RELIGIOUS AMERICANS AGAINST 'INDIAN' NICKNAMES & LOGOS

P.O. Box 667, Osseo, WI 54758-0667 (715) 597-6668 e-mail: gunderso@triwest.net

May 28, 2013

Subject: Opposing SB 215 A

To Members of the Oregon House Education Committee:

SB 215A assumes that a school's use of an athletic identity based on race **cannot** be discriminatory if the tribal government of the nearest tribe "approves" such usage. That idea is so ludicrous and reflects such a lack of understanding as to what constitutes racial discrimination that it hardly deserves comment!

Throughout this nation's history, those in power have used "approval" from some members of the targeted minority group to "justify" continuing a discriminatory practice against everyone in the group. For example, slaveholders claimed that because one of their slaves had said they didn't want slavery to end, slavery should continue to protect African American slaves. Men claimed that because his wife didn't think women should be allowed to vote, therefore women shouldn't be granted suffrage. During the 1950s, White segregationists often claimed that the existence of some African Americans who wanted local schools to be segregated provided justification for fighting integration. Similarly, even though every major national and regional American Indian organization opposes the practice of using their race as the basis for an athletic identity, predominately-White school boards such as the 15 in Oregon now argue that the existence of American Indians who "support" the practice justifies continuation of the discriminatory practice.

Most American Indian tribes oppose use of race-based athletic nicknames, logos and mascots. There are currently 566 federally recognized tribes. When the National Collegiate Athletic Association (NCAA) in 2002 surveyed all federally recognized tribes, 99% of responding tribes asked the NCAA to eliminate race-based athletic nicknames. It wasn't quite 100% that urged an end to the practice, but does the existence of 1% that "approve" the practice justify continuing the practice?

If you asked 566 African Americans whether they "approve" your practice of using the N-word, and 99% of respondents object and only 1% "approve", would you use the N-word? Hopefully not. If 5% of African Americans "approved", would you use the N-word? Or 25%? 50%? 80%? At what percentage would you consider it appropriate to continue using the N-word? Most people would say that if even a small percentage of African Americans are insulted by your use of the word, they would refrain from using the word because there are numerous acceptable alternative names that refer to African Americans that don't insult any African Americans.

In the same manner, there are an enormous number of terrific athletic nickname alternatives not based on race that the 15 Oregon schools can use. These 15 school boards refuse to eliminate their race-based nickname because they claim their community strongly supports the school board's race-based athletic nickname policy, it's been used for decades, and it's a valued part of their community and its history. That rationale for keeping their race-based school nickname has no more validity than when segregationists claimed that their Jim Crow practices and their school board's race-based attendance policies were justified because they had been used for decades and were a valued part of their community and its history.

"racial discrimination" is not the same as being "offensive".

SB 215 deals with race and racial **discrimination** in an educational environment. It's important that legislators understand that "racial discrimination" is **not** the same as being "offensive". An act involving race that "offends" may or may not be "discriminatory", while a "discriminatory" act may or may not "offend".

ORS 659.850 ("Discrimination in education prohibited") would be modified by SB 215A. ORS 659.850 deals with discrimination, not offensiveness. ORS 659.850 prohibits discrimination based on race in schools but does **not** prohibit offensiveness **unless** such offensiveness creates a discriminatory educational environment.

While an offensive act can create a discriminatory educational environment, it's not the only possible cause of discrimination in a school policy. There are other causes in addition to offensiveness. Hence, an opinion that an act isn't racially offensive is **not** sufficient to determine that there is no discrimination because there may be discrimination due to **another** reason.

Dr. Stephanie A. Fryberg: "continued use of the race-based...nickname/ logo cannot be justified by the existence of American Indians who say they support the nickname/ logo"

Authors of SB 215 implicitly assume that "approval" or determination of "non-offensiveness" from an American Indian individual/group/tribal government constitutes proof of non-discrimination. However, that assumption is invalid because a school board's race-based athletic identity can be discriminatory even with "approval" and "non-offensiveness".

That the SB 215A authors' assumption is invalid has been documented repeatedly by several unrefuted research studies. As a first example, Dr. Stephanie A. Fryberg et al. (e.g., *Of warrior chiefs and Indian princesses: The psychological consequences of American Indian mascots.* Fryberg, S. A., Markus, H. R., Oyserman, D. & Stone, J. M. (2008). Basic and Applied Social Psychology, 30, 208-218. Available at http://sitemaker.umich.edu/daphna.oyserman/files/frybergmarkusoysermanstone2008.pdf) determined that American Indians who "**support**" race-based athletic identities on average suffer a **greater** reduction in self-esteem than the reduction in self-esteem experienced by American Indians who **oppose** such usage. In other words, American Indians who support race-based athletic identities are psychologically actually the greatest victims of race-based athletic identities.

Hence, existence of an American Indian individual/group/tribal government who "**supports**" the usage is **meaningless** because American Indian supporters of race-based athletic identities are unaware they've been negatively impacted at the **subconscious** level and are therefore unaware of the psychological harmfulness. Hence, "approval" from an American Indian individual/group/tribal government does not provide credible evidence of non-discrimination.

The assumption that "approval" from the nearest tribal government proves that a school board's race-based athletic policy is non-discriminatory is the very basis of Senate Bill 215A, but that assumption is totally invalid, which also invalidates SB 215A.

Because of this research evidence, Oregon legislators cannot validly justify gutting an important education civil rights law formulated by the Education based on the existence of members of the targeted race who "approve" the discriminatory race-based policy. As Dr. Fryberg wrote,

> ***"This research provides empirical evidence that the continued use of the race-based...nickname/ logo cannot be justified by the existence of American Indians who say they support the nickname/ logo and that the rationale for keeping the ['Indian'] nickname/logo should be focused on psychological consequences, not on attitudes or preferences."***
>
> *[Affidavit of Dr. Stephanie Ann Fryberg as executed April 22, 2005 in support of American Indian Complainants prepared for a potential civil rights lawsuit against the Osseo-Fairchild School Board in Wisconsin]*

Another implicit assumption underlying SB 215A is the assertion that a "respectful" 'Indian nickname/logo/mascot isn't harmful. Research has shown this assumption to also be invalid. In fact, Dr. Fryberg found that the psychological harm from exposure to a "respectful" 'Indian' athletic identity is the same for as for exposure to a disrespectful cartoonish identity. Therefore, the claim often made that some race-based athletic identities are acceptable because they are "respectful" is untrue. **All** are discriminatory because they **equally** lower the self-esteem of American Indian students.

*"SB 215 is **an anti-civil rights bill --- a vote for SB 215 is equivalent to a vote to continue discriminatory practices** in those 15 public schools, to condone the psychological harm to American Indian students and also harms to **other** minority children by increasing receptivity to negative stereotypes about **other** minorities."*

SB 215 is **an anti-civil rights bill by definition** -- because it concerns those Oregon public schools whose race-based nicknames/logos/mascots promote discrimination, pupil harassment or stereotyping based on race. How you vote on SB 215 will reveal much about your (and your party's) attitudes about race! Do you (and your party) **oppose or condone racial discrimination** when it's against innocent American Indians in Oregon public schools?

The ignorance (i.e., being uninformed, lacking knowledge) that some legislators (and citizens) display on this matter often occurs because the legislator (or citizen) consciously or unconsciously **chooses** to remain "willfully ignorant" about the research so that they can avoid facing the reality that **a vote for SB 215 is equivalent to a vote to continue discriminatory practices** in those public schools, to condone the psychological harm to American Indian students and also harms to **other** minority children by increasing receptivity to negative stereotypes about **other** minorities. (e.g., *Effect of exposure to an American Indian mascot on the tendency to stereotype a different minority group.* Kim-Prieto, C., Goldstein, L.A., Okazaki, S., & Kirschner, B. (2010). Journal of Applied Social Psychology, 40, 534-553.) In this research article, Kim-Prieto et al. wrote that ***"the effects of these mascots have negative implications not just for American Indians, but for all consumers of the stereotype"***. Therefore, research shows that race-based athletic nicknames in schools **create a hostile educational environment for students of all minority races**. Hence **a vote for SB 215 would not only be a slap in the face** of the National Congress of American Indians and American Indian students, but it would **also be a slap in the face** of the NAACP, LULAC, and all students of other racial minorities.

During a 2010 legislative discussion on the Assembly floor prior to a similar vote on a bill aimed at race-based 'Indian' nicknames in Wisconsin public schools, Wisconsin legislator Rep. Jim Soletski (D-Green

Bay) said to the White legislators trying to excuse use of race-based school nicknames, "If you don't **want** to 'get it', you **won't** 'get it'!" There are probably senators in the Oregon Senate who similarly "don't **want** to 'get it'". Many of those senators will **never** read and understand the research and the ramifications, because it's impossible to get people to learn when they **choose** to **not** learn (i.e., to be "willfully ignorant").

"The claim that this is "a local control matter" is invalid because "local control" is an appropriate concept only when the effect of a school board's policy is only within that one school district, but totally inappropriate when the policy harms students enrolled in other school districts."

Perhaps the claim that most clearly reveals a legislator's (or citizen's) ignorance about this civil rights matter is the absurd claim that race-based school nicknames should be considered a "local control" matter. Does anyone believe a school board in **one** school district should be permitted to have a discriminatory race-based athletic policy that harms minority students enrolled in **other** school districts? "Local control" is an appropriate concept **only** when the effect of a school board's policy is **only within that one** school district, but **totally inappropriate** when the policy harms students enrolled in **other** school districts.

The saying applies here that "Your right to swing your arms ends just where the other man's nose begins." Due to the inherent nature of interscholastic competition, students from competing schools are exposed to and affected by a race-based athletic policy used by another school district. Hence, the harm from a race-based school athletic policy doesn't stop at the boundaries of that school district.

No Oregon school board should be allowed to **force** racial stereotypes onto students enrolled in **another** school district. That would constitute **interference** with the authority of the **other** school board. A race-based school nickname policy **interferes** with the territorial jurisdiction of **other** school boards and **their right** to maintain a stereotype-free educational environment for **their** students. Therefore, any person who makes a "local control" claim is simply revealing that they are ignorant of the research evidence that documents the harm to both (1) American Indian and (2) other minority students, with the harm occurring both (1) within and (2) beyond the boundaries of that school district.

Legislatures in other states have killed anti-civil rights bills like SB 215 by letting them die a peaceful death. Oregon has established a positive reputation on civil rights. Passing SB 215 which harms American Indian and **other** minority children attending the 15 schools **and** attending **all** competing schools would be reflect poorly on the legislature and the entire state.

This is a fundamental education civil rights issue. Education will be harmed if SB 215 A becomes law. Thank you.

Sincerely,

Harvey S. Gunderson Carol S. Gunderson

Harvey S. Gunderson, Ph.D., President Carol S. Gunderson (Oneida Nation), M.A., Vice President
Religious Americans Against 'Indian' Nicknames & Logos (RAAINL)
P.O. Box 667, Osseo, WI 54758-0667
(715) 597-6668
e-mail gunderso@triwest.net