

January 31, 2018

Advisory Committee

Rick Coyne, Chair
Wells-Ogunquit School District
1460 Post Road
Wells, Maine 04090

Re: Review of Native American Mascot

Dear Members of the Advisory Committee,

We write on behalf of Amelia Tuplin, who first raised the issue of the Native American mascot at Wells Ogunquit Community School District (Wells) last fall. As an initial matter, we thank the advisory committee for seeking input from Ms. Tuplin and Native American leaders. Further, we urge the committee to recommend retiring the Native American mascot. Using such mascots for sports teams is damaging. It appropriates sacred and religious traditions, perpetuates negative stereotypes, and is especially offensive given the long history of oppression against Native Americans. Retiring the mascot is the right thing to do, and would help to ensure compliance with the spirit and the text of anti-discrimination laws.

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 plainly points toward retiring them. In the not-so-distant past, there were nine Maine schools using Native American mascots.¹ But most have removed the Native American mascots after community campaigns and conversations with native people. Scarborough High School was the first to change

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 Nov. 21, 2017).

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.”

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.”² 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.³ Jordan LaBouff, an assistant professor of psychology at the University of Maine, has agreed that stereotypical Native American imagery can harm Native American students.⁴ As Professor LaBouff explained, “I don’t think anyone in that community is explicitly trying to harm, but the fact is, they are, and the data demonstrates that.”⁵

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.’”⁶ In 2005, moreover, the American Psychiatric Association publicly called for “the immediate retirement of all American Indian mascots” because they

² Lazarczyk, *supra* note 1, <http://www.pressherald.com/2014/05/31/effort-to-expel-native-american-mascots-from-maine-schools-finds-a-few-holdouts/>.

³ *Id.* (noting that the effect had been “replicated . . . several times”).

⁴ 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 Nov. 21, 2017).

⁵ *Id.*

⁶ 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 Nov. 21, 2017).

teach “misleading, and too often, insulting images of American Indians.”⁷ “More than 100 other organizations representing civil rights, educational, athletic and scientific professions have made similar statements.”⁸

These findings are also consistent with Ms. Tuplin’s feelings as she sat at the football game at Wells—one of the three Maine schools that continues to use a Native American mascot.⁹ Ms. Tuplin is the mother of the visiting Lisbon team’s quarterback and a member of the Mi’kmaq (Micmac) tribe. In addition to her son on the football field, Ms. Tuplin was accompanied by her other children—all of whom are Native Americans. Ms. Tuplin found it difficult to explain to her children why the spectators were mocking their culture. She could not explain why spectators on the sidelines wore feathered headdresses, banged on drums designed to look like Native American drums, wore “war paint,” and hollered with their hands in front of their mouths. Although Ms. Tuplin originally believed that the fans were targeting her son, she said that she later learned that the fans’ behavior was typical of a Wells football game.¹⁰ That realization “hurt more,” because it showed a disregard to Native American culture as a whole.¹¹

As Ms. Tuplin explained, the face paint, chanting, dancing, and drumming mocked sacred practices in her culture. As she explained, “We take pride in preserving our language, our sacred teachings, traditional medicines, sacred face painting . . . , ceremonial regalia, sacred drums & honors songs. These things have been passed down for many generations and are sacred and precious to preserving our culture.” It was hard for Ms. Tuplin to see these practices mocked in the name of team spirit.

⁷ *Id.*

⁸ *Id.*

⁹ The other two schools are Skowhegan Area High School (“the Indians”) and Nokomis Regional High School (the “Warriors”).

¹⁰ *Id.*

¹¹ *Id.*

Ms. Tuplin’s family was also impacted by the Indian residential school era, which further informs her views about Native American mascots. The Indian residential school era refers to a period from the 1800s to 1950s when the United States government removed Native American children from their families and sent them to boarding schools. At the boarding schools, the children frequently suffered physical, sexual, and emotional abuse. Many tried to escape or died.¹² After overcoming those seemingly insurmountable challenges, Ms. Tuplin has been shocked that schools still use the type of racial mockery that she experienced.

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.¹³ We think that retiring the mascot is an important way to ensure meaningful compliance with these laws.

An example may help to demonstrate how antidiscrimination laws could 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.”¹⁴ The supervisor called the employee “Big Indian,” and called a female co-worker a “squaw” when she wore a braid. *Id.* at 12. Finally, the supervisor “showed Complainant a picture of [the supervisor’s brother] dressed in a Native

¹² Margy Dowzer, *Maine Voices: King’s Words Point to Need to Address Harms to Native Americans*, PORTLAND PRESS HERALD (Jan. 23, 2015), available at <http://www.pressherald.com/2015/01/23/maine-voices-join-in-the-work-of-the-truth-and-reconciliation-commission/> (last visited Nov. 21, 2017).

¹³ 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.

¹⁴ Investigators Report E13-0608 at 12.

American costume.”¹⁵ 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.*

Similar offensive conduct occurred at the Wells football game, and (reportedly) other sporting events as well, as a result of Wells’ use of a Native American mascot. In the name of team spirit, students, parents, and fans mimicked Native American stereotypes by, among other things, wearing headdresses, beating drums, and wearing “war paint.” A segment on local Channel 6 depicts some examples of the Wells mascot, headdresses, and face paint:



¹⁵ “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).



Similar to using names like “Big Indian,” “firewater,” “squaw,” and dressing up in a “Native American costume,” such actions can create a hostile environment for Native Americans.

The Superintendent previously stated that he did “not believe that fans or team members knowingly or intentionally engaged in conduct that was disrespectful of Native American culture.” That may be true, but it misses the point. The problem is that Wells has continued using a Native American mascot, despite the known and documented consequences of that mascot.

Indeed, the displays at Wells sporting events are entirely consistent with the well-documented consequences of using Native American imagery as sports mascots. 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.”¹⁷ This is not the fault of the students, but the fault of the school administration that sanctions the mascot.

Not surprisingly, using Native American mascots has also caused offensive behavior elsewhere, including in Skowhegan, where the schools and town use an

¹⁶ Wells High School’s ‘Warrior’ Mascot Comes Under Fire, WCSH6 PORTLAND, <http://www.wcsh6.com/news/local/maine-schools-warrior-mascot-comes-under-fire/484102535> (last viewed Nov. 17, 2017).

¹⁷ 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/>.

“Indians” mascot.¹⁸ For example, the Skowhegan Area Chamber of Commerce recently 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.

Conclusion

At the end of the day, this process is not about pointing fingers or casting blame. But now that members of the Native American community have stepped forward to share their reactions and feelings, it is time to respect their views about depictions of their own people.

In light of the serious moral and legal concerns discussed in this letter, we believe that Wells’ Native American mascot has to go. When the time comes to vote, we hope that the advisory committee will recommend changing the mascot.

Thank you in advance for your consideration.

Very truly yours,

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

Emma E. Bond
Staff Attorney

¹⁸ 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 Nov. 21, 2017).