what it means to be part of a First Peoples society. If they get their impressions from the news, they'll likely view Aboriginal people as a negative force. And if their impressions come from films and TV programs, they'll learn to think of Aboriginal people as inferior (passive, aggressive or drunk) or simply as non-entities, obliterated by omission.

When young Aboriginal people read the newspaper or turn on the TV, how often do they see their own life experiences reflected? Almost never, says Children Now, the U.S. research organization that analyzed the presence of Native American children on TV in 1999, and conducted focus groups with children from 20 tribes. Furthermore, they contend, those children have learned to associate positive attributes with white television characters, and negative attributes with non-white characters.

"The media have a lot of power to endorse stereotypes," says Susan Swan, an Ojibway from the Lake Manitoba First Nation. "We go into First Nations communities to talk to youth about gangs. When asked, the kids estimate that about 95 per cent of Aboriginal youth is involved in gangs. The actual number is three per cent. Why do they think these numbers are so high? It's because this is what they get from television and newspapers."

The popular media are "cool" in the eyes of most kids. If the existence and value of a group of people is not affirmed by inclusion in media information and entertainment, the message is clear—they're not important. In Aboriginal communities, this can contribute to, as one community sociologist calls it, "learned helplessness, alienation, and a sense of having no control."

In Canada, new sensitivities and support for cultural diversity have brought some positive changes. Aboriginal children are periodically featured or interviewed in children's after-school television; the National Film Board has made films for years that document real Aboriginal lives; the CBC has had many seasons of successful dramas that focus on Aboriginal communities; and Aboriginal entertainers have been "going mainstream" for two decades. (See *Aboriginal Voices in the Arts and Media*, below.) These measures, along with the establishment of Aboriginal television and radio networks, all contribute to a more balanced view and more diverse voices.

Practically speaking, though, these voices still represent only a small proportion of the popular media that kids consume today. The evening news, the "Indian" images in sports-culture hype, the products of the Disney empire, and the misrepresentation (and non-representation) of Aboriginal people in most mainstream media—all continue to influence kids' views of Aboriginal cultures and peoples.

In 2000, two young Canadians, Ojibway journalist Laura J. Milliken and Saiteaux entertainer Jennifer Podemski, conspired to buck this trend. They produced *The Seventh Generation*, a television series presenting the lives of empowered and successful Native people—doctors, scientists, journalists and performers. "We want Aboriginal youth to see these stories so they will strive for their goals, make decisions educationally and career-wise," said Milliken, "but above all else, just feel secure about who they are and that they are part of this generation."

**From the Association for Psychological Science:
Stereotypes Can Impact Self-assessment and Learning Ability**

Research has shown that stereotypes can impair the standardized test performance of African Americans. A recent psychological study, which examined the long-term effects of stereotypes, suggests that stereotypes may also impact a person's academic self-assessment and overall learning ability.

Authors Joshua Aronson, New York University, and Michael Inzlicht, Wilfrid Laurier University, found evidence that stereotype vulnerability - the tendency to expect, perceive, and be influenced by stereotypes about one's social category - is associated with uncertainty about one's academic self-knowledge. These findings are presented in the study "The Ups and Downs of Attributional Ambiguity: Stereotype Vulnerability and the Academic Self-Knowledge of African American College Students," published in the December 2004 issue of *Psychological Science*, a journal of the American Psychological Society.

Psychologists have long argued that people need a clear sense of their intellectual abilities and liabilities in order to develop their academic potential. Accurate answers to questions such as *Which talents should I develop? Which should I abandon? and Am I smart enough to go to college?* can help people set appropriate goals, spend their time and efforts wisely, and avoid being embarrassed or demoralized by failures.

But research makes clear that some groups of people, such as African Americans, are at a disadvantage in this development, because they experience chronic *attributional ambiguity*, which is an uncertainty about whether their academic accomplishments truly reflect their abilities, or whether they were given an easy ride because teachers had lower expectations. This uncertainty may be the result of negative stereotypes (i.e. "blacks are less intelligent"). While this uncertainty alleviates the pain of receiving negative feedback ("my work is fine, but my teacher is prejudiced"), it could eventually leave people unclear about their competence.

In one study, black and white participants took a verbal test and indicated the probability that each answer was correct. The results indicate that stereotype-vulnerable black participants predicted their abilities less accurately than other participants. In a second study, participants completed measures of self-efficacy twice daily for eight days. In line with the first study's results, the efficacy of stereotype-vulnerable blacks fluctuated more frequently and more extremely than that of other participants.

"Social scientists have long been puzzled about why African American students seem to maintain high aspirations, even in cases where their own past performances make these aspirations unwarranted," Aronson said. "These studies are important in that they tie this 'unrealistic optimism' to students' expectations of prejudice - and to actual prejudices, as well - that they encounter." The researchers conclude that the study demonstrates the fragility of academic perceptions, creating a roller-coaster ride of self-confidence for stereotype-vulnerable students.

**From BETTER ASIAN MAN:
The real effects of negative mainstream media stereotypes**

My name is William, and I am an Asian American man. I once believed:

1. that white women would not date me because mainstream media portrayed Asian American men as non-sexual beings, socially retarded individuals, and sexually awkward lovers.
2. that Asian American women would not date me because mainstream media constantly portrayed Asian American women with white men. Never would an Asian American man be shown as a romantic interest for an Asian American woman
3. that in the modern-day American dating scene, I was inferior to white men

**FROM BURKISA.com
The Impact of Media Stereotypes on Diversity and Assimilation
Jul 3rd, 2010 by Sarah Ganly**

Stereotypes in the media both assist and detract from the cause of diversity in the media. The media can at times promote diversity, but the media can also give diversity or particular stereotypes a negative connotation.

Stereotypes in the media both assist and detract from the cause of diversity in the media. The media can at times promote diversity, but the media can also give diversity or particular stereotypes a negative connotation.

For example many Middle Eastern people are not portrayed in a positive light in the media. This detracts from support of diversity. Also different political groups are negatively portrayed, and this detracts from the cause of diversity. There are times when the media recognizes stereotypes and shows that they are false. For the most part stereotypes are displayed in a negative light. Many news shows will shun people because of their political views. Sometimes the media seems like it wants to promote assimilation instead of celebrate diversity. Many news broadcasts cater strictly to certain political stand points. Many political campaigns slander and degrade other political views in the media. These stereotypes promote assimilation instead of diversity, and this can be harmful to society.

The effect of media portrayal on diversities consciousness in the workplace can be both positive and negative depending on the form of media or the subject portrayed. For instance when talking about a crisis or conflict the subjects may be looked upon in a negative light for being diverse. If the media is reporting or portraying a positive event or news story, then diversity might be positively emphasized.

Diversity in the workplace is portrayed in some areas of the media such as promotional areas. I think the marketing area of the media portrays diversity as common place, and this is probably beneficial to their goals. Marketing experts know that diversity is reality and they cater to diversity to sell products. Many commercials show diverse cultures, races, and genders. This positively impacts their goals of consumerism.

Although marketing in the media may portray diversity like it is common place they also assist in assimilation. These commercials assert some sort unity through consumerism which is a form of assimilation. Unity is a positive idea, but an individual should not have to give up personal culture in order to bring about unity.

The media assists and detracts from cultural diversity in the world and the workplace. In many ways the media and the stereotypes used by the media detract from diversity by adding negative connotations to certain groups or cultures. The media also promotes diversity in order to sell products, but there is an underlying tone of assimilation. Assimilation is not as powerful or productive as celebrating and welcoming diversity, and stereotypes are harmful to the world and workplace.

**FROM THE UNIVERSITY OF SOUTHERN CALIFORNIA:
Youth learn about media and its impact on stereotypes
By Ava Gutierrez**

Approximately 200 youngsters from South L.A. area schools like Dorsey, Crenshaw, Gardena and Washington Prep, and other teens from Bret Harte Middle School, Cerritos High School and Covenant House, participated in a Youth Media Education Conference on June 3rd at Cal State University Dominguez Hills. The conference featured youth-led workshops, panels and performances that examined the cultural and historical impact of media representation and how it affects their lives as youth of color.

The event was coordinated by writer and inter-group specialist Sikivu Hutchinson and was sponsored by the Los Angeles County Human Relations Commission, the Gardena Health Start Collaborative and the Women of Color Media Justice Initiative. Conference themes focused on a number of provocative questions: What are gender stereotypes in the media and how do they affect cultural beauty standards vis-à-vis the self-image and self-esteem of black and Latina young women? How can youth of color dispel the dominant culture's negative images of who they are? How can undocumented youth advocate for themselves? What mainstream stereotypes and barriers contribute to the epidemic of homelessness amongst youth of color and lesbian and gay youth?

The conference was an eye-opener for Sonny Jones, an outspoken young man and member of Gardena High School's Beyond the Bell leadership of diversity group. Jones' group presented on the media's promotion of violent masculinity. The group began their workshop with a gender role reversal skit in which Jones played the part of a man going on a job interview for the first time and a female classmate played the part of his disapproving breadwinner wife. During the skit, Jones was cat-called by girls on the street, told he looked like he was applying for the secretarial position instead of the executive job and reminded that there was no childcare or leave time for the job. "It showed me that there should be equality between men and women, and people should be doing jobs, not on the basis of gender, but on what they can do," said Jones.

In another workshop, Gardena High School Women's Leadership Project students presented on the pervasiveness of gender stereotypes in advertising. Eleventh graders Dercy de la Cruz and Imani Moses discussed how, from early childhood, boys are taught to play with action figures and girls are encouraged to play with dolls. "We are being told, in subtle ways, that men are to be strong, aggressive and in control, while we should know how to clean house, cook and take care of children," one of the students commented.

Among the most touching group of youngsters were those who are AB540 undocumented students. These are teens that were born outside of the United States and are trying to go to college.

The Future Underrepresented Educated Leaders (FUEL) advocacy group from Cal State University Long Beach (CSULB) addressed the special hurdles AB540 youth face preparing for and funding college. CSULB student Marlene Felix led the workshop and received positive feedback from the culturally diverse group of African American and Latino youth participants. She made the point that undocumented status affects youth from culturally diverse backgrounds, not just Latino youth, and that they needed to establish a "network among themselves."

"Once you are out of school, you will be getting very little in the way of help," said Felix. "So relying on your network of colleagues and friends will be invaluable in moving you forward towards your goal."

Members of Gardena High School's Gay/Straight Alliance performed a poignant skit about the coming out process and parents' homophobic anxieties and misconceptions. Some of the audience members' responses surprised the actors. Some of the youth thought that one's sexuality was a matter of personal preference and not something that one is born with.

"It made me think about how much more work we need to do to educate other teens," said Crystal Perez, a member of the Gay/Straight Alliance who identified herself as bisexual. Crystal got into heated discussions with some of her peers about the "immorality" of being gay, while others expressed solidarity and called for tolerance.

Other workshop sessions focused on increasing one's sense of self-esteem, particularly in fostering healthy relationships, and the connection between the "normalization" of violence against women and increasing levels of sexual harassment and sexual assault among youth.

The Bricks, an eleven-member multiracial youth band, sponsored by the County, performed songs on xenophobia and anti-racism at the end of the day-long series of workshops.

As you can see this is not a Native issue, it is a human issue and we must address it in a humanistic approach that fosters dignity, equality and the valuing of diversity.

Senator UDALL. Thank you very much.
Mr. Warne, please proceed.

STATEMENT OF JIM E. WARNE, PRESIDENT, WARRIOR SOCIETY DEVELOPMENT

Mr. WARNE. Thank you, Mr. Chairman and Committee. I am very pleased that we are here today to discuss this. I am not pleased that it is necessary that we have to be here to discuss this.

But it is a key time, I think, in our history and our history to be made, that this will make some big differences for Indian people. Your support and your actions from your positions in the Senate will obviously bring this to light to much more people than it has in the past.

My name is Jim Warne. My Lakota name is [name in native tongue]. So you can stick to Jim if you prefer.

Again, my experiences, I am a member of NFL alumni. I was drafted by the Cincinnati Bengals out of Arizona State. I played against teams that use mascots in college as well. I was the one Indian mostly on most of my teams, I was the one Indian. A lot of my Samoan and Hawaiian brothers adopted me on some of those

football teams. So it was nice to have some of that indigenous perspective with my teammates.

My work in Warrior Society Development, that is my company, and I work a lot with Indian youth. I do a lot of camps. They are there for the athletics, and to learn that, and have fun. But I really incorporate a lot of education on the importance of language preservation, culture appropriateness, attainment of education. And my work at San Diego State University, I work there half-time at the Center for American Indian Rehabilitation and Continuing Education at Interwork Institute at San Diego State University Aztecs.

It is something that we experienced at San Diego State where we did a survey of students as well as faculty, and 95 percent of the folks still wanted to keep Monty Montezuma as the mascot. Fortunately, President Weber decided on his own to go ahead and get the mascot out of there, because 5 percent was enough for him that were being insulted. So they did, but there is an unofficial mascot that has made its return, to the great happiness of our fans, which is unfortunate.

I remember being at a football game at San Diego State as a spectator with my son, Ryan. He was about seven years old at the time. At the time, the Aztec mascot was still part of the university. He came running by in his outfit and blowing his conch shell. He goes, "Dad, there is an Aztec." I said, "No, son, that is a white guy doing a very bad job of imitating an Aztec."

[Laughter.]

Mr. WARNE. It was an interesting dichotomy, in that sense of sitting there, wanting to be a fan, but then explaining some of the cultural inappropriateness that comes with institutionalized racism. And that is what we are really discussing. When you look at the board here that I shared with the Committee, you can see that some of these things are quite ridiculous. How could they even be considered?

Yet unfortunately, there is something that is true, we don't have to imagine this ridiculous perspective. I doubt that the Trademark and Patent Commission would even allow these mascots these days to be incorporated into organizations. To have the New York Jews or the San Francisco Chinamen, or the Cleveland Asians or Cleveland Hispanics, Cleveland Africans, is ridiculous. Yet Cleveland Indians is okay.

And that is again, from my point, the three points that I think are why we are sitting here today, is education, the lack of education in our history. Our kids go to school and they cut out paper feathers and pilgrim hats and suddenly they have an Indian history. And the curriculum is something that needs to be changed. We need to say that we did not experience help when Columbus was lost in the Caribbean in 1492. As a result of his European contact, if you will, over 90 percent of us perished in a 400-year conflict. Over 90 percent of us perished as a result of Columbus arriving in the Caribbean at the time.

And of course, with the Thanksgiving issue, and that is primarily what our curriculum for our young kids is, how Indians and Pilgrims lived together in harmony. That is obviously the initial part of the story. But they do not get into the comparative analysis of colonialism, which is what we prefer in this Country, as compared

to other examples of holocaust and genocide. When you think of the numbers that happened here in America, it is indeed a great genocidal effort that happened.

But 10 percent of us survived at the time in 1890, when my people decided to stop fighting the U.S. troops after the Wounded Knee Massacre. Every year, I go home for sun dance. I will be back there in summer solstice. My son is with me. He is growing up in urban San Diego, and his mom has Irish-German heritage, and he does not look Indian, if you will, as we have been saying, you don't look Indian, right?

But it is an interesting experience for him, because his peers and his teachers are free to think, share their perspectives of Indian people. Fortunately, his Lakota heart is strong and he challenges them. In fact, he has gotten in trouble for challenging his teachers, and I have had to make my appearance at that point with administration.

[Laughter.]

Mr. WARNE. So some of these things, with the education, it is just so limited that people think it is appropriate to have this symbol, compared with all these other symbols. The only thing I can see is they are all similar and they must have the same dentist in these pictures.

[Laughter.]

Mr. WARNE. They are all characters that are negative. Media, I have been fortunate to act in a few movies, I don't really consider myself an actor, and I am in movies. That is when they need a big Indian, they give me a call.

[Laughter.]

Mr. WARNE. The reality of my portrayals, I have never been asked to audition as a professor at the university, an educator, an administrator, doctor, lawyer. What do you think my roles are that I audition for? It is the big bad guy. One of my roles was literally big Indian, they didn't even bother to give me a name.

So again, that is some of the media misrepresentation. And of course, people ask, why do you do those roles? Because I would never have acted and gotten an opportunity to infiltrate the Hollywood system, is what I say, so the next generation of actors will have a better experience than I did in terms of those stereotypes.

I was in one movie audition, and the producer and the star of the movie came up to me, we were at Sony Studios and we were doing a full cast read of the movie. And he came up to me prior to us reading and he said, "I need you to sound more foreign." I go, "Foreign? What do you mean?" And he goes, well, and I go, "You mean stereotyped Hollywood Indian." And he kind of took a step back, and I just realized I lost that role. They did change the role, they did get another person to be more appropriate in their eyes from an American standpoint that we got our stereotyped Indian back.

Actually, I have the original script. The writers did something amazing, in my perspective, is that they made the Indian character articulate, and that he was supposed to be doing sports commentary with an ESPN person, and that is something I have always wanted to do on the side anyway, is be part of the sports network and be articulate. Of course, the thought would be, oh, here

comes another stoic Indian. And then I would break out. I did my audition with that, but the producer and the star decided, no, I don't like that, I want the stereotyped Indian. Unfortunately, that happened.

There are so many issues in Indian Country. I know you have been on other committees with Indian issues, lack of education, disability rates that we face, mortality and suicide rates, and the dropout rates that we have in our education system. I remember being a young college student at Arizona student university and I would go with another Indian guy to some of the Indian meetings. There would just be a few of us.

At the time, I would like to acknowledge our Indian women, because they have been more prevalent and more represented in our education systems. At the time, it was me and another Indian guy and a bunch of Indian women. I was a single guy, so that was okay.

But at the same time, I was going, where are my Indian brothers? Where are my warrior society brothers, out here playing football or sports? They weren't there, because they weren't getting through the education system. Our dropout rates are disgusting, when you think of that.

And I agree in terms of, my frustration is that my son faces and I face and many other Indian people, we are sitting there in a classroom and they are telling us what it is to be Indian. As they say, you don't look Indian. You don't look like we prefer you to look. That is something that, of course, the Indian with the feather and the buckskins and all that. It is something that has been very challenging.

Civil rights was resisted as well back in 1964. Other issues in human decency and respect have been resisted in American history. There will be resistance to this, as we have faced for many, many years. And now the opportunity that this Committee has is you can influence your peers. I think that is what we really need, is peer support. As Indian people, we have been doing it for years. Obviously it has not worked. We have done some, as the Committee members, we have had a long fight. I was part of that in terms of they started this fight when I was still playing against the Florida State Seminoles and everything else.

But we need to know sovereignty. We need more education. We need to know that media does not portray us accurately. There has been other media changes, as you see in my written testimony. I added some pictures of old advertising that were insulting to Asian Americans, African Americans, Hispanic and Latino Americans. Again, this is something we can imagine. Could you imagine other teams doing that?

I assure you that if another team did that and had that as their mascot, you could do a survey and find individuals from their culture that would say, I am okay with it. That is what they are doing, is a few people from Indian Country are okay with the mascots. Many of us aren't. What is the number that it takes to indeed make that change?

In closing, I just want to quote somebody. I find this interesting that we celebrate this holiday every year of being discovered. I would venture to say that I am the first Oglala Lakota tribal mem-

ber that is a member of the NFL alumni that has been in this room. So I have therefore discovered you. You don't have to give me a holiday. But that is the reality. My brother is the first Oglala Lakota to graduate from Stanford Medical School. So he has discovered Stanford Medical School.

So in conclusion: "They willingly traded everything they owned. They were well-built with good bodies and handsome features. They do not bear arms and do not know them. They would make fine servants. With 50 men, we could subjugate all of them and make them do whatever we want." That is Columbus' first log. That is the way we started with European American contact. Here we are today, discussing these issues, when other cultures in the United States that have come over have gotten this respect. We ask for that equality.

I don't see anybody from other communities protesting that they are not mascots. Why don't we have the Blackskins, Whiteskins, Brownskins, and Yellowskins included? I daresay that none of them want to be a mascot.

So thank you again for bringing this to light. Hopefully we will see some change as a result of these efforts. Thank you for your time.

[The prepared statement of Mr. Warne follows:]

PREPARED STATEMENT OF JIM E. WARNE, PRESIDENT, WARRIOR SOCIETY
DEVELOPMENT

Introduction

Good morning Chairman Akaka and distinguished Committee Members;

It is an honor to be invited to provide testimony before the Senate Committee on Indian Affairs. I am Jim E Warne, member of the Oglala Lakota Nation of the Pine Ridge Reservation, South Dakota. I am president of Warrior Society Development, former professional National Football League Player, Actor, Educator at San Diego State University, and Ph.D. Candidate of University of Northern Colorado. I am also a life-long supporter of organized sports from youth sports leagues, collegiate athletics, and professional organizations. During the summers, through my company, Warrior Society Development, LLC, I provide a sports education to children of different Tribal Nations providing athletic activities integrated with cultural and traditional values.

I am a proud Oglala Lakota Tribal member and I am a proud American citizen with some Euro-American ancestry. I am a member of the Consortia of Administrators for Native American Rehabilitation. I am the Director of the Center of American Indian Rehabilitation and Education (CAIRE) at San Diego State University Interwork Institute. I coordinate the Post Employment Training American Indian Rehabilitation Post-graduate certificate program under CAIRE.

Thank you for the invitation to present at this important hearing regarding "Stolen Identities: The impact of Racist Stereotypes on Indigenous People". I want to share my perspectives and experiences as a retired professional football player, actor, educator and advocate for Indian issues and disability awareness.

Testimony for U.S. Senate Committee on Indian Affairs Oversight Hearing on "the impact of Racist Stereotypes on Indigenous People" is only one of the many pressing and challenging issues facing American Indians and Alaska Natives. My wife, Jill Sherman-Warne is a member of the Hoopa tribe and former elected leader of the Hoopa tribe often expressed frustration about the Mascot issue, seeing it as a distraction from the pressing issues of everyday reservation life where the struggle to meet basic needs like sanitary housing, potable water, access to health care and adequate food are deemed basic priorities to be considered before intellectual discussion of mascots.

While I believe it is important to address the racist stereotypes, I do acknowledge that there are so many important and pressing issues facing Indian country including: attacks on Tribal Sovereignty, cuts to the already meager funding of Indian Health Services, Indian Education (opportunities for Indian to receive an education), growing environmental justices issues, increasing rates of disability, mortality and

suicide followed by the continuation of higher unemployment rates than another minority group. The Economic Policy Institute in its December 2009 issue brief acknowledges that Indian experienced double digit unemployment rates for most or all of 2009. Indian people and Tribal Nations continue to be the lowest socio-economic population in the US. Some will quickly refute this idea by pointing to the success of Indian gaming; however, those tribes experiencing significant financial success number less than 25 tribes impacting less than 50,000 tribal people nationwide.

My people, the Oglala Lakota Nation on the Pine Ridge reservation located in Shannon County, is one of the most economically depressed counties in the nation, and five of the top ten poorest counties in the country correspond to reservations in South Dakota.

Each of these issues deserves its own hearing to ensure that the issues are adequately addressed followed by major budgetary and funding considerations. I urge the committee reflect on the need to address these other pressing issues that challenge Indian Country.

From my perspective, there are multiple obstacles to eliminating the racist stereotypes in the US as it relates to Indian people. These include inaccurate and incomplete history classes in American schools, a long history of accepted use of inappropriate Indian imagery in the American mainstream media, lower socio economic status of American Indians and subsequent lack of political power and representation, and a general lack of respect for Tribal Sovereignty. Today I will focus on educational and media issues.

Education—Improve History Classes in American Schools

The American educational curriculum typically does not adequately address Indian history, if it did, we would not be here today addressing this issue. History is taught from the White perspective. For example, we often hear that Columbus “discovered America” indicating that the millions of indigenous people already here are somehow less than human. In recognizing and honoring Columbus, do we bother to even acknowledge the thousands of people he enslaved, tortured and killed? Do we learn about the significant contributions made by American Indians to this nation? For example, how many people are aware that the U.S. Constitution is based on the organization of the Iroquois Confederacy?

I raised my son, Ryan, to respect the traditional values of the Lakota way. Ryan’s educational experiences have not always been positive. On occasion he has had to challenge his peers and his teachers regarding inappropriate views and instruction on Indians. A few times, his teachers have punished Ryan because he would provide the Indian perspective to the American historical perspective being taught.

In our schools, Indians are more often thought of as “Braves” or “Redskins” or “Savages”, and non-Indians dress up in their version of a stereotyped Indian to support school sports. In this setting, wearing feathers, war paint and doing the “tomahawk chop” is offensive and reinforces racism and stereotyping of our people. If the Atlanta Braves were the Atlanta Slaves, and the White fans wore shoe polish on their faces and did the “Spear Chuck” it would be seen as terribly offensive. However, this society allows for mockery of our culture and continued degradation of our people and traditions. This occurs in professional sports and in our public schools.

If the educational curriculum was truthful and sufficient to educate the next generations of citizens, they themselves would have realized that these images are racist and do not belong in our American culture.

Today’s average U.S. education about Indians is reduced to cutting out construction paper feathers, coloring book tepees and tomahawks, and Pilgrim hats for Thanksgiving. We celebrate Thanksgiving and teach our kids that Indians and Euro-American settlers lived in harmony and shared dinners together—this is considered Indian history in our school systems!

Most Americans do not even know about the recognized holiday the Friday after thanksgiving. I appreciate that Congress finally decided to recognize Native American Heritage Day, yet the US population is unaware of this holiday as it was placed the day after Thanksgiving so that an additional federal holiday was not to be enacted. Most Americans are not aware of this holiday that honors Indian people, yet they are probably aware of Martin Luther King day, Cesar Chavez Day in California and other holidays that honor certain populations.

If the American educational curriculum provided accurate information on Tribal sovereignty, the conflicts and massacres, the breach of contract (treaties) and a comparative analysis of Colonialism–Holocaust–Genocide, we probably would not have to be here discussing racist American Indian stereotypes. If there was a stronger focus on Indian and Tribal perspectives and not just that of the conquerors, awareness would improve and the racist use of Indian imagery would not be tolerated.

The use of Indian imagery in mascots promotes socially accepted racism and stereotypes.

Many schools and universities are using Indian Mascots. For some, a school mascot may be the only education they receive about Indian culture and history. San Diego State University had the Monty Montezuma mascot, and the issue was addressed. 95 percent of the students and faculty that participated in the survey indicated that they still wanted the mascot that offends. SDSU is exempt from NCCA sanctions (*i.e.* Sweet Sixteen for the men's basketball this year), as the Aztec Tribe has no federal or state recognition in the U.S.

My son Ryan and I were at an SDSU Aztecs football game and the mascot walked by and Ryan, who was 7 at the time, said, "Hey dad, there is an Aztec!" I indicated that it was a "White guy doing a very bad imitation of an Aztec!"

Shortly after this incident, I was proud that SDSU President, Dr. Stephen Weber, made the decision to no longer sanction the Monty Montezuma mascot as a result of the 5 percent of students and faculty that indicated it was inappropriate imagery of the Aztec culture. SDSU faced a lot of resistance to the change, but SDSU administration made this decision and supported the NCAA policy regarding the ban on the use of negative cultural imagery.

Media—Recognizing the Continued Use of Stereotypes

I have been fortunate to pursue my dreams of professional football, acting and higher education. My experience in Hollywood film and television has been interesting. I have a particular look and physical size that impacts the roles that I can play. Do you think I get to audition for a character of a doctor, lawyer, educator or "good guy?" No. My roles have included Bull (a Seminole contracted killer), henchmen, bodyguard and one role was literally "big Indian" with no other reference.

Hollywood and Television

There are many examples of film and TV show that have portrayed Indian people in a stereotypical way. I was auditioning for a role and the star and producer can up to me at Sony Studios during the full cast script read and he said that he "wanted me to sound more foreign". I indicated that he wanted the "stereotype Hollywood Indian". I did not get the part. The script was changed to portray the stereotype Indian that he preferred.

Media and Advertising

The need for respecting other cultures has been recognized, and inappropriate imagery has been removed from many organizations, institutions and advertising (*i.e.* Pickaninny, black face, yellow face, Sambo, Lazy Peon, Pillsbury Funny Face drink mix and more recently the Wong Brothers advertising campaign by Abercrombie and Fitch).

America's awareness and consciousness of other cultures inappropriate imagery is proven, yet, American Indian inappropriate imagery continues, why?

Unfortunately, we can imagine these images, and indeed have to experience these types of images, as it is present today for Indian Country.

As American Indians, we are simply asking for the same respect that has been shown to other cultures whose imagery was inappropriately used.

Conclusion

They willingly traded everything they owned . . . They were well built, with good bodies and handsome features . . . They do not bear arms, and do not know them . . . They would make fine servants . . . With fifty men we could subjugate them all and make them do whatever we want.

(Columbus' log on first contact in the "Indies" 1492) (Zinn 1995).

Chairman Akaka and Members of this Committee, thank you again for the opportunity to highlight for you some of the mascot and media imagery issues we face in Indian Country. I hope you will agree with me that this form of racism has no place in modern American society.

When appropriate, I am happy to answer any questions you may have.

The pictures and attachments to Mr. Warne's statement have been retained in Committee files.

Senator UDALL. Thank you very much for your testimony.

Dr. Fryberg, really for the whole panel, but Dr. Fryberg, we will start with you. You heard the first panel testify here, and many questions were raised and issues came out. I just wonder if you

have any thoughts on what you heard there, and then maybe I will follow up with a couple of questions.

Ms. FRYBERG. Could you be more specific?

Senator UDALL. Specifically with your testimony, you focused on the negative consequences of race relations and stereotyping and the impacts it would have. You heard Charlene Teters talk about going to school at a Big 10 university and she had her children with her and the impact there. That is something that is obviously reproduced on a regular basis at many of our colleges and universities around the Country.

Could you get into that a little bit more?

Ms. FRYBERG. The research really supports the view that Charlene is making. I think her work is very much a part of what has inspired the research that has been done. Even in studies where attempts have been made to control for different types of biases of experimenter, you really find consistently across studies a variety of negative psychological consequences.

I really see the research as merely something that can be used as a tool to really support and give evidence, though not to overshadow their individual voices. I think they are very important voices, and certainly as someone who has benefitted from being one generation behind many of these distinguished guests, I am in great respect and appreciation of their time and efforts.

Senator UDALL. You talked a lot about research, research that had been done on this issue. Where is it being done and how are we better able to bring that out and bring it to light and get it to be better known in our society as a whole?

Ms. FRYBERG. One thing I would like to say is, I think part of the importance in what the research shows is a need to make the educational environments better for Native children, more identity-safe for Native children. I think once we get there, we will actually have more researchers and professors and people who can do more of this research. We are seeing most of the research coming out of universities that are in States that have higher proportions of American Indians, at universities that have mascots. Much of the work I have done has not been in those locations, well, actually that is not true. Definitely in States with higher populations, but not where there have been Native mascots. Which is important, because it actually means that it extends beyond those universities, in effect.

Senator UDALL. That is good. Thank you.

Mr. Spencer, congratulations on being a part of these very successful Twilight films.

Mr. SPENCER. Thank you.

Senator UDALL. What advice would you give to Native youth and artists who want to redefine how Natives are portrayed in the movie industry? Should they go under directing, acting? What is the potential there?

Mr. SPENCER. It has been my experience that you have to do it yourself. Hollywood has a lot of closed doors. It is like what Jim said, I have gone through the same experiences as he has. The auditioning process, there is a stereotype in Hollywood. For me to give a young Native actor or actress advice would be, when I was coming up, I had to take a few roles where it was just very stereo-

typed. And I was told by a director to speak more savage. I needed the job, and I needed the money. So I had to do it or else they were just going to get some other guy, there is another guy in the back corner waiting to come in.

So I made a point right then and there to really try to work on my craft as an actor, to be really good at what I do, so that I am able, if I go up against a role that is just open to any ethnicity or open to anybody that I would be able to do that through what I have learned through my craft as an actor. But when I started Urban Dreams with my production partners, it is basically to find vehicles for me that I am not playing Native, number one, or Indian guy. I could play anything, a lawyer, doctor, athlete.

But yes, it is hard work, and one thing about Twilight is that it has opened a lot of doors for me. I am able to audition and be seen for other roles besides Native American roles, which I am very thankful for. The people before me, the Graham Greenes, Jim here, Rodney Grants, they had to struggle. It has been almost 25 years since Dances with Wolves came out. And we have a term called, some say like B.C., before Christ, we have Before Costner.

[Laughter.]

Mr. SPENCER. What he did with Dances with Wolves was give a pride, a pride. I remember seeing it, and the only Natives I knew were like Burt Lancaster and Paul Newman on the big screen. And it was when Dances with Wolves came out I thought maybe I could do this as a job. And you could see throughout the history, we have Smoke Signals, Adam Beach and Irene Bedard, and finally New Moon, where it is really, with Twilight, we just happen to be Native and it is cool. Because it is a fantasy film that doesn't really throw us into stereotype. It is just, we just happen to be this group of people. And it doesn't go too much into our background and make the leather and feather thing of what usually Hollywood does. So I am very grateful for that.

But it is hard work, and for the next actors up and coming I would suggest, it is almost that you have to do it yourself, because no one is going to give it to you. But it is hard work.

Senator UDALL. Mr. Warne, Jim, you brought your sense of humor to this, as Mr. Spencer has. I wonder if you have any thoughts of humor breaking down some of the barriers and how you have utilized that in terms of your pushing forward and standing up for what you really believe in?

Mr. WARNE. Well, Indian humor is something that we are well aware of in Indian Country. We utilize that laughter, and many times we have to laugh, because the alternative is just pain.

Again, I think the key issue is to allow the non-Indian people to self-actualize the ignorance that they have been going through. It is just an amazing reality that the majority of American people think, why are you doing this? There is so many other things in Indian Country which I fully believe in. My wife is Hoopa from Northern California, and she was on her tribal council. And she was really working and advocating for Indian Country. And again, the mascot issue was down the line, because there were survival issues of getting potable water, housing, elders' access to their homes and everything else, disability rates that are rampant, diabetes has gotten so many of our communities.

All these things are there, so I see that the intellectual elements of this issue of institutional racism may be seen from some people that are just surviving on the reservation as something on the back burner. Because they are not sitting in the stands, looking at the non-Indian people dressed up and mostly inebriated, and unfortunately they are holding the hands of their children. And those kids, the next generation, are learning that oh, this is okay, to mock Indian people.

And when I have learned that we should not mock people, but fortunately, in an athletic environment, I can mock Indian people. And the reality of using humor from Indian Country, again, is a way I think also to try to make it how ridiculous it truly is that we are dealing with this in 2011. It is amazing to me as an elder in training that our elders that have led us, our traditional educators, our wisdom keepers, have been utilized and mis-used in so many ways, in media and imagery and mascots is part of that.

I will admit, when I was playing at Arizona State, I thought it was cool when the guy ran out with the Seminoles on his horse and threw the burning spear down. And of course, I would never have a burning spear, and he was in the wrong outfit as well. But there are so many things . And then I saw him and I go, wait a second, that is a white guy. And I was going, boy, oh, well, and unfortunately we didn't beat them. I wish we did.

But the reality is that these mascots and this imagery allows for ignorance in American society. Again, we must educate and truly address the issues that happen here in America once Columbus arrived, and then of course the 400 years of conflict and the past 100 years of assimilation attempts. We are not going to assimilate. Some of us have. But many of us, and I believe the next generation, will not.

We are asking for your support to influence your peers, the voting public, to hopefully see us in a different light, but more important, see that this is inappropriate and that we would never allow this with other cultures. And the seventh generation is here, Black Elk after the Wounded Knee Massacre said it would take seven generations to heal the circle. And those are the youth of today. They are going to be great leaders some day. I am a firm believer that one of those from that generation will be President of this United States. That is my dream.

Thank you.

Senator UDALL. Thank you. I think that is a very appropriate way to close. I want to very sincerely thank all of our panelists today. I notice all the first panel is still here. I would just say to all of you, I think you have done a tremendous amount of good today in the testimony that you put forward. It was thoughtful, sincere, very powerful testimony.

I hope that what will come from this, as we have talked about at the beginning of this hearing and many of you have talked about in your testimony, is that we all have a commitment to do away with these kinds of derogatory stereotypes.

Thank you very much, and the hearing is adjourned.

[Whereupon, at 3:50 p.m., the Committee was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S. SENATOR,
RETIRED; FORMER CHAIRMAN, SENATE COMMITTEE ON INDIAN AFFAIRS

Chairman Akaka:

I want to thank you and Vice Chairman Barrasso for the opportunity to share my thoughts today with the Committee.

As you may be aware, in 1993, the Washington, DC professional football team, nicknamed the "Redskins" was seeking a new stadium to replace RFK Stadium. At that time, I introduced legislation to allow the District of Columbia to construct a new football stadium at the end of East Capitol Street. However, the bill also ensured that the new facility would not be used to demean any racial group by prohibiting the use of the new stadium by any person or organization exploiting any racial or ethnic group or using nomenclature that included a reference to real or alleged physical characteristics of Native Americans or any other group of human beings. I received a call from the Redskin's owner at that time, Mr. Jack Kent Cooke. Mr. Cooke pointed out to me that changing the mascot would be very costly, and besides, polling data at that time found that over 80 percent of Redskins fans liked the nickname. I pointed out to Mr. Cooke that if you commissioned a poll in 1900 asking if people approved of giving women the right to vote, the vast majority would have said "no", but that didn't make it right. Of course the Redskins kept their notorious moniker and simply built their stadium in Landover, MD.

Redskin fans were very angry about my desire to pressure their team into changing its mascot name, citing that it was not meant to be derogatory, and that the team and their fans were respectful toward the image of the team. However, it was not the imagery I was taken aback by. *Redskin* is a very demeaning term for Indians that hails back to the days when Indian people were hunted, and bounties paid for scalps, *i.e.* red-skins. Some argue that the reference was to the skin-color of Indian people. My skin is not red, and I don't know of any of my relatives who are. Can you imagine the outcry if the team had placed a proud, stately African American image on the side of their helmets, but then used a pejorative name such as the "N" word, or referenced his skin color. The imagery doesn't matter when the name is patently offensive. It should also be noted that Redskin founder, George Preston Marshall, was the last owner to allow his team to integrate, and that was not until the early 1960's when he traded for Bobby Mitchell, only after being pressured by the NFL to integrate. Bobby Mitchell famously tells the story that at his first public appearance as a Redskin, he was encouraged by Mr. Marshall to sing "Dixie" with him. You can draw your own conclusions as to whether George Preston Marshall was concerned if the team name he chose was derogatory. Thankfully, my dear friend and fellow Cheyenne, Suzan Harjo of the Morningstar Foundation, continues to fight this fight with the support of the National Congress of American Indians and many in Indian Country.

As an American Indian, I am disturbed that individuals, organizations, and groups continue to use terms and slogans that are disparaging and disrespectful to racial and ethnic groups. Although Native American people represent one of the smallest population groups, they seem to be disproportionately singled out when it comes to being caricatured as sports mascots. It is unfortunate, because as you and the Members of this Committee well know, the contributions Indian people have made to this country's rich history have been significant.

From the Navajo code-talkers of World War II to the ongoing war in Afghanistan, Native American men and women have served their country with distinction, in higher numbers per capita, than any ethnic group in America. Many of the foods we eat and medicines we use today have their origins in American Indian culture. In fact, the form of government, practiced within these very walls is rooted in the governmental practices of the Iroquois Confederacy. Yet, little respect is accorded Indian people in the name of "team spirit".

Mr. Chairman, a few years ago I recall a similar situation that involved the Atlanta Braves baseball organization, when many people in the Indian community

were offended, not only by the name "Braves" but also by the so-called tomahawk-chop cheer. Although the Braves organization asserted the name and chants used during the games were in recognition of the power, strength, and reverence of Indian warriors, and intended to pay respect, not disparage Indian people; I will tell you that these practices are not only offensive to Indian people, but even if their intent is innocent, they perpetuate the stereotype that society has of Indian people.

I would like to see more pro-active steps taken to stop stereotyping. For instance, during the 102nd Congress, Congress enacted the Treasury Appropriations bill of 1993 with a provision that prohibited the Bureau of Alcohol, Tobacco, and Firearms from appropriating any funds to approve any application for a certificate of label approval that authorizes the use of the name "Crazy Horse" on any distilled spirit, wine, or malt beverage product. Using the memory of Chief Crazy Horse, a revered leader of the Lakota people, to sell and market alcoholic beverages was appalling and insulting to the generations of Native Americans who have suffered from the ravages of alcohol abuse. That was a pro-active position on this issue. There are many more steps we can take to end destructive stereotyping.

I sincerely appreciate the support Members of this Committee and others in Congress have demonstrated in recognizing the seriousness of actions taken that disparage Native American people. I would like to commend those dedicated individuals whose efforts have fostered positive debate and understanding. Times are changing and many individuals and groups are becoming aware of the delicate nature of the use such terms and slogans.

In my home State of Colorado, a principal at a Denver area high school took it upon himself to have the team mascot changed from the name "Redskins" to a more appropriate term, after recognizing the negative connotations of the term. I commended principal James Melhouse on the floor at that time for his courage and conviction. When you're in a position of authority, you sometimes have to make decisions that create a lot of animosity and anger. It takes great courage to make some of those decisions, as people take great offense when you want to change their traditions, especially at their alma-mater. In one southeastern Colorado town, not far from the site of the Sand Creek Massacre, where women, children and elderly Cheyennes were butchered by Colonel John Chivington and his regiment of Colorado Militia, there is a high school whose mascot is the "Savages", with accompanying Indian imagery. When it was suggested that they change their name, the students and alumni were incensed, the standard retort was that they were "noble Savages". Well, there is nothing noble about being a "Savage" and if they want to call themselves that, I wish they would put a picture of Colonel Chivington on their uniforms, because my grandparents were not savages.

As I said, societal norms are slowly changing all around this country. That doesn't mean we should not fight racism, intentional or not, to continue to improve the atmosphere for all people. I am happy to report that some folks don't need to be prodded, for instance: Use of the term "Indians" as a mascot may not be offensive to many, but still seems, at the very least, unnecessary. That was the same conclusion drawn by two colleges in my home state, Adams State College and Colorado State University at Pueblo, who changed their team names to the "Grizzlies" and "Thunderwolves" respectively. I'm a great believer in traditions, but believe me, there's a big difference in what a name means to Indian people and what it means to everyone else. I applaud those who are willing to make new traditions.

I am aware that some schools and sports teams have taken the names of tribes as their official mascot. I do not see a problem with that as long as the entity in question has obtained written permission from the tribal leadership of the named tribe and uses respectful imagery. I have no desire to influence folks one way or another on those tribal decisions.

I am not unsympathetic to those who note the high cost of marketing for new mascots, but often the price of doing what is right proves to be an investment in the future. I truly believe the good will generated will pay bigger dividends for teams over the long run, and true fans will gladly cloak themselves in the new regalia that celebrates a new age for their team.

Mr. Chairman, I thank you for bringing attention to this important issue. I thank you for your many years of service to Indian Country. Most of all, I thank you for your friendship.

PREPARED STATEMENT OF BONITA CLEVELAND, CHAIR, QUILEUTE TRIBE

Three weeks ago, this Committee held a hearing on Senator Cantwell's tsunami protection legislation, S. 636, to help save our children and elders. Since that time, there have been many media stories on the tsunami danger to our Tribe and the

legislation. For the most part, the response to the legislation has been very positive, and the Tribe is very grateful for this support. Unfortunately, some of the on-line responses to the reports and editorials have reflected the worst of racist stereotyping, the subject of today's hearing. On behalf of my people, I want to express our sadness about this stereotyping, and we are very appreciative that Mr. Chaske Spencer would agree to submit the Tribe's statement for the record of the Committee's hearing.

The Quileute Tribe first wants to congratulate Mr. Spencer on his dedication and perseverance to his craft as a Native American actor. His service to Native American communities through his United Global Shift philanthropic program has been significant and cherished by Native Americans. Mr. Spencer understands both the important and severity of today's hearing topic as an artist who is dedicated and determined to shift negative mindsets and stereotypes. Our Tribe commends Mr. Spencer on his artistic choices, and his continuing desire to create a positive impression of Native Americans in films and TV.

From his starring roles in the "Twilight" movies, Mr. Spencer has become aware that the reality of the Quileute Tribe is far different from Hollywood's portrayal. The Quileute Tribe is enormously appreciative of Mr. Spencer's understanding of the real tsunami dangers faced by Quileute children and elders. We are also grateful for the many expressions of concern from "Twilight" fans for the real-world tsunami danger faced by the Quileute Tribe. While the Tribe has been appalled at some of the racist statements made regarding our people, we have faith that Mr. Spencer and Twilight fans will continue to fight against racism whenever it occurs.

We are very proud that Mr. Spencer is appearing before the Committee as a strong voice against stereotypes. On behalf of the Quileute people, I say *Wa-ta-lich-ta asoos ta. Wa-ta-lich-ta asoos ta. Wa-ta-lich-ta asoos ta.* Translation: Thank you from the bottom of my heart.

PREPARED STATEMENT OF ANGELA ALEISS, PH.D., VISITING ASSISTANT PROFESSOR AT THE UNIVERSITY OF CALIFORNIA—LOS ANGELES; PROFESSOR, CALIFORNIA STATE UNIVERSITY—LONG BEACH

I am currently a Visiting Assistant Professor at the University of California, Los Angeles and also teach at California State University, Long Beach. I received my Ph.D. in film history from Columbia University and am the author of the book *Making the White Man's Indian: Native Americans and Hollywood Movies* (2005). In 1994, I was a Fulbright Scholar as a part of the Canada-U.S. Fulbright Exchange Program at the University of Toronto where I studied Native Canadian images in film.

Chairman Akaka and Honorable Members of the Committee, I am honored to have received your invitation to submit testimony on this important issue. My focus will be specifically on a few topics that are often overlooked but nevertheless influence today's Native American images in motion pictures.

One of the recurring and disturbing themes that I've noticed in my research is that Hollywood Westerns virtually dominate Native American images. That's not surprising given that Native Americans traditionally have been associated with the Western myth: from the Dime Novel tales and the paintings of Frederic Remington to the Wild West shows of Buffalo Bill Cody and the popular Western movie and TV series, Indians appear to be inextricably linked to a remote frontier era. Their portrayals have ranged from sympathetic to negative; nevertheless, Indians rarely appear in contemporary stories. If I may say so, the confinement of Native Americans to nostalgic Westerns is a bit like restricting African Americans to the antebellum days in the Old South. The practice ignores the fact that Indians are people here among the rest of us with individual identities and problems of their own.

American audiences are partly to blame. Unfortunately, when non-Western films with an Indian theme do appear, moviegoers show little interest. When I researched my book, I was amazed to discover that throughout Hollywood history, box-office grosses for Native American stories in non-Westerns were considerably lower than Westerns. As far back as 1930s, the unknown but compelling film *Eskimo* (the dialogue was in the Inuit language and subtitled in English) and the Pulitzer Prize-winning story of *Laughing Boy* disappeared from screens after barely a week in movie theaters. Conversely, a few years later, *The Plainsman*, a rousing Cecil B. DeMille Western about the exploits of Buffalo Bill Cody and Wild Bill Hickok, followed by *Stagecoach*, *Texas Rangers*, and *Union Pacific*, drew enormous lines at box offices. As the Native American filmmaker Chris Eyre (*Smoke Signals*, *Skins*, *Edge of America*) once told me, the problem in Hollywood is that supply and demand dictate that Indians are romanticized and continue to be romanticized in the Western.

The Westerns of today, although a far cry from the hostile warriors of *The Plainsman*, still dominate the Native American's image: *Dances With Wolves* earned a whopping domestic total gross of \$184 million followed by *Maverick's* \$102 million. But non-Western Indian-themed stories like *Powwow Highway* (\$284,000), *Thunderheart* (\$23 million), *Smoke Signals* (\$7 million), *Windtalkers* (\$41 million), *The Education of Little Tree* (\$323,000), and *Flags of Our Fathers* (\$34 million) continue to show that few Americans accept contemporary Indian life as entertainment. David Robb, former writer of minority and legal affairs for the *Hollywood Reporter*, believes that this pattern affects not only our perceptions of Native Americans but Indians themselves: "It relegates Indian people to a distinct past. It stigmatizes Indian people and makes them non-existent today."

That brings me to my next point. The novels and movies of the popular *Twilight* series are set in contemporary society and feature Quileute Indians who can transform into wolves. *Twilight's* supernatural stories have earned tremendous revenues. Others have already pointed out that *Twilight's* Native Americans have significant roles in the series.

But beyond *Twilight's* teen love triangle are a few disturbing traits of its Quileute characters. The theme of individual choice is essential to *Twilight*: the stories' vampire hero Edward consistently refers to his moral obligation to exercise individual choice. On the contrary, *Twilight's* Native Americans lack self control and the ability to choose: Edward's Quileute rival Jacob transforms into a wolf because, he says, "I was born this way. It's not a lifestyle choice. I can't help it." (*The Twilight Saga: New Moon*) Furthermore, Jacob's last name is Black and in the novel *New Moon*, he is described as having russet skin and a quick, uncontrollable temper.

Jacob's wolf traits can be dangerous. In *New Moon*, Jacob warns his human friend Bella that if he gets too upset, he will turn into a wolf and she might get hurt. Jacob's Quileute friend Sam Uley also has a capricious temper: in *New Moon*, Sam's fiancée Emily has three thick red lines on the right side of her face that "extend all the way down her arm to the back of her right hand." Apparently, Sam lost control during one of his wolf transformation episodes and left deep scars on Emily.

I doubt *Twilight's* author and filmmakers intended to invoke misleading stereotypes. But the references of "dark" to the Quileute, their impulsive and irrational nature, and their inclination toward violence are a reversion to the negative images we hope to eradicate. As a professor, scholar, and writer, I believe that cultural awareness and education will help curb these problematic representations.

Thank you very much for the opportunity to present this testimony before the Senate panel.

PREPARED STATEMENT OF DAVID M. GIPP, PRESIDENT, UNITED TRIBES TECHNICAL COLLEGE

Mr. Chairman and members of the Committee: Thank you for inviting me to testify at your May 5, 2011, hearing on the impact of racist stereotypes on Indigenous peoples. I was unable to do so following the hearing date change, but am pleased to offer this written statement for the hearing record.

I offer this testimony regarding the "Impact of Racist Stereotypes on Indigenous People" as an educator with more than 40 years of experience in the education of American Indians, and as a Lakota person. I am a member of the Standing Rock Tribe located in North and South Dakota and have been President of United Tribes Technical College, located in Bismarck, North Dakota, since 1977. I am a 1969 graduate of the University of North Dakota (UND), which continues to use a stereotypical image of an American Indian as its athletic logo, and a nickname which denotes a stereotypical view of American Indians as warriors: "The Fighting Sioux."

First, I want to acknowledge, as have many of the other witnesses, that the issue of stereotypes is not at the top of the list of issues important to American Indian leaders and scholars. Nor is it an issue to which I, or most of my colleagues, have previously devoted a great deal of attention. Because of that, many American Indians often take it for granted that we will be used as stereotypes. The harm this causes is not acknowledged, and in some cases, there is a denial that harm actually occurs from the use of stereotypical images and slogans.

It is my experience as an educator, and student, that racial stereotypes of American Indians, as portrayed by mascots, logos and nicknames used by predominantly non-Indian schools for their athletic teams, and in other media and venues, have a strong negative impact on the American Indian population. It is an impact that is both subtle and immediate.

I first became aware of the impact of a stereotypical logo and mascot when I was a student at UND in the 1960s. Then, the logo for UND was "Sammy the Sioux," a cartoon-like figure not much different than "Sambo," a caricature of a black person now much out of favor. Along with a few other American Indian students at UND¹, I helped organize the University of North Dakota

¹ When I graduated in 1969, there were fewer than 20 American Indians students attending UND, now there are more than 400.

Indian Student Association, and among other things, campaigned to have the caricature discontinued. It was retired after I graduated, but has been replaced by a generic caricature of an American Indian – which still remains offensive² and harmful.³

Battling the caricature of an American Indian at UND made life more difficult for us as students. American Indians who attend UND first and foremost wanted an education. We did not want to be portrayed in a stereotypical manner every time a UND athletic team was in competition, but if that was the price of a good education, that was a price we had to pay. Still, we felt we had to make the effort to seek to discontinue the use of a caricature of American Indians, past and present, no matter what the risk.

Use of the generic image of an American Indian has not lessened the problems for American Indian students who attend UND. As Dr. Leigh Jeanotte, the long time Director of the American Indian Student Services program at UND, has noted, American Indian students are usually asked to take a position on the logo soon after they arrive. If a student has a strong opinion, it can make their education more difficult. Many, including some of my relatives, have simply not wanted to risk offending others and have instead remained silent in spite of the racist overtones that constantly surround the use of the logo and nickname. For many years, UND professors, acting through their Faculty Senate, have sought to discontinue the logo and nickname. They recognize firsthand the negative impact the controversy has on students and their education at UND.

The educational impact of the logo issue has been recognized by those who review the educational structure of UND. When UND was last accredited in 2004, the North Central Association of Colleges and Schools (NCA) discussed the logo in the academic section of the reaccreditation report. It said:

“It is the considered judgment of the visiting team that the continued use of the Indianhead logo and the 'Fighting Sioux' nickname reduces the university's ability to accomplish its purpose and diminishes its educational mission.” (Accreditation report for UND, from NCA, 2004.)

This report was filed about one year before the National Collegiate Athletic Association (NCAA) issued its rule regarding the use of mascots and logos by member colleges and universities. The July, 2005 rule deemed their use to be “hostile and abusive,” and banned their use in post-season tournaments sponsored by the NCAA. The rule listed 18 colleges and universities still using American Indian themed mascots or logos, including UND. As of 2011, all but UND have complied with the rule, and a few have used an exception to the rule through obtaining the consent of what are termed “namesake” tribes.⁴

² The very word “Sioux”, referring to those of Lakota, Dakota and Nakota speaking tribes, is most likely a pejorative term meaning “little snake”, and was not used by the Lakota, Dakota or Nakota people themselves.

³ See the references in the testimony of Stephanie Fryberg, provided to the Committee on May 5, 2011, which provide many examples and studies of the problems associated with stereotyping of American Indians.

⁴ This rule was issued after a five-year exhaustive study of the use of hostile and abusive logos and mascots by the NCAA.

Notwithstanding the NCAA sanctions, North Dakota's State Board of Higher Education (SBHE), the governing body of the state's colleges and universities, has been resistant to and ineffective in retiring the UND logo and nickname. I believe this is largely due to the nature of how certain individuals and interests in the state can bring to bear their economic, social and political power to continue to perpetuate the stereotype despite almost universal opposition to it by Lakota and Dakota tribal nations, the United Tribes of North Dakota, most national American Indian organizations and many mainstream professional organizations such as the American Psychological Association.

Over the past 12 years the UND experience illustrates the control non-Indians have over stereotypes associated with American Indians. It also reflects a culture that routinely ignores the civil rights of students and others impacted negatively by the nickname and logo controversy. As an educator and President of United Tribes Technical College (UTTC), this issue has remained important to me, and to our College. Some of our students go on to seek degrees at UND, because it is a good school. UTTC has taken the position that the education and civil rights of our American Indian students, and indeed, of all students attending UND, should not be compromised because of the use of a stereotypical Indian themed logo.

As a result of this position, UTTC has supported an end to the use of the present UND logo as reflected in a resolution passed in 2005 . With the general support of our Board of Directors, composed of the Chairs and one other delegate from the five Tribes with a presence in North Dakota, we have written letters of support and made other efforts to help bring about an orderly change to UND's logo, including supporting NCAA's rule regarding use of the logo.

One would think that the SBHE would have long since taken notice of the opposition to the logo and nickname and sought to replace it with something less offensive. At one point in the relatively recent past, that seemed to be happening. In 1999, UND officials appointed a committee to consider the issue of changing the nickname and logo. That committee met several times publicly. UND officials agreed privately that the logo was likely to be changed.

However, in December, 2000, following a letter from a wealthy UND alumnus who was, at the time, constructing a world-class hockey arena for use by the UND NCAA Division I hockey team, the SBHE put an abrupt halt to any consideration of a name change.⁵ The arena, now called the Ralph Engelstad Arena (REA) in honor of its benefactor, is festooned with the UND logo, affixed to many of the arena's features, and includes a UND logo permanently set in the floor in concrete. Many Native Americans, including students, will not set foot in the REA because of the logos, in part because they will not knowingly step on the logo, which includes a depiction of an eagle feather as a part of its caricature.

Since Mr. Engelstad's letter, the logo issue has remained ever present at UND. After the NCAA announced its rule in 2005, the conflict continued when the SBHE took the NCAA to court. The lawsuit was funded by private unnamed benefactors, but was brought in the name of the State of North Dakota by the SBHE. The result was a settlement, affirmed by a North Dakota state court

⁵ The benefactor threatened in his letter to stop the construction of the arena if the UND logo were changed. The hockey arena cost an estimated \$100 million to construct. The UND hockey team has several times been the NCAA Division I ice hockey champion.

in 2007, which said that UND could continue to use the logo and nickname if it obtained the consent of the Standing Rock Sioux Tribe and the Spirit Lake Tribe, two federally recognized Tribes whose members are primarily Lakota and Dakota, by November 30, 2010. It is important to note, however, that the Standing Rock and Spirit Lake Tribes were not parties to the lawsuit.

This settlement pushed the efforts of logo supporters into high gear. Many wrote letters to newspaper editors, published comments on the Internet and elsewhere critical of American Indians, making racist comments that said, in effect, "If you don't like the UND logo, the SBHE should discontinue all Indian programs at UND"⁶ Unfortunately, these comments, and others that are racially motivated, are continuing to this day. As a visible representative of opposition to the logo, I became the target of some of these attacks. No UND official or state government official, including the SBHE, has ever publicly condemned such statements, which has the appearance of giving license to the inflammatory commentary.

After the NCAA settlement was reached, pressure from the REA and other UND alumni was put first on the Spirit Lake Tribe, which held a referendum in 2009 on the logo issue. That referendum gave approval to the use of the logo by a wide margin and pressure then was applied to the Standing Rock Tribe.

Unlike Spirit Lake, the Standing Rock Tribe did not have any constitutional provision for a referendum on any issue. Petitions were filed with the Council by both supporters of the logo and non-supporters, with those opposing the logo containing slightly more signatures. Outside pressure was immense, coming from non-Indian UND alumni, state officials, officials from the REA and others. Yet, by a wide margin, the Standing Rock Tribal council voted to stand by its previous resolutions in opposition to the logo and nickname and not to consider the issue. The Tribal Chairman explained, at one point, that the Tribe had many other more serious issues that needed attention.

Even before the deadline, the SBHE had begun the process of eliminating the logo. Abiding by the NCAA schedule outlined in the 2007 settlement, UND officials appointed committees and a

⁶ Here are several examples verbatim from newspaper online comments showing how UND nickname fans express stereotypical views when their appropriation of the identity is threatened: heather t. Fargo, ND, 05/15/2009 6:43 AM, Just keep the name...its been around this long. If it happens perhaps all the native americans should lose their free schooling, housing, meals.....I certainly will not be contributing to their casinos anymore.....it all started with the native americans crying about the name being offensive...lets see how things will get offensive if all the freebies are taken away, that should be mandatory if the Sioux nickname is taken away!!!! doug d., Mayville, ND, 05/15/2009 11:29 AM, guess they are still piss about what happened 150 years ago with the land, now how will they blame everyone else for trashing the free housing and everything else on the reservations. May 14, 2009 4:00 PM, Tim N. Fargo, ND, Why don't the Native Americans go to their local Community College instead of being abused at UND and it's institutionalized racism? With the Nickname gone I think it would clear the way to remove the Native American Programs that offer no benefit to the citizens of North Dakota, and certainly no benefit to the University. May 15, 2009 9:40 AM, Brian B. Sauk Rapids, MN, I have no respect for the Native American Sioux Tribe or any other tribe if this happens. All I have to say is that we need to quit support them, All fans of the Sioux need to stop contributing to them. By this I mean all you supporters need to do is to quit going to there casino's and dropping money into there pockets and see how they like that, I think if every Sioux fan did this it would have little impact on what they would be saying about eliminating the Sioux nickname. Pass this on to all fans of the Sioux and make sure you don't support the indian tribes in any way. Remember your just lining there pockets with wealth by doing this lets make them hurt!!

process was established that would have allowed the logo to be retired by the settlement deadline of November 30, 2012. This occurred in the face of an unsuccessful lawsuit, going all the way to the North Dakota Supreme Court, which tried to force UND to wait until November 30, 2010 to begin the process of changing the logo.

Once the deadline of the NCAA settlement was passed, (the end of November, 2010), most assumed that the SBHE would move forward and retire the logo and nickname. Instead, the North Dakota legislature, in its recent biennial session, considered three bills all designed to stop the logo from being changed. This occurred despite the fact that the Standing Rock Tribe had not approved the logo by the deadline, despite the settlement that had been reached with NCAA, and despite the North Dakota Supreme Court ruling in 2010 affirming the right of the SBHE to manage the affairs of UND. At one point, press reports stated that pro-logo supporters were flooding the e-mail boxes of legislators in support of the logo at a rate of 100-1. One of these bills was eventually enacted by the state legislature, and signed into law by the Governor in early April of this year.

The bill says that UND's logo and nickname will remain the "Fighting Sioux." This result occurred even after the early warning of the state Attorney General, himself a logo supporter, that the bills under consideration were likely unconstitutional under the North Dakota constitution. The North Dakota constitution provides that the SBHE has authority over higher education, not the legislature.

As a result of the legislation, SBHE discontinued its efforts, once again, to retire the UND logo and nickname. The board ruled that merchandise displaying the logo may continue to be sold. It seems clear that American Indian students who oppose the logo will continue to be subjected to condemnation for their opposition. The civil rights of UND American Indian students who opposed the logo will continue to be violated. And, UND's student athletes will be subject to the NCAA rule on post-season competition as the NCAA has indicated that it will abide by the rule in place, and will not change its mind on the basis of the new law passed by North Dakota's legislature.

What happens next in this saga is not clear. Some legislators have challenged the constitutionality of the new logo statute, asking for an Attorney General's opinion on the issue. Further, as Erich Longie, a Spirit Lake Tribal citizen and longtime logo opponent has stated publicly, the logo issue will not go away.

What has not yet happened, although students and supportive faculty have discussed this for many years, is a full scale civil rights lawsuit against UND for violating the rights of American Indian students to be fairly treated at the University and to receive an education free of racial bias. The basis for such claims is that their education has been compromised because of the logo and nickname and the surrounding controversy. It is my understanding that such a lawsuit, and hopefully a full scale investigation of these violations, will begin soon.

UND officials claimed in 2005 that a civil rights investigation by the U.S. Commission on Civil Rights had already occurred and no finding of any violations was made. Since that report, other incidents have occurred which call into question those findings, including a sorority party where men and women dressed up as Indians, and other incidents involving opponents of the logo and

nickname. If the logo and nickname continue to be used at UND, more incidents will occur. UTTC believes that any new investigation must be thorough and ensure that all concerns are dealt with appropriately.

In my opinion, and the opinion of many others⁷, the continuation of the UND logo issue is another chapter in the long history of marginalizing American Indians. This is the “subtle” aspect of the logo and mascot issue to which I referred earlier.

Perpetuation of the UND logo is a part of the deep seated myth of Europeans that somehow North America was an empty continent, waiting to be exploited. But indigenous populations, including my ancestors, were indeed present on the continent. To the Europeans, and later the American government, our presence only meant that we needed to be absorbed into the population at large, a process called assimilation. Once this was accomplished, our heroes could be treated as mythical figures, and our images could be appropriated without permission. Stereotypes could be established that perpetuate not our continued presence in American life, but instead the myth that we were conquered and are subordinate.⁸

This is consistent with the treatment of American Indians in the history books. Opposition to colonial exploitation and opposition to military efforts to exterminate or remove American Indians is barely noted in our educational systems. American Indian warriors are often equated with terrorists, not just by the recent example of the use of the code name of Geronimo during the killing of Osama Bin Laden, but in numerous other rewritings of history. Think, for example, of the cowboy and Indian westerns popular in movies and television well into the 20th century – American Indians were generally portrayed as the attackers – not the victims of an invasion, a more accurate depiction.

American Indians themselves have often fallen prey to this history rewrite. Some think that the logo “honors” them, or have said that Lakota people from Standing Rock gave permission to UND to use the logo and nickname. If indeed it occurred, it was not given by the official government of the Standing Rock Tribe, but by individuals who lacked the authority to grant such permission.

Jesse Taken Alive is a former Tribal chairman and presently an elected councilman of the Standing Rock Sioux Tribe. He is a Lakota speaker highly knowledgeable about our culture. He has noted that many American Indians, let alone non-Indians, fail to see that the one-sided depiction of American Indians as “fighting” or warriors, diminishes other characteristics much more important to the Lakota culture, such as devotion to family and clan, respect for elders, a continuing search for knowledge and a reverence for all living things., Mr. Taken Alive’s comments in fact help frame the civil rights violations to which American Indian students at UND have been subjected and that continue to occur.

It is my hope that leaders at UND and the SBHE will come to appreciate the value of encouraging diversity in higher education. Providing an inviting and wholesome environment for

⁷ See the references in the testimony of Stephanie Fryberg, as provided to the Committee on May 5, 2011.

⁸ For example, nearly every painting in the rotunda of the U.S. Capitol presents American Indians in supine or subordinate positions in relation to the U.S. military.

learning for all citizens is a fundamental responsibility of policy makers and administrators. Continued use of the nickname and logo destroys those efforts and detracts from the spirit and mission of higher education. If UND aspires to be the premier educational institution it hopes to be, it must cast off its stereotypical portrayal of American Indians and respect our civil rights. American Indians remain in North America. We remain citizens of our Tribal Nations, an affiliation that the U.S. has tried many times to erase through such efforts as the Indian Removal Act (1831); the Allotment Act of 1887 (the "Dawes Act") and policies of forced assimilation in the 1950s.

The state of North Dakota has enacted legislation regarding the UND logo which ignores the sovereign status of the Standing Rock Tribe and its elected government. That alone is an attempt to diminish the political relationship American Indians have with the United States under the U.S. Constitution. Legislating a stereotype of American Indians is an affront to who we are.

As an American Indian citizen of my Tribal Nation, and as a United States citizen and military veteran, I am proud to unite with my colleagues in saying:

"I am not a mascot."

Thank you for recognizing the importance of this subject and for the opportunity to provide this testimony.

PREPARED STATEMENT OF HARLYN GERONIMO ON BEHALF OF GERONIMO, HISTORIC APACHE LEADER AND HIS SURVIVING LINEAL DESCENDANTS

Whether it was intended only to name the military operation to kill or capture Osama Bin Laden or to give Osama Bin Laden himself the code name Geronimo, either was an outrageous insult and mistake. And it is clear from the military records released that the name Geronimo was used at times by military personnel involved for both the military operation and for Osama Bin Laden himself.

Obviously to equate Geronimo with Osama Bin Laden is an unpardonable slander of Native America and its most famous leader in history.

And to call the operation to kill or capture Osama Bin Laden by the name Geronimo is such a subversion of history that it also defames a great human spirit and Native American leader. For Geronimo himself was the focus of precisely such an operation by the U.S. military, an operation that assured Geronimo a lasting place in American and human history.

The Encyclopedia Britannica (1967, Volume 10, page 362) has described the real Operation Geronimo in the following words:

During this last campaign, which lasted 18 months, no fewer than 5,000 troops and 500 Indian auxiliaries had been employed in the apprehension of a band of Apaches comprising only 35 men, 8 boys and 101 women, who operated in two countries without bases of supply. Army and civilian losses totaled 95; Mexican losses were heavy, but unknown; Geronimo's losses were 13 killed, but none from direct U.S. Army action.

Geronimo was not killed and was not captured. After the Chiricahua Band of Apaches were taken from reservations in Arizona Territory and New Mexico to Ft. Marion, Florida, Geronimo and his warriors saw no chance of reuniting with their people except by surrender with the promise that they would be reunited with their tribe.

General Miles promised: "There is plenty of timber, water, and grass in the land to which I will send you. You will live with your tribe and with your family. If you agree to this treaty you shall see your family within five days." None of the promises were kept.

Nearly half the Chiricahua band, the band of Cochise, died in Florida and later in Alabama within several years before being moved to Ft. Sill, Oklahoma. Geronimo was held a prisoner of war for the remaining 23 years of his life, though he was a major attraction at the Louisiana Purchase Exposition in St. Louis in 1904 and was second only to President Elect Theodore Roosevelt in the applause received along the Inaugural Parade route of 1905.

But Geronimo died a prisoner of war at Ft. Sill in February 1909. His bodily remains, if none were removed as has been alleged, are to this day in the Ft. Sill

Apache Prisoner of War Cemetery despite his repeated requests to return to the headwaters of the Gila River in the Gila National Forest and within what was the first forest wilderness area designated in the U.S., in western New Mexico.

As the son of a grandson of Geronimo, who as a U.S. soldier fought at Omaha Beach on D Day and across West Europe to the Rhine in World War II, and having myself served two tours of duty in Vietnam during that war, I must respectfully request from the President, our Commander-in-Chief, or his Secretary at the Department of Defense, a full explanation of how this disgraceful use of my great grandfather's name occurred, a full apology for the grievous insult after all that Native Americans have suffered and the expungement from all the records of the U.S. government this use of the name Geronimo. Leaving only for history the fact this insult to Native Americans occurred in all its pity.

PREPARED STATEMENT OF THE INDIGENOUS PEOPLES WORKING GROUP

On behalf of members of the Indigenous Peoples Working Group, we thank the Committee for shining a spotlight on the crucial issue of the impact of racist stereotypes on Indigenous peoples by holding its important hearing earlier this month. The IPWG is a project of the Social Investment Forum and is comprised of various socially responsible investors. Further we work closely with members of the Interfaith Center on Corporate Responsibility that are concerned about these issues too.

As investors, members of the IPWG have called upon partners and sponsors of the Washington National Football League (NFL) professional football organization, including the FedEx Corporation and Bank of America, to cease their support of the team's racist name. We would like the owners of the Washington professional football organization to cease using the team's disparaging name and to change it to something that does not offend any peoples. We are gravely concerned about their use, sponsorship and promotion of such an egregious affront to Native American nations and people.

The Washington NFL franchise uses a name that is a racial slur and we understand that it traces its origin to colonial times when bloody skins of Native men, women and children were exchanged for bounty and traded like animal hides. The name was not a honorific then and it is not one now.

All the major Native American organizations have called for the end of the modern commodification of their peoples and symbols in sports and in popular culture generally, and all have called for the name of the Washington team to be eliminated. The Glass Ceiling Commission's report by American Indian scholars, "Barriers To Workplace Advancement Experienced by Native Americans," concluded that "stereotypes and negative tags" have a detrimental impact on American Indian people in the work environment.

In 1992, seven prominent Native American people filed suit before the U.S. Patent and Trademark Office (USPTO), seeking cancellation of trademark protection licenses for the football team's name. In 1999, three judges of the USPTO issued a 145-page opinion that sided with the Native American plaintiffs and cancelled the trademark licenses. The trademark judges ruled that the Washington team's name is disparaging and holds Native Americans up to contempt and ill-repute.

The seven plaintiffs wrote to the new owners of the NFL franchise, requesting a meeting, and thirteen national Native American organizations wrote to the NFL commissioner, imploring him to order a name change and to accept the ruling of the USPTO. Neither the owners nor the commissioner bothered to respond to the letters. Instead, the new owners appealed the USPTO decision, which the Native American plaintiffs and their pro bono attorneys were forced to defend for the next ten years. Their case ended when the U.S. Supreme Court declined to review a federal appellate ruling, not on the merits, but on the technicality of laches, which the trial court defined as the plaintiffs having waited too long after reaching their 18th birthdays to file their case.

The USPTO, in 1994, had rejected all of the NFL franchise's affirmative defenses, including laches, because there is an overriding public policy issue at stake: whether the federal government should provide trademark benefits and protections that disparage Native Americans. The USPTO admitted it made a mistake in granting trademark licenses for the NFL team's name, but the Native American plaintiffs had to bear the burden of the federal government's mistakes in issuing licenses for racist material.

In 2006, a second group of Native American people—young people between the ages of 18 and 24, who do not have a laches issue as defined by the federal courts—filed the identical legal action before the USPTO. Now, these young people and their

pro bono counsel are seeking a decision on the merits of the case. We trust and hope that the USPTO will rule on their side.

We are concerned that these young Native American people then would be burdened with protecting the USPTO's ruling in the federal courts. It is for this reason and for the broad goal of ending federal protections for anti-Indian racist stereotypes that members of the IPWG supports the legislation proposed by The Morning Star Institute to recognize the USPTO's errors in granting trademark licenses to the Washington football franchise, to uphold the USPTO's 1999 decision on the merits in *Harjo et al v. Pro Football, Inc.*, and to cancel the existing trademark licenses.

Members of the IPWG would be honored to work with the Committee to address this important issue. The Committee has the power to advance remedies to the violations of human, civil and international rights experienced by Native American peoples on a daily basis, so long as these discriminatory, racist slurs are tolerated, especially in the U.S. Capitol.

Thank you for adding this statement to the hearing record.

Attachment

Boston Common Asset Management

Notes on corporate human rights policies and connection to corporate sponsorship of Washington NFL football team and its racist name

May 19, 2011

1. For full list of corporate human rights policies and links noted below see this webpage: [Company policy statements on human rights](http://www.business-humanrights.org/Documents/Policies)
<http://www.business-humanrights.org/Documents/Policies>

2. Examples of companies with human rights policies in related industries: Transportation, logistics, business services, travel & tourism.

Transportation & Logistics

1. British Airways: "Code of Conduct" [PDF]
2. KPN: "CSR Policy"
3. Nippon Express: "Compliance Regulations" [PDF]
[see pg. 12 - also pg. 35]
4. Nippon Yusen: "NYK Group Mission Statement"
5. Stagecoach: "Code of Business Conduct" [PDF]
[see "Human Rights" section]

Business Services, Travel & Tourism

6. Group 4 Securicor: "Business Ethics Policy"
7. InterContinental Hotels: "Corporate Responsibility Report"
8. Marriott: "Human Rights Policy Statement" [PDF]
9. Ritz-Carlton: "Human Rights Policy Statement" [PDF]
10. Securitas: "Code of Conduct" [PDF]
11. Sodexo: Policy on Respecting Human Rights [PDF]
12. Royal Caribbean Cruises: "Human Rights Statement" [DOC]
13. Starwood Hotels & Resorts [PDF]

3. Responsibility of business enterprises for examining, addressing and mitigating their adverse human rights impacts, final "Ruggie Report" (<http://www.ohchr.org/EN/Issues/TransnationalCorporations/Pages/Reports.aspx>).
Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, Prof. John Ruggie, March 21, 2011

Human rights due diligence

17. In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights

impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence:

- (a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships;
- (b) Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations;
- (c) Should be ongoing, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve.

4. Necessity of companies respecting the cultures of Indigenous Peoples by not supporting the use of racist names and logos, per relevant sections of the United Nations Declaration on the Rights of Indigenous Peoples.

Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

5. Context for internationally recognized human rights noted above and FedEx's corporate sponsorship of the Washington NFL Football team via its naming rights to its football stadium and other business ties using team name and logo.

Various documents such as the amicus briefs in support of *Harjo et al v. Pro Football Inc.* before the US Supreme Court detail how the team's name is disparaging and contemptuous of American Indian peoples and hurtful for Native youth. Therefore they are adverse human rights impacts, per final Ruggie report.

PREPARED STATEMENT OF JESSE A. STEINFELDT, PH.D., ASSISTANT PROFESSOR, COUNSELING AND EDUCATIONAL PSYCHOLOGY, INDIANA UNIVERSITY—BLOOMINGTON

Thank you for the opportunity to share my perspectives and participate in these hearings. This is a very necessary area of inquiry, and I am pleased that the Senate Committee on Indian Affairs has taken the steps to engage in a discussion about this serious issue. The use of American Indian culture and imagery by sports teams (e.g., *Indians, Redskins, Fighting Sioux*) is a practice that has a longstanding history and tradition in our society. The omnipresence of these images gives members of mainstream society the misperception that this is an accepted practice that honors and respects the American Indian communities depicted. Subsequently, we need

to provide opportunities for members of society to have an informed and civil dialogue about this harmful practice that is hegemonically woven into the fabric of society. In 2005, the American Psychological Association (APA) produced a resolution recommending the immediate retirement of American Indian mascots, symbols, images and personalities by schools, colleges, universities, athletic teams, and organizations (APA, 2005). To date, over 115 additional professional organizations (e.g., American Counseling Association, Society of Indian Psychologists, United States Commission on Civil Rights) have produced similar resolutions condemning this practice. Some of the prominent reasons cited by these resolutions are based on Native-themed mascots, nicknames, and logos: (a) misusing cultural practices and sacred spiritual symbols; (b) perpetuating stereotypes of American Indians (e.g., the *noble savage*; the *bloodthirsty savage*; a historic race that only exists in past-tense status; one singular pan-Indian culture); (c) denying American Indians control over societal definitions of themselves; (d) creating a racially hostile educational environment for all students; and (e) negatively impacting the psychological functioning of American Indians.

My research and clinical experiences can provide support for all of these reasons, but I am in a unique position to testify about how this practice negatively impacts the psychological functioning of American Indians. I am a psychologist and an assistant professor of Counseling Psychology at Indiana University. Furthermore, I am a man of Oneida heritage, and I have conducted clinical work with American Indian populations at the Oneida Behavioral Health Center on the Oneida Reservation in Wisconsin. As such, I have heard first-hand the negative impact that these stereotypic images can have on the psychological functioning of American Indian patients. American Indian communities are disproportionately impacted by serious mental health issues (e.g., depression, anxiety, substance abuse, suicide), and a societal environment wherein American Indians are readily stereotyped and discriminated against contributes to the onset and entrenchment of these mental health issues. In addition to the misinformation and stereotypes produced by Native-themed mascots, nicknames, and logos, “an increase in accurate information about Native Americans is viewed as necessary for the achievement of other goals such as poverty reduction, educational advancements, and securing treaty rights” (King *et al.*, 2002, p. 392).

In addition to providing psychological services to American Indian communities, I have conducted and published research that addresses the psychological implications of Native-themed mascots, nicknames, and logos (e.g., *Redskins*, *Indians*, *Fighting Sioux*). Situated within an emerging body of empirical evidence that has empirically and consistently demonstrated the existence of stereotyping, discrimination, and harassment that accompanies Native-themed mascots, nicknames, and logos, my research (e.g., Steinfeldt, Foltz, Kaladow, Carlson, Pagano, Benson, & Steinfeldt, 2010; Steinfeldt, Foltz, LaFollette, White, Wong, & Steinfeldt, in press; Steinfeldt & Wong, 2010) indicates that this practice perpetuates stereotypes and facilitates discrimination and racism against American Indians. In one study (Steinfeldt *et al.*, 2010), my research team analyzed 1699 online forum comments, and we found that the majority of comments expressed negative attitudes toward American Indians. We coded the comments over a two year period, and our results indicated that these online forum comments were organized within the themes of: (a) surprise about how the nickname/logo could be construed as negative; (b) power and privilege exerted in defending the nickname/logo; (c) trivialization of issues salient to American Indians; and (d) denigration and vilification of American Indian communities. The results indicated that American Indians are subjected to not only continued societal ignorance and misinformation about their culture, but they are also being actively excluded from the process of prioritizing which issues they need to address. Results also indicated that a critical mass of online forum comments represented ignorance about American Indian culture and even disdain toward American Indians by providing misinformation, perpetuating stereotypes, and expressing overtly racist attitudes toward American Indians. While some online forum comments examined in the study contained the words honor and respect, the results indicated that the sentiment underlying and surrounding these comments did not reflect a genuine sense of honor or respect—instead, these comments expressed entitlement, privilege, power, and even subjugation and oppression.

We interpreted these findings within the tenets of Two-Faced Racism theory (Picca & Feagin, 2007), an emerging conceptualization of contemporary racism in society. According to this framework, boundaries for the expression of racial attitudes exist within shifting social contexts. Subsequently, racial ideologies—particularly those about members outside of the dominant culture (e.g., American Indians)—exist, but the expression of these ideologies take place in private (*i.e.*, backstage) settings rather than public (*i.e.*, frontstage) settings. Because public opinion has

shifted to condemn blatant racist attitudes and behaviors in public settings (Picca & Feagin, 2007), explicit expressions of racist attitudes have begun to find a home in electronic communication formats (Bargh & McKenna, 2004; Melican & Dixon, 2008). As it relates to the findings of our study, the relative anonymity afforded to online forum participants provides the privacy experienced in traditional backstage settings. Expressing these ideas in contemporary backstage settings (e.g., weblogs, online forums) allows people to avoid the negative social consequences that these attitudes might receive in physical frontstage settings. For example, an online forum commenter might more readily call an American Indian a derogatory name in an online forum comment, but it is likely that (s)he might not say the same thing aloud at a social gathering for fear of social repercussions. Subsequently, due to the omnipresence and power of the internet, the presence of a Native-themed nickname and logo can facilitate the posting of virulent racist rhetoric in online forums. And because these types of racist messages are able to electronically spread out with greater ease to a larger audience, the daily ritual of reading the newspaper can subject an American Indian to content that can negatively impact his/her psychological well-being. Our study suggests that Native-themed nicknames and logos significantly contribute to this process by creating an environment wherein stereotypes and discrimination are allowed to flourish. We concluded that the presence of a Native-themed nickname and logo can threaten the psychological functioning of American Indians by providing misinformation, by activating stereotypic representations, and by facilitating the expression of discriminatory and explicitly racist attitudes toward American Indians.

Along with this and other published studies of mine, there is an emerging body of psychological research that demonstrates the deleterious psychological ramifications of race-based mascotry (e.g., Fryberg, Markus, Oyserman, & Stone, 2008; Fryberg & Oyserman, 2011; Gonzalez, 2005; Kim-Prieto, Goldstein, Okazaki, & Kirschner, 2010; LaRocque, 2004; Steinfeldt *et al.*, 2010; Steinfeldt *et al.*, in press; Steinfeldt & Wong, 2010). To this point, it is important to note that there has not been any empirical evidence that refutes the findings of these studies. Furthermore, there is empirical evidence (e.g., Fryberg & Oyserman, 2011) that suggests that White Americans experience psychological *benefits* to using race-based mascots, nicknames, and logos. Thus, while this practice has a negative impact on the psychological functioning of American Indians, the insidious nature of race-based mascots, nicknames, and logos is further evidenced by its ability to improve the psychological functioning of members of the dominant culture at the psychological expense of members of a marginalized group in society.

In the absence of any credible scientific evidence, the arguments of *history* and *tradition* are not indefensible reasons to maintain a practice that inflicts harm on another group. Slavery was a longstanding tradition in our country. Not allowing women to vote was part of our history. And in regard to contentions that this practice 'honors American Indians,' it is reasonable to ask: if honoring a group involves ignoring their pleas to stop doing so, then is this practice truly honorable? Furthermore, the omnipresence of these images does not justify their continued existence. These images are firmly entrenched into the natural order of society (Davis-Delano, 2007), and members of the dominant culture—particularly White Americans—are the most zealous defenders of this practice (Farnell, 2004). This ardent support, combined with the small population of American Indians (*i.e.*, less than 2 percent of the U.S. population; U.S. Census Bureau, 2006) and the lack of resources available to American Indian communities (*i.e.*, the rate of American Indians living below the poverty line is twice the rate found in the overall population; Merskin, 2001; National Center for Education Statistics, 2005), highlights how American Indians have lacked the power and privilege other minority groups have exerted in removing comparable racist stereotypes (e.g., *Frito Bandito*, *Li'l Black Sambo*; Steinfeldt, Hagen, & Steinfeldt, 2010; Westerman, 1989). Just because the Cleveland Indians' Chief Wahoo is seen frequently on ESPN doesn't make it right. Just because the Seminole Nation of Florida gave consent to Florida State University to use their name doesn't mean that all American Indians approve of it, let alone all Seminoles (the Seminole Nation of Oklahoma has produced a resolution against this practice). Having a cultural icon like Chris Berman provide colorful commentary on Washington's pro football team doesn't mean that such a hateful racial epitaph (*i.e.*, Redskin) doesn't hurt people—rather, it means that the people using this hateful term have become desensitized to the fact that they are hurting people with their historical tradition of dishonor. Despite how members of mainstream society want to frame the issue, this is NOT an issue of mere sensitivity, offensiveness, or "political correctness." Rather, this is an issue involving oppression, stereotyping, and inflicting psychological harm—and it is important that societal dialogue about this issue is

accurately framed in these terms so that we can have meaningful discussions about the nature of this practice.

As a result, another reasonable question to ask is: in 30 or 40 years from now, when we look back at our current period of history, how will people judge our society's continued engagement in this racist practice of appropriating another culture for use as sports mascots, nicknames, and logos? I imagine that people will look back at history books and think, "Wow, they used to name their sports teams the *Redskins*? Ughh, what was wrong with *those* people?" Similarly, it seems so obviously objectionable when we use hindsight today to look back at other periods of our history. When I look back at the time in our society when Black people were not allowed to drink from the same drinking fountains as White people, it is easy for me to think, "Wow, what was wrong with *those* people?" However, it is important to understand that at the time, racial segregation (just like race-based mascots today) was a practice that was hegemonically woven into the fabric of society—it was seen by the majority of people as part of the normal order of society, and it took legislative efforts (*e.g.*, Civil Rights Act) to accelerate the process of change. The reality is that, right now, WE are those people who will be judged by history for continuing to allow our sports teams to be named *Redskins* and *Indians*. Thus, legislation (such as the recently passed legislation—WI Act 25—against race-based mascots, nicknames, and logos in Wisconsin) can be an important component of a multifaceted approach to encourage people to stop the practice of marginalizing and psychologically damaging another culture through the use of race-based mascots, nicknames, and logos. Doing so can hasten the process by which this contemporary practice becomes a historical footnote about stereotypes and civil rights violations, rather than an ongoing practice of stereotyping and violating the civil rights of a group of people. This can ensure that a harmful and outdated 20th century practice doesn't continue well into the 21st century. I trust that the Senate Committee on Indian Affairs will be able to use the testimony provided in these hearings to work toward positive societal change. Thank you for giving me the opportunity to share my perspectives with you today.

PREPARED STATEMENT OF LEVI PESATA, PRESIDENT, JICARILLA APACHE NATION

Introduction

On behalf of the Jicarilla Apache Nation ("Nation"), I would like to thank this Committee for convening this hearing to gather testimony on the impact of racist stereotypes of indigenous people. The Nation is a federally recognized Indian tribe located in north-central New Mexico. Eighty-five percent of the tribal population lives on our Reservation in the town of Dulce, which serves as our tribal headquarters. The Nation has over four thousand (4,000) tribal members who are proud people with a rich history and culture. We are isolated in geography, and further isolated through cultural misunderstanding and racism.

Recent United States Military Operation

Like the rest of the world, the people of the Jicarilla Apache Nation learned on May 1, 2011, that one of this country's greatest enemies, Osama Bin Laden, was captured and killed by United States Navy SEALs. Osama Bin Laden earned his spot on the Federal Bureau of Investigation's lists of the Ten Most Wanted Fugitives and Most Wanted Terrorists through his actions in founding al-Qaeda, organizing the devastating attacks on the United States on September 11, 2001, and having a hand on numerous other mass-casualty attacks against civilian and military targets. He has orchestrated the senseless killings of thousands of people. And the War on Terror, of which Osama Bin Laden has been the major target, has resulted in countless civilian deaths in several countries.

The Nation commends President Barak Obama, the United States Navy SEALs, and the Central Intelligence Agency on the capture and killing of Osama Bin Laden. Ending Bin Laden's reign of terror is essential to winning the War on Terror, and the Jicarilla Apache Nation is elated and grateful that the United States' number one enemy has been neutralized.

Codename "Geronimo"

The codename for the operation and, it appears, the codename for the most wanted man in the world, Osama Bin Laden, was "Geronimo." As you may know, "Geronimo" is the name of a revered Chiricahua Apache leader who defended our Apache homelands from unlawful settlement by Mexican and, later, American settlers during the so-called Apache Wars. He defended our people with bravery and valor for years, before his eventual capture by the United States. Apparently, "Geronimo",

was the first message sent when the United States Navy SEALs recognized Osama Bin Laden. CIA Director Leon Panetta relayed the message to the President, reporting: "We have a visual on Geronimo." Once shot and killed, the code "Geronimo—E KIA" was sent, which triggered feelings of relief for those watching the raid alongside the President in the Situation Room. The E stood for "enemy" and "KIA" for "killed in action."

It is terribly unfortunate that the name, "Geronimo" was the code name given by the United States to the Bin Laden operation and, apparently, to Bin Laden himself. This is not a criticism of the accomplishments of our service men and women, and the Obama Administration. Those accomplishments are extraordinary and their significance cannot possibly be diminished. But, the Jicarilla Apache Nation wants to take this opportunity to express the disappointment and hurt our people and other Apaches feel concerning the misuse of the name of one of our greatest Native American leaders.

Native Americans, and indigenous people throughout the world, constantly battle static stereotypes defining us as "savage," "bloodthirsty" and "uncivilized." Geronimo was none of these things. Nor was he a terrorist. He defended our Apache homelands from unlawful acquisition and theft in violation of treaty-based promises of protection. The United States has apologized to the Apache people and all other Native Americans for the "long history of official depredations," sanctioned by the United States, regarding our Native nations. See, Native American Apology Resolution of 2009, Pub. L. 111–118 (2009). Those depredations included the unlawful acquisition of recognized tribal land, the theft of tribal resources, and the failure by the United States to honor its treaties with our Native nations. See, Preamble to Native American Apology Resolution, S.J. Res. 14, 111th Cong., 1st Sess. (2009). To have the United States directly link one of our leaders with a world-wide terrorist has a profound and detrimental impact upon the way the world perceives Native Americans, and also, how our own children perceive our communities. The killing of Osama Bin Laden will be embedded in history books, and an unnecessary link between terrorism and Native Americans will endure forever.

This link is unjustified. For generations, native people have defended the interests of the United States, at home and abroad. The Preamble to the Native American Apology Resolution states that, "despite the wrongs committed against Native Peoples by the United States. Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native Peoples have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group." See, S.J. Res. 14, 111th Cong., 1st Sess. (2009).

Presidents George W. Bush and Barak Obama have recognized the service of our Native people to this country, including our service following the harrowing attacks of September 11, 2001. Just months after those attacks, President Bush issued a Presidential Proclamation in which he stated that:

Almost half of America's Native American tribal leaders have served in the United States Armed Forces, following in the footsteps of their forebears who distinguished themselves during the World Wars and the conflicts in Korea, Vietnam, and the Persian Gulf. Their patriotism again appeared after the September 11 attacks, as American Indian law enforcement officers volunteered to serve in air marshal programs.

Presidential Proclamation 7500 (Nov. 32, 2001). See also, Presidential Proclamation 7735 (Nov. 14, 2003) (recognizing the many thousands of Native Americans serving on active duty and as reservists in the U.S. Armed Forces). Similarly, in 2009, President Obama issued a Presidential Proclamation in which he recognized that, "[f]rom the American Revolution to combat missions in Iraq and Afghanistan," Native Americans, "have fought valiantly in defense of our Nation as dedicated servicemen and women." Presidential Proclamation 8449 (Oct. 30, 2009).

The National Congress of American Indians reports that 77 American Indians and Alaskan Natives have died defending the U.S. in Afghanistan and Iraq. More than 400 have been wounded.

Indian Country Outrage

Steven Newcomb, a columnist for the weekly newspaper Indian Country Today, wrote "[t]he death of bin Laden is arguably the most important news story of the year, and embedded within it is a message that an Indian warrior, a symbol of Native American survival in the face of racial annihilation, is associated with modern terrorism and the attacks on 9/11." The Onondaga Council of Chiefs agrees. In a statement released May 3, 2011, the Council said, "Geronimo is arguably the most recognized Native American name in the world, and this comparison only serves to

perpetuate negative stereotypes about our people.” The misuse of Geronimo’s name is yet another example of how Native American culture and history has been misappropriated by mainstream America and used disparagingly.

Steps Forward

It is unclear if any action by the United States can undo the damage done by naming the operation and, apparently, Osama Bin Laden himself, “Geronimo.” The misuse of Geronimo’s name has divided our people from mainstream America and detracted from our ability to celebrate this shining achievement by the Obama Administration with the rest of our fellow Americans. On behalf of the Nation, I sincerely hope that this misstep in history can be used as a stepping stone towards educating mainstream America and the world on another chapter in American history.

PREPARED STATEMENT OF ROBERTO MUKARO AGUEIBANA BORRERO, PRESIDENT, UNITED CONFEDERATION OF TAINO PEOPLE OFFICE OF INTERNATIONAL RELATIONS AND REGIONAL COORDINATION

Takhi (Greetings) honorable representatives:

On behalf of the United Confederation of Taino People, I submit the following for the official record of this Oversight Hearing.

For historical context, the Taino People were the first Indigenous Peoples of the western hemisphere to encounter Christopher Columbus in 1492. At that time the traditional territory of the Taino extended throughout the Greater Antilles to what is known today as southern Florida on the U.S. mainland. The Taino were also the first to be called “Indians” on this side of the world.

As Indigenous Peoples and the first ‘American Indians’ the theme of today’s hearing - “*Stolen Identities: The Impact of Racist Stereotypes on Indigenous People*” - is as pertinent for Taino People as it is for other American Indian Nations.

The fact that U.S. federal policy does not explicitly recognize the Taino People as “Native Americans” of Puerto Rico is one of the most overt examples of racism impacting our community today. This lack of recognition seeks to rob us of our identity, which adversely affects our development and our ability to effectively plan for the survival of our future generations.

For example, Indigenous Taino People do not benefit from U.S. federal laws designed to protect the cultural and spiritual properties of American Indians, Native Alaskans, and Native Hawaiians. Taino are consistently denied access to their ancestral ceremonial grounds and burial sites. Local, federal, and state government agencies have refused to consult with Taino community representatives when ancient sacred sites and ancestral human remains are unearthed during construction and other projects. These discriminatory practices are violations of U.S. Federal Law such as the Archaeological Resources Protection Act (ARPA) and the National Historic Preservation Act (NHPA) as well as international human rights standards such as those highlighted in the United Nations Declaration on the Rights of Indigenous Peoples.

As a result of this discrimination, the Taino People cannot effectively assert our right to equal treatment as Indigenous Peoples whose pre-Columbian rights are noted in Article 1 of the Constitution (Puerto Rico), a land and territory subject to United States plenary power.

The Senate Committee on Indian Affairs needs to address this issue.

Further, and in anticipation of other commentary regarding the use of American Indian iconography and imagery as mascots for sports teams and consumer products as well as by the U.S. military (e.g. code names for missions, names of warships and warplanes, etc.), the UCTP would like to note for the record that our community is also adversely affected by these displays of institutionalized racism.

With that in mind, the United Confederation of Taino People calls on the Senate Committee on Indian Affairs to officially denounce the use of the name ‘Geronimo’ as a code name for Osama Bin Laden. We also call on this Committee to officially urge President Obama and the Pentagon to formally issue an apology to all Native Americans - American Indians, Native Alaskans, and Native Hawaiians - for the use of Geronimo’s name during this military operation.

In closing, it is the view of the UCTP that the use American Indian names, iconography, and imagery be banned from U.S. military use. As Native Americans - including the Taino - continue to serve honorably in the U.S. Armed Forces this practice is not only offensive but serves to perpetuate racist stereotypes.

The UCTP looks forward to working with the Committee and others to resolve these issues and we thank you for your time and consideration.

Oma bahari (With respect),

PREPARED STATEMENT OF TINA MARIE OSCEOLA, HISTORIC RESOURCES OFFICER,
SEMINOLE TRIBE OF FLORIDA

Let's make no mistake about it. May 1, 2011 was a proud day for America. It was a proud day for our Navy Seals, the men and women of our armed forces, and for the President of the United States and his cabinet. The primary focus of that operation and the death of Bin Laden should remain with the families who lost their loved ones and the journey of healing they can now begin. The controversies that have bled out of that day have called into question the tactics of our nation's military; the same men and women who were charged with the mission of capturing America's number one enemy, dead or alive.

Our decision to call into question the use of Geronimo on May 3rd was an effort to further our request for a public apology from the President of the United States to the native nations. Regardless of the context in which "Geronimo" was used, we were disappointed that our March message concerning the comparison of the Seminole to Al Qaeda terrorists by the Department of Defense was not taken seriously by the White House and has continued on to this day with the death of Bin Laden. Chairman Mitchell Cypress wrote, "In 2008, I listened to your promises to our people and was assured that you would be an advocate for Indian Country. As leaders of our nations, you and I have the opportunity to be the faces of change that all Americans can believe in and the example of true government to government relations. You and I are the hope for a better tomorrow."

Although our efforts to bring this issue forward and to be heard on Capitol Hill have been thwarted, we remain confident that the dialogue begun with the White House in March will remain open and our request to coordinate a public proclamation, as a follow to the *Native American Apology Resolution*, signed into law in December 2009, will be accepted. The apology resolution as written can be amended upon public proclamation by the President to include an apology for the continued dive into revisionist history and the careless use of stereotypes such as the use of codename Geronimo for Bin Laden and the comparison of Al Qaeda to the Seminoles.

We are also reminded that the Tribes of New York State were assaulted by the violent and racist remarks of Mayor Bloomberg, when he called for state leaders to take up arms when dealing with Indian leaders over tax issues. We implore the President to stand up and fulfill his commitment to change and to be the advocate for our nation's native leaders. As it stands now, our nation's native people have been categorized as enemies of the state. Nothing has changed and nothing will.

It is time for native people to begin our journey of healing. The nation to nation relationship we have with this President will be diminished if we are not relevant. The future health of our people, the education of our children, the protection of our cultural resources, the health of our tribal economies rests in the hands of our nation's tribal leaders. We have real work to do and critical issues to resolve such as the recognition of our Native Hawaiians, an Energy Bill that levels the playing field for Tribal nations, and a clean Carcieri fix... just to mention a few.

We call for the convening of all tribal nations to the White House for a public proclamation so that we can begin the realization of change. So that we can tell our people that there is hope. That the ill-conceived policies of the United States of America are being thrown away and being replaced with policies written by native people because of productive consultation practices. The President needs to show America that we are not terrorists and that we are not a threat to national security, an image that is being continuously perpetuated by the Department of Defense under President Obama's watch. Although the use of sports mascots, such as the Washington Redskins, and cartoon imagery of our native people is offensive and damaging, the use of Geronimo, the likening of Seminoles to Al Qaeda, and the call to arms by Mayor Bloomberg has just elevated this issue to a true threat for all of America. It is an issue that can cause considerable social unrest and injustice. Where are you Mr. President? We stand prepared as heads of state to affect change, to instill hope and to prepare a better tomorrow for our children. Mr. President, what is your legacy?

Attached below is a Letter from Seminole Tribe of Florida's Chairman, Mitchell Cypress to the President of the United States. Chairman Cypress is requesting an invitation to tour with President Obama at Ground Zero tomorrow as a head of state. As both leaders walk in stride on that sacred ground, Chairman Cypress intends to demonstrate that America's native people were never and are not enemies of the State. The time is appropriate for the President to issue an apology to America's native nations. As it stands now, the United States Department of Defense has carelessly continued to stereotype Tribes and native people as enemies of the state. The President's speech and visit to Ground Zero tomorrow is the opportune time to issue a public apology.

Chairman Cypress has been engaged in dialogue since March 24th with the White House since a Department of Defense Military Tribunal compared Al Qaeda terrorist, Al Buhlal, with the Seminoles people who were protecting themselves from genocidal assault.

May 3, 2011

President Barack Obama
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Obama:

I am almost without words and I struggle to write how I feel after hearing reports that America's number one enemy, Osama Bin Laden, was given the codename of fearless Apache leader, Geronimo. Once again, our nation's native people were categorized as terrorists. The time has never been more appropriate and necessary for you to issue an apology to Native America.

It has been more than a month since my March 24th letter, requesting an apology to our nation's Tribes because of the brief filed by prosecutors in the Guantanamo military action against convicted Al Qaeda, Al Buhlal. Within that brief the Seminole Tribe's defense against a genocidal assault was compared to today's terrorists. Although, the Department of Defense issued a written apology clarifying the use of the Seminole reference, it is yet a small step toward a shift in healing the tragic history that you promised to remedy during your 2008 campaign. My representative, Tina Osceola, is in communication with your Associate Director of the Office of Public Engagement, Charlie Selbreith.

As the leader of the Seminole Tribe of Florida, I am requesting a meeting with you at the White House to discuss how we can work together to strengthen our mutual resolve to improve the image of Indian Country beyond negative stereotypes. In 2008, I listened to your promises to our people and was assured that you would be an advocate for Indian Country. As leaders of our nations, you and I have the opportunity to be the faces of change that all Americans can believe in and the example of true government to government relations. You and I are the hope for a better tomorrow.

Sincerely,

Mitchell Cypress
Chairman, Seminole Tribe of Florida

SEMINOLE TRIBE OF FLORIDA



4104 STILLING ROAD
SUITE 430
HOLLYWOOD, FLORIDA 33024

Tribe Officer
MITCHELL CYPRESS
Chairman
FRISILLA D. BAYEN
Treasurer
MICHAEL D. TIGER
Tribe Treasurer

March 24, 2011

President Barack Obama
The White House
1600 Pennsylvania Ave. N.W.
Washington, DC 20500

Dear President Obama:

I am writing to you in regards to the brief filed by prosecutors in the Guantanamo military action against convicted Al Qaeda terrorist, Al Buhai.

The Seminole Tribe is concerned and dismayed by the military prosecutors' backward dive into racist, revisionist history. However, I do not believe that these citations reflect your views. The legalistic apology issued by the military's prosecutors does not take into consideration your long history of respect and support for Native Americans. We hope that you will take the opportunity to publicly reinforce your position within the United States government.

As I'm sure you know, General Jackson's invasion of Spanish-held Florida was not only illegal at the time, it demonstrated just one chapter of Jackson's lifelong campaign of extermination against American Indians. To compare the Seminole Tribe of Florida's defense against a genocidal assault to today's terrorists is not only groundless, it is insulting to a segment of Americans who have proudly served in the United States military. There are nearly 24,000 Native Americans currently serving our country and another 387,000 veterans who would take great exception to the comparison of Seminoles to Al Qaeda terrorists. For their sake and for the sake of your presidential legacy, I would ask you to personally address this matter and issue an appropriate apology.

Sincerely,

Mitchell Cypress
Chairman

"BUT I HAVE PROMISES TO KEEP & MILES TO GO BEFORE I SLEEP"

PREPARED STATEMENT OF JOE ZELLER, PRESIDENT, INDIAN ARTS AND CRAFTS ASSOCIATION

Introduction

Good afternoon Chairman Akaka and Vice Chairman Barrasso. My name is Joe Zeller, and I am the President of the Indian Arts and Crafts Association (IACA) based in Albuquerque, New Mexico. I am an Ohio native having spent over 40 years with major multi-national advertising agencies developing advertising programs and directing media efforts of major corporations such as Kraft Foods, Procter & Gamble, Ford, and others. I have a bachelors degree in communication arts from the University of Notre Dame and a masters degree in radio and television from Ohio

University. I am a founding member of the Amateur Hockey Association Illinois, served as the association president from 1979 through 1981, and inducted into the Illinois Hockey Hall of Fame in 2005. As an avid collector of American Indian art, I opened the doors to River Trading Post upon retiring from the advertising business in 2000. I opened my first gallery in the Chicagoland area. In the following years, I opened River Trading Post galleries in Scottsdale, Arizona, and in Santa Fe. My galleries feature a blend of antique and contemporary Native American art from over 80 different tribal groups.

On behalf of the Indian artists and craftsmen, wholesale, retail and collection members of the IACA, I thank you for the opportunity to submit testimony regarding the misrepresentation of American Indian art and crafts.

Background on the Indian Arts and Crafts Association

Established in 1974, the IACA is a not-for-profit trade association whose mission is to support the effective protection, ethical promotion and preservation of American Indian arts and crafts. Headquartered in Albuquerque, NM, IACA was formed by American Indian artists and reputable businesses when imitation goods began flooding the marketplace. The founders of the IACA realized that by joining forces they could work more effectively to promote authenticity and find ways to educate the buyers and public about American Indian art.

Today, IACA is a well-respected trade association which represents all facets of the American Indian arts and crafts industry—artists, retailers, wholesalers, cottage industry, museums, other related organizations and businesses (such as suppliers, educational institutions, book publishers, studio photographers), as well as collectors. IACA promotes ethical business standards within the Indian art market through education, publicity, authentication, and use of its logo to certify reputable businesses. As a member, each artist or business agrees to honestly and ethically represent their merchandise and to abide by all applicable state and Federal laws.

Federal legal authority governing the industry and the labeling of authentic arts and crafts produced by Native Americans has helped maintain the integrity of our industry and we are proud that the State of New Mexico has enacted similar legislation to give further protections.

How Misrepresentation Harms Indian Artists and the Indian Art Market

The arts and crafts industry is critical to American Indian economies and small businesses. Income from a single artist often provides the only income for their family and, more often than not, to an extended family. In addition to providing primary and supplemental income, the arts are a source of strength and pride, reinforcing our cultures and traditions within our communities.

Misrepresentation is one of the biggest threats to the integrity of the American Indian art industry and its market. Not only does our industry have to compete with the larger, diluted market, but we must compete with those who copy and counterfeit the work of American Indian artists. According to the April 2011 report by the U.S. Government Accountability Office, while the actual size of the Indian arts and crafts market, and the extent of misrepresentation is unknown, the sale of goods falsely represented as authentic Indian-produced arts and crafts has been a persistent and potentially growing problem in the United States.¹

In addition, according to a June 2005 report by the Inspector General for the U.S. Department of the Interior, the annual loss in revenues to Indian artisans as a result of counterfeit Indian arts and crafts is between \$400 and \$500 million or up to half of the total value of the Indian arts and crafts market.² Similarly, consumers of Indian art suffer from misrepresentation by fraudulently being led to believe that imitation products purchased are authentic thereby resulting in financial loss and questions the value of authentic Indian arts and crafts.³

Improvements in transportation and increased world trade together encourage a situation in which original Indian art is duplicated offshore for less cost and passed off as authentic. For example, dealers can send an original, Indian-made piece or a photograph to locations such as the Philippines or Thailand and have the pieces duplicated or mass-produced for a fraction of the cost of the original. The U.S. Customs Service and Border Patrol have estimated that an average of \$30 million in

¹U.S. Government Accountability Office, Indian Arts and Crafts: Size of Market and Extent of Misrepresentation Are Unknown, GAO-11-432 (April 2011).

²U.S. Department of the Interior, Office of Inspector General, Indian Arts and Crafts: A Case of Misrepresentation, Rpt. No. E-EV-OSS-0003-2005 (June 2005).

³GAO-11-432.

Indian-style arts and crafts is imported annually from countries such as the countries above and Mexico, Pakistan, and China.⁴

Reputable businesses and artists cannot compete with cheap imports, and the loss of revenue is putting the artists and small business owners out of business—out of their livelihood. Fakes and imports damage the overall image of American Indian arts, hurting not only the tribes, but also the nearby communities whose economies are dependent on Native arts. Along with the Downtown Business Association in Santa Fe, we have held Town Hall meetings on authenticity to help educate the retailers and customers about the laws and to encourage the support of authentic American Indian arts.

As an industry, we fear that the continuing loss of integrity will ultimately result in the largescale demise of authentic, American Indian arts. We must enable and encourage the current and future generations to continue the arts but today, artists have found little recourse when their products are copied—and great frustration as they see imported items being misrepresented as American Indian handmade. Most importantly, Indian art is an expression of cultural pride and identity, so in addition to hurting the artists and reputable businesses, it damages the public by removing this educational connection and by the consumer unknowingly taking an imported item home.

The Indian Arts and Crafts Amendments Act of 2009 (P.L. 111–211)

The IACA would like to thank the Committee for supporting the passage of the *Indian Arts and Crafts Amendments Act of 2009* (P.L. 111–211). This statute authorizes: (1) any Federal law enforcement officer to conduct an investigation of an offense involving the sale of any good that is misrepresented as an Indian produced good or product that occurs within the jurisdiction of the United States; and (2) authorizes the Indian Arts and Crafts Board (Board) to refer such an alleged offense to any Federal law enforcement officer for appropriate investigation. The measure further authorizes a Federal law enforcement officer to investigate such an alleged offense regardless of whether such officer receives a referral from the Board.

The law also requires that the findings of an investigation of such an alleged offense by any Federal department or agency be submitted to: (1) a Federal or state prosecuting authority; or (2) the Board. The bill also revises the requirements for the initiation of civil actions for misrepresentation of Indian produced goods by authorizing the Board to recommend civil actions to the Attorney General and clarify the requirements for the initiation of civil actions, as well as penalties for the misrepresentations of such goods. In addition, the law places new penalties for goods offered or displayed for sale or sold.

The Value and Necessity of Federal Prosecution and Civil Lawsuits

As far back as the early 1930s, Congress recognized the need to promote the economic welfare of Indian tribes and individual Indians by fostering the development of Indian arts and crafts and the expansion of the market for the products of Indian art and craftsmanship.

In 1935, therefore, Congress passed the *Indian Arts and Crafts Act of 1935* and created the Indian Arts and Crafts Board within the U.S. Department of the Interior (DoI) to further these goals through market research to optimize product sales, technical research and technical advice, the creation of trademarks of genuineness and quality, and other undertakings.

Under the *Indian Arts and Crafts Act of 1990* (P.L. 101–644), as amended, the Board is authorized to refer complaints to the Federal Bureau of Investigation for investigation, and may also recommend to the U.S. Attorney General that criminal proceedings be initiated. The Board is also empowered to recommend that the Interior Secretary refer matters to the U.S. Attorney General for civil actions on behalf of a member of an Indian tribe, an Indian tribe, or an Indian arts and crafts organization.

The *Indian Arts and Crafts Enforcement Act of 2000* (P.L. 106–497) amended the 1990 Act to expand the pool of potential defendants by authorizing civil actions against persons who “directly or indirectly” offer or display for sale or sell goods in contravention of the Act. In addition, the Act authorizes Indian individuals to bring civil actions on behalf of himself or herself and Indian arts and crafts organizations to bring civil actions on behalf of itself.

Nearly three-quarters of a century after the Federal Government acted to protect the welfare of Indian artisans, their tribal communities, and the Indian art market, the U.S. government has failed to prevent the dilution of the market for legitimate arts. To-date, the Federal Government has brought *zero* criminal prosecutions re-

⁴Rpt. No. E–EV–OSS–0003–2005.

responsible for importing, advertising, and selling counterfeit goods. By all accounts, the U.S. Government has rendered the Act a failure by its own failure to take legal action. As is the case in other areas of the law, there is value of having a high-profile criminal case filed by the U.S. Department of Justice (DOJ) against a king-pin or importer of large volumes of fake goods. Such a case or cases would send the message that this behavior will not be tolerated. Perhaps dividing the responsibilities and functions of the Dol and DOJ will improve enforcement against such illegal activities by giving the DOJ's Office of Tribal Justice the responsibility of enforcing the law with the Board providing marketing and education. Other methods may have to be used by the Federal government to effectively tackle this problem including, for example, enforcing international trade laws.

Conclusion

Thank you, Chairman Akaka, Vice Chairman Barrasso, and the Members of this Committee for allowing us to express our position regarding the misrepresentation of Native American arts and crafts. Your continued support of Native American communities is truly appreciated, and the IACA is eager to work with you and your professional staff on any and all issues pertaining to American Indian arts and crafts.

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TRIBES

INTER TRIBAL COUNCIL
of
ARIZONA

ITCA Resolution 0411

MEMBER TRIBES
 ARIZONAN NAVAJO COMMUNITY
 COCHISE TRIBE
 COCHISE COUNTY INDIAN TRIBE
 FORT MOHAVE TRIBE
 GILA AND MARICOPA COMMUNITY
 HUALAPAI TRIBE
 HOPI TRIBE
 IHA LA PAZ TRIBE
 KAWAIIPATI TRIBE
 NAJON-SUICITE TRIBE
 PUEBLO OF ZUNI
 SALAMAN TRIBE
 SAPE TRIBE
 SHOSHONE TRIBE
 TOHONO O'ODHAM NATION
 TUBAC TRIBE
 YAVAPAI NATION
 YAVAPAI APACHE NATION
 YAVAPAI PRESIDENT NATION

Requesting a Formal Apology from President Obama, Commander and Chief over all US Armed Forces, for Equating the Name of Geronimo with Osama bin Laden

WHEREAS, the Inter Tribal Council of Arizona (ITCA), an organization of twenty tribal governments in Arizona, provides a forum for tribal governments to advocate for national, regional and specific tribal concerns and to join in united action to address those concerns; and

WHEREAS, member Tribes of the Inter Tribal Council of Arizona have the authority to act to further their collective interests as sovereign tribal governments; and

WHEREAS, the ITCA supports and represents particular member Tribes on matters directly affecting them upon their request; and

WHEREAS, on September 11, 2001, a terrorist attack occurred on United States of America (US) land that caused the destruction of the Twin Towers in New York City, New York, of the Pentagon in Washington, DC, and a plane crash of Flight 93 in Shankville, Pennsylvania resulting in the murder of thousands of innocent men, women, and children, and

WHEREAS, the United States learned that the 9/11 attacks were carried out by al Qaeda, an organization headed by Osama bin Laden, which had openly declared war on the United States, and

WHEREAS, the United States went to war on al Qaeda to protect US citizens and allies across the world, and

WHEREAS, in response to the 9/11 attacks US citizens, including many American Indians, enlisted in the US armed forces to contribute to the efforts to fight al Qaeda which include disrupting other terrorist attacks and strengthening US homeland defenses, and

WHEREAS, after ten years and through abundant intelligence gathering and military actions, the United States conducted an operation that killed Osama bin Laden, the leader of al Qaeda, and

- WHEREAS**, afterwards, through various media outlets, the public was made aware that the first indication for President Obama that Osama bin Laden had been killed came when a Navy SEAL sent back the coded message to Washington, DC that said, "Geronimo-E KLA", or "Geronimo - enemy killed in action", and
- WHEREAS**, Goyathlay, or who later became known as Geronimo by the soldiers who he fought, was born in June 1829, to the Bedonkohe band of the Apache people in No-Doyohn Canyon on the Gila River, which was then part of Mexico, and
- WHEREAS**, in 1858, Mexican soldiers attacked the Bedonkohe people setting in motion a war between Mexico and the Apache people that would last for three decades, and
- WHEREAS**, Goyathlay became recognized as a military strategist by his people and led his people in a war of self-defense as their homeland was invaded by the citizens and armies first of Mexico, and then of the United States, and
- WHEREAS**, today, Geronimo serves as a symbol of a time prior to US and Mexican pioneers where Tribes and their citizens were healthy and thriving, living in an environment free from the impacts of disease, poverty, and devastation, and
- WHEREAS**, the association of Geronimo with bin Laden demonstrates the pervasiveness of American Indian stereotypes within our society and is not an accurate reflection of history, and
- WHEREAS**, in 2009, the House of Representatives agreed to a resolution by voice vote honoring Geronimo for "his extraordinary bravery and his defense of his homeland, his people, and Apache way of Life.", and
- WHEREAS**, American Indians have struggled for equality for years due to misguided and damaging US policies yet American Indians enlist in the US Armed Forces at a higher rate than any other group in the United States, and
- WHEREAS**, American Indians current and prior enlisted service men and women have made sacrifices to fight for freedom and to uphold the US constitution which recognizes the sovereignty of Indian Nations and Tribes, and
- WHEREAS**, in Arizona, notable service men and women have been recognized for their valor including the Navajo and Hopi Code Talkers, Ira Hayes of the Gila River Indian Community, and Lori Picstewa of the Hopi Tribe among others, and
- WHEREAS**, the association of Geronimo to bin Laden disrespects and dishonors American Indian service men and women who have exemplified professionalism, patriotism, and unparalleled courage in serving the US.

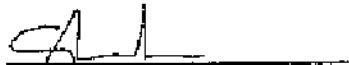
NOW THEREFORE BE IT RESOLVED, that the Inter Tribal Council of Arizona object and oppose the designation of the name "Geronimo" as a military euphemism for the assassination of Osama bin Laden, and

BE IT FURTHER RESOLVED, that ITCA request that the President of the United States and Commander in Chief immediately issue an apology for equating the name of Geronimo with Osama bin Laden and initiate efforts to honor our current and past American Indian service men and women, and

BE IT FINALLY RESOLVED, that ITCA request that the President of the United States order directives towards all federal government capacities to be more sensitive in the use of American Indian names.

CERTIFICATION

The foregoing resolution was presented and duly adopted at a meeting of the Inter Tribal Council of Arizona on May 20, 2011, where a quorum was present.



Shan Lewis,
President, Inter Tribal Council of Arizona
Vice-Chairman, Fort Mojave Indian Tribe

Race-based School Athletic Nicknames – Catalysts for Community Violence Against American Indians

By Carol S. Gunderson, Senior Lecturer Emerita, University of Wisconsin-Stout and Harvey S. Gunderson, Professor Emeritus, University of Wisconsin-Eau Claire

Presented at the Annual Conference of the Native American & Indigenous Studies Association (NAISA), May 20-22, 2010.

Abstract:

A school board is a governmental body. An athletic nickname policy adopted by a school board is therefore a government policy. Community members typically fail to realize that a school's 'Indian' athletic nickname is therefore the case of a government policy based on race targeting a protected racial minority group. Communities using these race-based school policies often subject American Indian residents to various forms of violence resulting explicitly and implicitly from the school board's race-based athletic policy.

This educational and psychological harm experienced by American Indian students has been documented by the research of Dr. Stephanie Ann Fryberg and validated by the research-based resolution of the American Psychological Association. The cultural misappropriation and identity theft inherent in one race using the identity and culture of another race of people has been well established in the literature.

However, the threat and reality of actual physical violence is ever-present in these communities, especially increasing when American Indians request that the public school stop using their race for an athletic good luck charm. This paper presents an analytic comparison of Wisconsin communities that (1) have and (2) have not yet eliminated race from their school athletic policies.

Additionally, besides detailing forms of violence commonly directed at American Indians, actual cases will be described with special attention to a case study of the Osseo-Fairchild School District in Wisconsin.

Race-based School Athletic Nicknames – Catalysts for Community Violence Against American Indians

By Carol S. Gunderson, Senior Lecturer Emerita, University of Wisconsin-Stout and Harvey S. Gunderson, Professor Emeritus, University of Wisconsin-Eau Claire

The authors: Carol S. Gunderson, a member of the Oneida Nation, is Senior Lecturer Emerita in Social Sciences from the University of Wisconsin-Stout. She has been involved with American Indian matters since she was in high school and traveled to Great Lakes Inter-Tribal Council

meetings with Irene Moore, her tribe's tribal chair, to take notes for the tribal chair, and since being selected to hold the title of Miss North American Indian in 1965 and giving speeches including at the BiA at the Department of the Interior. She received numerous awards for teaching and service, especially involving minority students.

Harvey S. Gunderson, Ph.D., is Professor Emeritus in Management from the University of Wisconsin-Eau Claire, serving on the American Indian Studies Committee for over 15 years and numerous awards for teaching and service, including for minority students.

Since retiring, both have been working almost full time for the last eight years in educational civil rights on eliminating race-based nicknames, logos and mascots from athletics, especially at educational institutions. They cofounded an education and civil rights grass roots organization named "Religious Americans Against 'Indian' Nicknames & Logos" (RAAINL) for two reasons: (1) to emphasize to people that use of race-based athletic nicknames in schools is a moral and ethical matter and is inappropriate when measured against the basic principles regardless of one's religion and spirituality, and (2) to point out that use of race-based athletic references usually misuse aspects important to American Indian religions and spirituality.

They were extensively involved in working toward the very first law in the United States on this issue which was signed into law in Wisconsin on May 5, 2010 and are filing the first complaint on the day this landmark education civil rights law goes into effect, which is May 20, 2010, which accounts for the need for their absence from the conference to present this paper.

The paper: Race-based School Athletic Nicknames – Catalysts for Community Violence Against American Indians

Many would say that Osseo, Wisconsin fits their image of the quintessential Midwestern small town. The well-kept lawns and well maintained houses in a community hugging the shores of Lake Martha in west central Wisconsin create an image of peace and tranquility. The world-famous Norske Nook restaurant reflects the Norwegian roots of many of the residents.

But beneath this veneer of Scandinavian façade lies an underlying tension, a tension involving race that causes some in this community to be concerned for their safety. Those who are concerned and are aware that they are at risk are primarily those few families whose minority race has been targeted by a race-based government policy established by local elected officials, elected by an electorate from an Osseo community that is 99.28% White according to the 2000 Census.

The targeted minority race is American Indians. The government policy that targets members of this race is a public school policy, particularly a School Board policy to explicitly utilize race as the basis for its high school's athletic identity.

With its "Osseo-Fairchild Chieftains" nickname and stereotypical 'Indian' head logo of the profile of a Plains-style chief wearing a full head dress, most members of the Osseo-Fairchild community are totally oblivious to the harm that arises from racial stereotyping. In fact, most School District

residents probably don't even know what a racial stereotype is, nor do they really care because it doesn't hurt members of their own family.

It is only when a question is raised as to the advisability of the high school having a race-based athletic identity that most members of the community become concerned. Many suddenly acquire an interest in "the nickname issue" when they learn that the future existence of their school's race-based identity is under siege. In fact, non-Native residents in these communities adopt a siege mentality, accusing American Indians and their non-Native supporters of trying to "steal" something from them, something that in their minds "belongs" to them. These communities develop a feeling that they "own" the identity, that it is "their" identity, that they have the "right" to "play Indian", that they have the "right" to claim to be an American Indian chieftain even though the only thing they have done to "earn" such an identity and esteemed title is to become a freshman in a certain high school or to join a high school athletic team.

As has proven to be true in community after community across this nation, it can be a high-risk act to suggest that an "Indian" nickname and associated references be replaced by an identity not involving race. It especially can be a high-risk act for American Indians from within that school district to voice objection to their race being used by a public school for an athletic rallying cry and sports entertainment.

Some recent examples

For example, a month ago in the Midwest, an American Indian family in Michigan that had been asking the Clinton (Michigan) School Board to eliminate its nickname of "Redskins" (which most American Indians refer to as "the R-word") found dead rabbits placed between their home's screen door and front door. This was clearly intended to warn or scare the family and serve as an act of intimidation and harassment.

A few years ago, also in Michigan, the outbuildings including the cars of an American Indian family were burned to the ground during the controversy over the school's race-based nickname. While it cannot be proved that the fire was set in retaliation for the family having led the successful effort to eliminate the race-based nickname, those familiar with the situation are confident that it was an act of vengeance.

In Carpinteria, California, an American Indian student and his family last year received death threats due to his efforts to eliminate his high school's 'Indian' identity. Another family moved out of the school district out of fear of violence that appeared likely if they were to remain in the school district.

Since 1990 in Wisconsin, American Indian families have moved out of several communities after experiencing the traumas involved in speaking out against their school district's race-based identity.

The implied threat of violence

Whether it is the Midwest or anywhere in the nation, the implied threat of violence is always there, felt by any American Indian family that breaks from the community and has the courage to speak up in spite of the likelihood of becoming a pariah in their own community.

The Osseo-Fairchild School District has been viewed by some to be “the poster child” for the worst that can happen when a school district embarks on a path leading to a possible change or elimination of the school’s race-based athletic identity. Research by the authors indicate that Osseo-Fairchild is one of only three school districts in the nation where school board members were actually recalled from office before the end of their term because those school board members acted to eliminate or moderate that race-based school identity. Accordingly, Osseo-Fairchild has been highlighted in newspaper articles carried by the Associated Press that appeared in news media from coast to coast.

Some have called Osseo “the Selma, Alabama of the North” because of the way the Osseo community has clung so desperately to a local government policy based on race that targeted a specific racial minority group. In Selma, the targeted racial minority was African Americans. In Osseo, the targeted minority is American Indians.

An analytic comparison of Wisconsin communities that (1) have and (2) have not yet eliminated race from their school athletic policies

As of April 4, 2008, 27 Wisconsin public high schools had eliminated their racial athletic policies while 38 remained. (Two schools changed since then.) An analysis of the characteristics of these two groups showed some interesting differences.

The typical high school that eliminated race from its athletic policy was over twice the size of the typical high school resisting change, with a median of 842 students versus only 359.5 students respectively.

Not only were the schools larger but they were accordingly in larger communities, being located in communities being almost four times as large, with median community sizes of 8298 and 2285 residents respectively.

The minority population in communities that eliminated race-based references was also very different from the characteristic of communities that didn’t change. The minority percentage was almost twice as large, with a median of 3.92% of the community being minority in communities that changed versus the much whiter communities that refused to change being only 2.385% minority.

Both groups had far less than one percent of their population being American Indian, but the communities that changed had a slightly larger percentage of the population being American Indian, with a median of 0.30% being American Indian versus only 0.26% in the intransigent communities. Communities that changed had almost seven times as many American Indian residents as the communities clinging to a race-based identity, with 43.8 versus 6.438 American Indian residents.

The different racial makeup of the two groups is reflected in a median diversity index of 8.09 versus only 5.53 in the much whiter, smaller and often more rural and isolated communities that refused to stop using race for their school’s athletic identity.

The case of the Osseo-Fairchild School District: Not exactly "Midwestern nice"!

So what has it been like to live in Osseo-Fairchild during the last eight years? The co-authors of this paper along with two other American Indian families and non-Native allies have since 2002 been engaged in an effort to convince or force the School Board to eliminate the 'Chieftains' nickname and logo.

At the Legislative Hearings of the Wisconsin Assembly and Senate Education Committees, Carol Gunderson expressed what it has been like. Here is some of her testimony:

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1. Our family received numerous anonymous letters and phone calls aimed at intimidation. One anonymous letter was so threatening that the police chief said it could be viewed as a "hate crime".
 2. Our family had to obtain a temporary restraining order against a nickname-supporter for what was heard as a threat of physical violence toward us.
 3. A letter to the editor in the local newspaper openly said our family should "pack up and get out of town" (an exact quote!). (In essence, he was saying that "These Indians should pack up and get out of town unless they're willing to shut up and allow us White people to use their race and their culture for our predominately-White people's halftime fun-and-games.")
 4. Another letter to the editor from a high school junior said that our family had "brought hate to the community" (also an exact quote!). (A year later as a senior, the student wrote another letter to the editor saying that he had changed his position because he had had an experience that caused him to be able to see how American Indians could find the 'chieftains' nickname stereotypical and unacceptable.)
 5. The president of the Osseo-Fairchild School Board swore at us following a school board meeting (captured on videotape). He did so after he said "Why don't you spend your time trying to get the State to pass a law outlawing our 'chieftains' nickname instead of pressuring us School Board members to make the change?" (Other school Board members and many residents on both sides of the issue have expressed a similar desire to have the issue resolved by action at the State level because they have seen how destructive it is to a community when the matter is treated as "a local control issue".)
 6. A nickname supporter gave us "the finger" at another school board meeting (also captured on videotape).
 7. Friends have told us of insulting rumors, lies and innuendo which they've heard being spread in the community about our family because we have dared to speak out against institutional racism in our local school.

8. We've felt the need to ask the Police Chief to have his officers make extra trips around our house for our protection during periods when tensions are especially high in the community. The police have done so.
9. While the whole uniformed Osseo-Fairchild football team was walking to the practice field and past me and another Native woman, an athlete yelled out the 'chieftains' nickname toward us in what we saw as a racial taunt directed toward us Native women because of our race and our opposition to the school's 'Indian' nickname.
10. The night after Eau Claire television news had reported that the Great Lakes Inter-Tribal Council had passed a resolution asking Osseo-Fairchild to eliminate its 'chieftains' nickname, vandalism was directed at an American Indian family's property.
11. When we would go to a certain restaurant in Osseo to eat, a supporter of the nickname would frequently sit in a booth and stare at us in an angry and threatening manner. We therefore haven't gone to that restaurant for the last four years, which is unpleasant in a small town with few restaurants.
12. Because American Indians were opposing the school's racial nickname, one logo supporter was overheard at a local restaurant saying "Our ancestors should have wiped out all of the Indians when they had the chance!"
13. Controversy over the nickname/logo issue created a negative safety environment and negative learning environment in the high school for American Indian students. Tensions became so high that parents pulled two American Indian high school students out of school for several weeks at the end of the school year. We had to home school the students until the end of the year.
14. A superintendent from another school district, because he'd graduated from a school with an 'Indian' nickname, sent us a horrible letter filled with demeaning racial stereotypes and attacking American Indian families for our opposition to Osseo-Fairchild's nickname. A logo-supporting Osseo-Fairchild School Board member then distributed copies of the inflammatory letter throughout the community and even within his church.
15. At a school board meeting, I was called a name that's the most derogatory name that an American Indian woman can be called (i.e., what many American Indians call "the S-word" and sometimes written as "sq**w").
16. At the same School Board meeting, a 'chieftains' nickname supporter stereotypically called an American Indian parent who was speaking against the nickname a "drunken Indian" even though he does not drink alcohol.
17. After an Educational Forum about the race-based nickname, an American Indian woman who had previously lived in Osseo was verbally assaulted by an Osseo-Fairchild teacher because she expressed opposition to the 'chieftains' nickname, leading to a written complaint being sent to DPI by the woman.

18. Police attended several of our protests at our request for our protection because we and the Police Chief recognized that our safety was at risk for speaking out and protesting against the racial school policy.
19. Police attended three school board meetings or events in Osseo and one in Fairchild when tensions were high. County sheriff deputies from Trempealeau County and/or Eau Claire County were called in to assist three times. At one School Board event to "celebrate" the first anniversary of the new 'Indian' head logo (and which we called the "Discrimination Celebration"), deputies from the county and officers from other towns were brought in to assist. State Patrol officers even made several passes at the "Discrimination Celebration". The Police Chief determined that the cost for police attendance at this single event was \$3,800. The School District was charged for the \$3,800. Police costs for other events haven't been determined as far as we know but are significant.
20. After the recall election that replaced several School Board members by new Board members who supported the race-based practices, several American Indian Osseo-Fairchild high school students sat in the front row and watched in tears as the reconstituted School Board reinstated the race-based school policy.
21. American Indian residents were victims of violation of their right to freedom of speech and to redress grievances by the Osseo-Fairchild School Board because the School Board officer presiding over a School Board meeting said that during the Public Comment period, he would not allow any comments about the school nickname and logo. In other words, American Indian residents were disallowed the opportunity to express concerns about a Board policy that targeted their race and is psychologically harmful to American Indian students. This was a violation of civil rights based on race. When I, as an American Indian resident, stood to speak in opposition to my race being used by the School Board for this nickname policy, the School Board chair interrupted me and announced that "Public Comment is now over." When a White woman resident in the audience spoke up and said that she had wanted to speak during Public Comment about the wrestling program, the School Board chair re-opened Public Comment for her, announcing "Okay, Public Comment is open again as long as no one talks about the logo." Upon hearing his comment, I then said aloud to the School Board chair that "I guess I'm the wrong color to speak to the School Board today." My complaint was ignored.
22. This was one of several times when the School Board announced that exactly one topic was prohibited during the Public Comment period, namely the School Board's race-based nickname policy which targets American Indians. We believe that this was a violation of our First Amendment rights.
23. A sixth grade American Indian student was teased by a classmate about being an American Indian and was told after trying to defend his culture and religious practices that "All that Indian crap is just a bunch of bullshit."
24. While an American Indian student was in the fifth grade, a classmate profusely apologized for wearing an Osseo-Fairchild 'chieftain' logo and nickname sweatshirt. The sweatshirt depicted an American Indian male in full ceremonial headdress with the word

- “CHIEFTAIN” printed with the image. The classmate explained that he was sorry and embarrassed, but that his mother made him wear it because “everything else was unclean.” The classmate then said “I’m sorry for wearing this. I know how this bothers you and your family. I am sorry.” This demonstrates how even non-native students are harmed by adult School Board members who are essentially forcing students to engage in racial stereotyping which the students know is wrong.
25. When an American Indian parent and his first grade daughter were walking from the Osseo Elementary School, European American students inside a school bus stuck their heads up to the open windows and yelled the stereotypical “woo-woo-woo” sound toward the parent and child, a stereotype enforced by the school’s race-based nickname and logo.
 26. The theme for the Osseo-Fairchild homecoming game in the fall of 2007 was “Disney movies”, and seven teams were to decorate a hallway using a Disney movie as the theme. Because the athletic nickname is ‘chieftains’, two of the teams used stereotypical ‘chieftains’ themes that were insensitive to American Indians and were forced by school administrators to redo their work. Parents called administrators to complain about the rejection of their child’s efforts, saying that the nickname should be changed because “Our kids can’t have any fun with this nickname.” As I have often said, “School boards won’t change the nickname when it’s only the Indian kids who are being harmed. It’s only when White kids start getting affected that changes are made.” This also exemplifies how administrators are put into an untenable position because they often understand that a race-based nickname is psychologically harmful and educationally unsound but are forced by the School Board to act in a manner that is not in the best interests of the students and their education. Teachers who know the race-based school nickname is wrong have expressed a fear of speaking out for change because teachers are afraid of losing their jobs or being otherwise penalized by an angry School Board.
 27. The Osseo-Fairchild student newspaper contained a drawing which included an American Indian in stereotypical manner within a scene of violence and death. The drawing included a black-skinned male holding two knives and an American Indian aiming a bow and arrow aimed at a white-skinned cowboy. In contrast, all other figures in the drawing were depicted in various non-violent, non-hostile activities. All of these other figures were White (non-minority), while only the Black person and the American Indian were depicted negatively and stereotypically. This drawing was printed as part of a school wide contest, with cash prizes offered. The drawing was made by an Osseo-Fairchild student who was an athlete and had been indoctrinated by the school’s race-based athletics policy to think, act and engage in racial stereotyping of minorities in school activities.
 28. Three students from Altoona and Fall Creek high schools joined one of our protests against Osseo-Fairchild’s race-based nickname, showing that students from other school districts sometimes recognize the harm that is caused by the policies of the School Board from another school district.
 29. Three students from Regis High School brought and wore an ‘Indian’ head dress at a volleyball game held at Osseo-Fairchild. This is an example of how students in other school districts are harmed by Osseo-Fairchild’s race-based nickname because it encourages or

"teaches" students at other schools that it's "acceptable" to stereotype a racial minority and their culture. It exemplifies why this is a statewide issue and it is inappropriate for people to call this "a local issue" that "should be resolved using local control". As this example illustrates, this is clearly not just "a local issue" so it should not be under "local control".

30. A local church pastor who understood that Osseo-Fairchild's race-based nickname was inappropriate and contrary to Christian beliefs broke down in tears in the pulpit while giving a sermon about the school's race-based nickname. A logo-supporting School Board member who was in the congregation misinterpreted the reason for the tears and wrote a letter to the editor that appeared in the Eau Claire Leader that blamed us for "attacking" his pastor. The pastor then went to the School Board member to explain that he had misinterpreted the situation, but he did not write a correction to the newspaper, thereby leaving readers across western Wisconsin with the impression that we had "attacked" the pastor.
31. No other pastor of the 13 local pastors was willing to address the issue with their congregation. One local pastor expressed a concern about possibly losing his position with the congregation if he were to address the issue with his flock. However, many have speculated that the fear of loss of members and/or contributions motivated the silence, even though the Wisconsin Council of Churches had issued a strong Christian-based statement opposing race-based nicknames in Wisconsin schools.
32. I and my family haven't attended our own church in Osseo for over four years because we don't feel comfortable with church members who are logo-supporters helping give communion to the rest of the congregation. I don't want a logo supporter who disrespects and demeans me and my race to give me what I consider to be a holy sacrament. Moreover, students and alumni sometimes wear clothing to church bearing the racial nickname or logo, causing us to say that "We can't even go to church without being reminded that our local community has demonstrated total disrespect for my race by ignoring all the tribal leaders and American Indian organizations that have asked the community to replace the race-based nickname that targets my race."
33. At an "Educational Forum" to inform residents about the issue, while an American Indian man was speaking against the logo and how it personally disrespected his culture, a supporter of the 'chieftains' nickname began calling him "an asshole" repeatedly. The nickname supporter said this while seated in the row directly behind an American Indian woman and her family (including an eight-year old child) and loud enough for them to hear. (These of course are the same people who claim they are "honoring Indians" by using their race for a sports good luck charm.) The same man who had directed these horrible epithets toward American Indians later rose during the Forum and talked about how "the logo honored American Indian people" and how he had never witnessed "any disrespect toward Indians connected with the logo."
34. An American Indian educator from Oshkosh attended an Osseo-Fairchild School Board meeting and was horrified by what she observed in the behavior of residents who supported retaining the race-based nickname, whereupon she exclaimed sorrowfully that "I had no idea what you have been going through here in Osseo-Fairchild!"

35. At Halloween, a pumpkin was carved into a "chieftain" head and put on the sidewalk outside the door of an Osseo restaurant.
36. An American Indian resident submitted a letter to the Osseo-Fairchild School Board stating that she had a serious issue with the use of religious regalia and symbols being used in a non-religious/non-ceremonial context within a proposed 'Indian' logo. The letter explained how she had received professional training at the Smithsonian Institution's National Museum of the American Indian in regard to the use and misuse of American Indian religious symbols and ceremonial items, and depictions of them. She was never replied to nor contacted by any school board member, but later learned that her concerns were never addressed nor considered. Instead she later learned that the only proposal/requests considered by the Osseo-Fairchild School Board was that submitted by European American supporters of the nickname that targeted her race and culture, including her American Indian religion.
37. My college students from similar schools and graduates of Osseo-Fairchild have reported being embarrassed upon going to college when students from other communities criticized them for coming from a community with a race-based nickname. They have said things in class like "My high school in Osseo-Fairchild should have taught me before I graduated that race-based team nicknames are racial stereotypes that are unacceptable in modern society."
38. During Public Comment at an Osseo-Fairchild School Board meeting, an American Indian resident addressed the Board regarding the misuse of American Indian cultural, ceremonial, and religious symbols in regard to the 'Indian' nickname and logo. Her comments/concerns regarding her and her family's religious beliefs and practices were not specifically addressed by any School Board member. The School Board refused to address specific concerns of her and her family about the misuse/abuse and misrepresentations of her traditional American Indian religious practices, beliefs, and philosophies, despite numerous public pleas for them to look into this matter in an in-depth manner that focuses on the religious aspects of the nickname/logo issue.
39. Our community has been ripped apart over this, with friendships destroyed and family members avoiding people in their own family who are on the "other side". Lifelong friends and next-door neighbors no longer speak to one another. Brothers cannot talk civilly to one another about the school. Family reunions have additional tension because family members have experienced emotional arguments over this issue.
40. Some local businesses lost significant income as customers that had been customers for decades instead bought from other businesses, often from businesses in other communities which meant that those dollars permanently left the community's economy.
41. The person serving as mayor addressed the School Board because he was concerned that the community's reputation was being harmed by the controversy.
42. Some European American graduates of Osseo-Fairchild who had considered moving back to the community after retirement told us they changed their minds and decided they didn't want to live in a town that was so racially insensitive. Some European Americans indicated

they had moved into a nearby town instead of moving to Osseo because of the race-based nickname. Some European American residents expressed their intent to move elsewhere as soon as feasible because of disgust for the community's refusal to eliminate the race-based school policy.

So, that's Osseo-Fairchild. Osseo-Fairchild is not a nice community to live in if you're an American Indian who expresses opposition to the school's racial nickname policy. I and my family have had to endure this situation because our School Board has a nickname policy that targets my race. American Indians living in Osseo-Fairchild or any of the other 37 Wisconsin communities with an 'Indian' nickname shouldn't have to put our families at risk of intimidation, physical threats and even violence in order to get our race removed from our public school's athletic policy. No other race is used for race-based nicknames. Only American Indians are subjected to this situation. African American families don't need to put themselves and their children at risk over school nickname policies that target their race. So why should we? Asian Americans don't need to either. So why should we?

We have been going through this living hell in Osseo-Fairchild for over six years since 2002. Moreover, the Osseo-Fairchild School Board, school administrators and the community have also been going through a living hell for these years. The conflict will continue in Osseo-Fairchild unless the proposed bill becomes law. The proposed bill would have prevented this tragedy from happening in Osseo-Fairchild if it had been made law a decade ago. This bill enables DPI to objectively make an evaluation free from the emotion and passion that so often splits and destroys school boards and destroys communities.

Each of the remaining 37 other race-based communities are "an Osseo-Fairchild-disaster-waiting-to-happen". Our concern is that someone will eventually be seriously injured or even killed if the current process remains in place. Unless the Wisconsin State Legislators adopts a new process that reduces tension at the local level, the threatened and/or real violence against property and people could become even more extreme. The current bill before the Wisconsin Legislature should solve this problem.

Please pass this bill in order to change the process and reduce the potential for racial conflict in Osseo-Fairchild and the 37 other race-based Wisconsin school districts.

Summary

So, does "Midwestern nice" really exist? It may *somewhere* in the Midwest, but not in Osseo or many other Midwestern communities where the school has a race-based school nickname, especially for those American Indian residents who dare to speak out against the race-based school policy that targets their race.