

December 5, 2018

SENT VIA EMAIL AND U.S. MAIL

Dixie Ring, Chair
MSAD #54 School Board
1460 Post Road
Wells, Maine 04090
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Superintendent Brent Colbry
Superintendent's Office
196 West Front Street
Skowhegan, Maine 04976

Re: Review of Native American Mascot

Dear Chair Ring and Superintendent Colbry,

We write to urge you to retire Skowhegan High School's "Indians" mascot. Using Native American mascots for sports teams perpetuates negative stereotypes and is especially damaging given the long history of oppression against Native Americans. Retiring the mascot would help to ensure compliance with the spirit and the text of anti-discrimination laws. Skowhegan High School is the last in Maine to retain its Native American mascot, and it should follow the lead of many other schools who have adopted new mascots. It is time to end this discriminatory practice in our state.

I. Native American Mascots in Maine Schools and the Harm They Cause

Native American mascots are not a new issue in Maine's schools—or in the nation—and the tide of history is against them. In the not-so-distant past, there

were nine Maine schools using Native American mascots.¹ All but one—Skowhegan—have removed the Native American mascots after community campaigns and conversations with native people. Scarborough High School was the first to change in 2001, when the Redskins changed to the Red Storm. Husson University then changed its “Braves” mascot to the “Eagles.” Wiscasset, Sanford, and Old Town High Schools were not far behind. Wiscasset is now the “Wolverines,” Sanford is “the Spartans,” and Old Town is the “Coyotes.” Only months ago, Wells High School retired its Native American mascot, but kept the name “the Warriors.”²

In another recent decision, the Cleveland Indians announced that they would retire their Native American mascot, “Chief Wahoo,” based on a goal to promote diversity and inclusion.

These decisions acknowledge the damaging consequences of using Native American mascots. Studies have shown that using such mascots lowers “the self-esteem of American Indian students.”³ According to the research of University of Washington Professor Stephanie Fryberg, images such as Native American mascot Chief Wahoo decreased self-esteem even more than exposure to other negative Indian stereotypes.⁴ Jordan LaBouff, an assistant professor of psychology at the University of Maine, has agreed that stereotypical Native American imagery can harm Native American students.⁵ As Professor LaBouff explained, “I don’t think

¹ Travis Lazarczyk, *Effort to Expel Native American Mascots from Maine Schools Finds a Few Holdouts*, PORTLAND PRESS HERALD (May 31, 2014), available at <http://www.pressherald.com/2014/05/31/effort-to-expel-native-american-mascots-from-maine-schools-finds-a-few-holdouts/> (last viewed Dec. 4, 2018).

² *Wells High School will keep Warriors name, change Native American imagery*, WGME 13, available at <https://wgme.com/news/local/wells-high-school-will-keep-warriors-name-change-native-american-imagery> (last viewed Dec. 4, 2018).

³ Lazarczyk, *supra* note 1, <http://www.pressherald.com/2014/05/31/effort-to-expel-native-american-mascots-from-maine-schools-finds-a-few-holdouts/>.

⁴ *Id.* (noting that the effect had been “replicated . . . several times”).

⁵ Steve Craig, *Drums, Whoops and War Paint: Team Spirit or Racial Mockery?*, PORTLAND PRESS HERALD (Oct. 17, 2017), available at <http://www.pressherald.com/2017/10/16/mother-says-atmosphere-at-wells-football-game-mocked-native-americans/> (last visited Dec. 4, 2018).

anyone in that community is explicitly trying to harm, but the fact is, they are, and the data demonstrates that.”⁶

Consistent with these findings, the United States Commission on Civil Rights has “called for an end to the use of Native American mascots in non-native schools because they teach ‘all students that stereotyping of minority students is acceptable.’”⁷ In 2005, moreover, the American Psychiatric Association publicly called for “the immediate retirement of all American Indian mascots” because they teach “misleading, and too often, insulting images of American Indians.”⁸ “More than 100 other organizations representing civil rights, educational, athletic and scientific professions have made similar statements.”⁹

Not surprisingly, the “Indians” mascot is associated with offensive and discriminatory behavior.¹⁰ Last year, for example, the Skowhegan Area Chamber of Commerce announced a holiday promotion called “Hunt for the Indian.” Although the promotion was quickly canceled after public outcry, the “Hunt for the Indian” promotion is just another manifestation of the offensive stereotypes that Native American mascots help to normalize. As explained by the United States Commission on Civil Rights, using Native American mascots in non-native schools teaches “all students that stereotyping of minority students is acceptable.”¹¹ Schools should be teaching an opposite message of inclusion and understanding.

⁶ *Id.*

⁷ Steve Craig, *Wells-Ogunquit School Panel to Begin Review of a Tradition: Warriors School Mascot*, PORTLAND PRESS HERALD (Nov. 2, 2017), available at <http://www.pressherald.com/2017/11/02/town-of-wells-to-begin-review-of-a-tradition-warriors-school-mascot/> (last visited Dec. 4, 2018).

⁸ *Id.*

⁹ *Id.*

¹⁰ See Doug Harlow, *No Plans to Change Native American Mascot at Schools in Skowhegan*, Portland Press Herald (Nov. 13, 2017), available at <http://www.pressherald.com/2017/11/12/mascot-still-in-play-at-schools-in-skowhegan/> (last visited Dec. 4, 2018).

¹¹ Craig, *supra* note 6, available at <http://www.pressherald.com/2017/11/02/town-of-wells-to-begin-review-of-a-tradition-warriors-school-mascot/>.

II. Retiring the Native American Mascot Would Help Comply with Anti-Discrimination Laws

Both federal and state laws protect students from discrimination at school, including protection against hostile environment on the basis of race or national origin. 42 U.S.C. § 2000d.¹² Retiring the mascot is an important step to meaningfully comply with these laws.

An example may help to demonstrate how antidiscrimination laws apply to a Native American sports mascot. In a recent investigation, the Maine Human Rights Commission found discrimination where a supervisor made numerous comments to his Native American employee “about Indians and firewater.”¹³ The supervisor called the employee “Big Indian,” and called a female co-worker a “squaw” when she wore a braid. *Id.* at 12. The supervisor also “showed Complainant a picture of [the supervisor’s brother] dressed in a Native American costume.”¹⁴ Although some of these comments reflected mere “cultural insensitivity” (because the supervisor ceased after being told they were offensive), the Commission concluded that, overall, the employer had discriminated against his Native American employees by creating a hostile work environment. *Id.* In March 2018, the Maine Superior Court agreed that the employee had been subject to unwelcome harassment based on race.

Similar harms result from using Skowhegan’s “Indians” mascot—complete with a large illustration with a caricatured Native American figure on the gym wall. Just like name-calling and dressing up in a “Native American costume,”

¹² 42 U.S.C. § 2000d; U.S. Dep’t of Educ., Off. for Civ. Rts. & U.S. Dep’t of Justice, Civ. Rts. Div., “Dear Colleague” Letter: Harassment and Bullying, (Oct. 26, 2010), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; see also Emma Findlen LeBlanc, *We Belong Here* (Sept. 2017), https://www.aclumaine.org/sites/default/files/webelonghere_report.pdf; 5 M.R.S. § 4601.

¹³ Investigators Report E13-0608 at 12.

¹⁴ “Although this was an employment case, it interpreted the same term, “discriminate,” that appears in the public accommodations and education provisions of the [Maine Human Rights] Act.” *Cf.* Investigator’s Report, PAED 08-023 at 6 n.2 (citing *United Paperworkers*, 383 A.2d at 378).

perpetuating the “Indians” mascot creates a hostile environment for Native American students attending Skowhegan High or visiting for sporting events.

Conclusion

In light of the serious moral and legal concerns discussed in this letter, we urge you to put an end to this harmful practice in Maine and to immediately retire the “Indians” mascot. Thank you in advance for your consideration.

Very truly yours,

A handwritten signature in cursive script that reads "Emma E. Bond".

Emma E. Bond
Staff Attorney