



DAVID CRAIG

STATE REPRESENTATIVE

Assembly Committee on Government Operations and State Licensing
Public Hearing, October 3, 2013
Assembly Bill 297 Testimony

Chairman August and Members of the Committee,

Thank you for taking the time to hear testimony on this legislation AB-297, and its recently introduced substitute amendment. For the sake of clarity, I will be speaking to the substitute amendment when referencing AB-297 throughout my testimony.

As you know, 2009 Wisconsin Act 250 created a system for a single individual to challenge the nickname, logo, mascot or team name of a school or school district based on their belief that it is race-based and discriminatory. While some may see Act 250 as a noble attempt to end perceived discrimination, there are serious flaws in the methods used to determine discrimination under Act 250.

Those flaws include:

- A presumption of guilt until proven innocent when a mascot is claimed to be discriminatory.
- The unilateral ability of the State Superintendent to determine what constitutes discrimination.
- The ability of a single individual to claim discrimination without any requirement of the complainant to provide evidence of such discrimination, or even the requirement that the complainant shows that they are a member of the group being discriminated against.

To put Act 250 in perspective, it is the equivalent of an IT professional filing a workplace discrimination complaint on behalf of a salesman at their firm, without consulting as to whether the salesman believes he or she was even discriminated against. Further, under the Act 250 standards, the firm would be presumed guilty of this unconfirmed discrimination until they prove that they did not discriminate against the salesperson, who may or may not even know that a discrimination complaint was filed.

As you can see from this example, Act 250 clearly violates the basic foundations of due process that our nation holds so dearly. For this reason, a circuit court judge struck down Act 250 as applied against the Mukwonago School District in 2011, a decision that was not reversed on merit but simply because an appellate court did not believe two residents of the Mukwonago School District had standing to challenge the law.

Due to the serious flaws in Act 250, we introduced AB-297. Under this bill, no longer can a single individual force an entire school district to spend tens of thousands of dollars to challenge unsubstantiated claims of discrimination. Under this bill, no longer does the accused have a

presumption of guilt. Under this bill, no longer can an individual with no connection to a so-called discriminated group make a discrimination complaint even if the so-called discriminated group publicly states that no discrimination is occurring.

Instead, AB-297 does the following:

- Requires the signatures of multiple residents of a school district, equal to 10% of the student body of the school district, before a discrimination complaint can be made.
- Shifts the burden of proof from the school district to those making the discrimination complaint.
- Requires and moves the hearing process away from the state agency that the circuit court already ruled is bias on this subject.
- Provides that a school board can enter into an agreement with an American Indian tribe with historic ties to Wisconsin to demonstrate that their mascot is not discriminatory.
- Provides that an interscholastic athletic association cannot be used to circumvent the intent of AB-297.

Thank you for your time. I would be happy to answer any questions you may have.

Stephen L. Nass

Wisconsin State Representative

*Testimony on 2013 Assembly Bill 297
Indian Nicknames, Logos and Mascots
October 3, 2013*

*Assembly Committee on Government Operations and State Licensing
Presented by Mike Mikalsen, Office of Representative Steve Nass*

Chairman August and committee members, Representative Steve Nass regrets that he is unable to attend today's public hearing. He is currently in Germany, at his own expense, with a Walworth County delegation participating in a county government exchange program.

Rep. Nass has been involved in the Indian logo, mascot and nickname debate since his first term in January 1991. Despite serving through three reapportionments, he has been honored to represent several communities that have traditionally utilized Indian nicknames, mascots and logos.

From his very first public statement on this issue in the early 1990s, he has always believed this issue needs to be resolved at the community level and after thorough discussion involving all the interested parties. He supports the decisions of communities that opt to maintain their traditional logos, mascots and nicknames and those school districts with community support that decide to adopt a new tradition.

Since 1985, every student has been protected by the Wisconsin Pupil Non-Discrimination Law (ss. 118.13). This law combined with federal protections has provided a legal route for students and their families to address any denial of access to, benefit of, or discrimination in educational services provided by our schools. On a few occasions in the past, there were complaints raised regarding Indian logos, mascots and nicknames under the Wisconsin Pupil Non-Discrimination Law. In these instances, the Department of Public Instruction determined the mere existence of Indian related logos, mascots, and nicknames didn't violate state law.

For nearly, two decades there had been sporadic attempts to change state law to achieve the goal of banning Indian logos, mascots and nicknames. All of those efforts failed until 2009. In 2009, Governor Doyle signed into law Act 250 creating the race-based nicknames, logos, mascots and team names statute (ss.118.134). This unfair law is nothing less than a creeping state ban on the use of certain logos, mascots and nicknames.

It's important to keep in mind that something thought to be offensive by an individual(s) isn't automatically discriminatory. These are two separate matters under the law and societal norms.

We are here today because of the principled stand taken by the citizens of the Mukwonago School District in battling the unfair implementation of current law and a biased decision reached by the Wisconsin Department of Public Instruction. There will be testimony from the Mukwonago participants in that case, so I will allow them to speak in greater detail on that matter.

"In God We Trust"

The original version of AB 297 proposes a complete repeal of the 2009 Act 250 provisions. After numerous discussions led by Speaker Robin Vos, Representative Dave Craig and Representative Nass, the committee now has before it Assembly Substitute Amendment 1.

The substitute amendment does the following:

-It maintains a complaint process under state law, but requires a complainant to obtain the signatures of school district residents equal to at least 10% of the number of students enrolled in that district. Those signatures must be obtained in the 120 days prior to the date of the complaint filing.

-A complaint forwarded to the state triggering a hearing would be administered by the Division of Hearings and Appeals within DOA, instead of the Department of Public Instruction. It's important to note that the Department of Public Instruction will still participate in the review of the complaint and be able to share their findings with the hearing officer.

-In the hearing process, the burden of proof will return to the individual making the complaint. The complainant will have to demonstrate how the use of a logo, mascot or nickname promotes pupil discrimination, harassment or stereotyping. This is the standard protocol in complaint procedures.

-Encourages school districts to reach an agreement with one of Wisconsin's federally recognized Indian Tribes enumerating the appropriate uses of a logo, mascot or nickname. If a district has reached such an agreement, the State Superintendent is allowed to forego a hearing on a complaint.

-The State Superintendent would be prohibited from promulgating an administrative rule that creates a presumption of what constitutes a race-based logo, mascot or nickname that promotes pupil discrimination, harassment or stereotyping.

-Prohibits the enforcement of a decision or an order issued under the provisions of 2009 Act 250 after the effective date of this substitute amendment.

-Prohibits a school district from being a member of the WIAA, if that athletic association bars a member school from using an Indian logo, mascot or team name, unless that member school has been ordered or blocked from such use by the state under this substitute amendment.

Representative Nass wants to stress that ASA 1 creates a fair and balanced process going forward that encourages this issue to be addressed at the community level through discussions with the tribes, but still provides a remedy procedure to address legitimate cases of pupil discrimination and harassment.

October 3, 2013

Assembly Committee on Government Operations and State Licensing

**Wisconsin Department of Public Instruction
Testimony on Assembly Bill 297**

I want to thank Chairman August and members of the committee for the opportunity to testify before you today on Assembly Bill 297 (AB 297). My name is David O'Connor, and I am the American Indian Studies Program Consultant for the Department of Public Instruction (DPI). With me today is Jennifer Kammerud, the department's Legislative Liaison. We are here on behalf of State Superintendent Tony Evers to testify in opposition to AB 297.

Under 2009 Wisconsin Act 250 the Department of Public Instruction was charged by the legislature with implementing the provisions of section 118.134 of the Wisconsin Statutes, which allows those objecting to a school district's use of an ethnic name, nickname, logo, or mascot to file a discrimination complaint directly with the state superintendent. The department also was required to develop administrative rules to implement this section, which the legislature subsequently approved in 2010.

The Department of Public Instruction has long raised concerns about the the impact of race-based logos and mascots on children and the educational environment, a position held by the last four State Superintendents of Public Instruction.

A growing body of research highlighted the negative educational outcomes associated with the use of American Indian mascots, logos and nicknames regardless of intent. In addition to the research available on this topic, the American Psychological Association adopted a resolution in 2005 calling upon schools to end the use of American Indian mascots, symbols, images, and personalities for their athletic teams. The resolution was based on research showing a clear link between the use of American Indian mascots, logos, and nicknames and psychological harm.

Based on a review of the research literature and the concerns expressed to the department about experiences in Wisconsin schools, the department concluded that stereotypical American Indian logos interfere with a school's efforts to provide accurate, authentic instruction on the history, culture, and tribal sovereignty of American Indian nations. That is why the department advocated for 2009 Senate Bill 25, which became 2009 Wisconsin Act 250, as a means for people to address their concerns over the use of race-based logos and mascots.

Assembly Substitute Amendment 1 creates barriers that would, for all practical purposes, take away this complaint process. Requiring signatures of 10 percent of a school district's membership to file a complaint is setting an acceptable level of discrimination in state statute. Moreover, the language is requiring other people in the community to validate someone else's experiences and feelings. In what other situation does anyone who feels discriminated against

required to gather signatures in order for a hearing to be held or the matter considered?

Additionally, the state superintendent is elected and charged with overseeing public education. This includes pupil nondiscrimination. The substitute amendment would divorce the department's oversight of all matters related to alleged discrimination in Wisconsin schools and instead require the Department of Administration's Division of Hearing and Appeals to hold a hearing on complaints related to mascots and logos. This division follows the same requirements that the DPI's hearing officers do in conducting a hearing.

The department has resolved four complaints pursuant to the provisions of s. 118.134 and the requirements of Chapter 227 of the Wisconsin Statutes, which covers the procedures agencies must follow in conducting hearings. In each instance the department adhered to the relevant statutory provisions in resolving the complaints. Each district was provided notice of the complaint along with copies of the relevant statute and administrative rule. Each district was permitted to participate in determining scheduling for the hearing within the 45 day timeframe required by the statute. Each district was permitted to call witnesses and present evidence at hearing. Each district was also permitted to be represented by legal counsel at the hearing. The assigned hearing officer examined the facts of each case separately and applied those facts to the relevant law before issuing a written decision within the 45 day timeframe required by the statute. Each district was notified of its right to request a rehearing and/or seek circuit court review of the department's determination of the matter. The department fully complied with all the procedural and substantive requirements of the statute.

State Superintendent Evers seeks to ensure a quality education for every child through attention to and respect for diversity, including differences in race and culture. This bill, by effectively taking away recourse, runs counter to that effort

Thank you for the opportunity to testify before you today. At this time we would be happy to answer any questions you may have.



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October 3, 2013

Members of the Assembly Committee on
Government Operations & State Licensing
Wisconsin Capitol
Madison, WI 53703

RE: AB 297 – Wisconsin Indian Nicknames and Logos

Dear Committee Members:

My law firm and I represent the Mukwonago Area School District with regard to issues surrounding its use of an “Indians” nickname and logo. Mukwonago High School has used its Indians nickname and logo for over 100 years. I support this proposed bill since it requires a fair and impartial hearing before any district is compelled to spend taxpayer money to change the nickname or logo.

There is not (nor has there been) a problem with racial harassment or discrimination within Mukwonago High School. Instead, the actions taken by DPI against Mukwonago under current law have been based on the nickname alone – without any evidence of specific harassment or discrimination occurring inside of the halls of Mukwonago High School. The DPI took action against Mukwonago, despite even the Obama Administration’s recognition that the use of Indians nicknames, standing alone, does not even allow for an inference (much less prove) that racial discrimination or harassment is occurring within a school (*See* enclosed OCR Correspondence Regarding Michigan Schools).

Importantly, the Waukesha County Circuit Court has already concluded that the existing law was unconstitutionally applied against the Mukwonago School District. Specifically, Judge Donald Hassin, Jr., who by all accounts is a fair and non-partisan judge, found that the DPI officials showed an impermissible risk of bias and that the DPI was not prepared, *under any circumstances*, to rule in favor of the Mukwonago School District. Additionally, Green Lake County Circuit Court Judge Mark Slate issued an injunction related to some of the same issues that occurred during the Berlin School District’s hearing. While the Court of Appeals eventually ruled that taxpayers did not have standing to file lawsuits on this issue, the substantive findings of these judges were never questioned by the appellate court.

Not only does the law, as currently enforced, require DPI officials who have already clearly articulated their opposition to Indians nicknames to be the decision-makers, but it also allow for

Excellence, Consistency, Integrity

DPI officials with little to no knowledge of adequate constitutional protections to preside over the hearings. In Mukwonago's hearing in front of DPI, it sought to question the one and only person who filed a complaint against it; however, the DPI did not permit the District to confront its accuser and question him regarding the allegations made in his complaint. This was incredibly important to the Mukwonago School District because it felt that the complainant was using the Act 250 process to essentially get back at the District for completely unrelated issues that developed while the complainant was a student at the high school, as opposed to any true concerns of stereotyping, harassment or discrimination.

The existing law also violates the equal protection clause of the 14th Amendment in that it allows one person in a school district to subject that school district to an adversarial hearing over a nickname and logo that is identically used in other school districts, which face no such scrutiny. The complaint plus petition mechanism contained in this proposal satisfies this issue since it requires the same 10% of petitioners from each school district.

This, however, does not mean that DPI has no role in this issue. The proposal before the Committee simply provides that DPI not conduct and decide contested hearings, but instead relies on the State's division of hearings and appeals – examiners trained in due process - to conduct the hearing and issue rulings. However, complaints are still filed with the DPI and that initial investigation and review is still conducted by DPI. This proposal simply inserts a fair and impartial decision maker into the adversarial process.

The issue of racial harassment and discrimination, involving Native Americans or any other races, should not be taken lightly and this bill does not do so. Given the limited scope of the current law, in that it does not address gender, sexual orientation, disabilities and other suspect classes - I would argue that current law should not even truly be considered a discrimination law at all. However, even if it is, to the extent that racial harassment or discrimination occurs in our schools, whether because of a school nickname or not, state and federal law adequately provide guidance and legal remedies.

Assembly Bill 297 does not foreclose the possibility that a school may be compelled to eliminate a nickname or logo. This proposal simply renders an existing law constitutional and levels the playing field to ensure that a school district gets a fair hearing. If those opposed to these nicknames and logos truly believe that the nicknames are so clearly discriminatory, then why are they fearful of allowing due process?

I am of Native American descent and am a member of the National Native American Bar Association. While my own Native American heritage takes me back to my parents' childhood on the East Coast, I am cognizant of the rich Native American heritage here in Wisconsin. Throughout the nearly three years that I have been involved with this issue, I am grateful to have had the opportunity to speak with many regular Native Americans. Almost without exception, these Native Americans have confided that they are indeed not offended by the use of Indians-

October 3, 2013

Page 3 of 3

related nicknames. It was no surprise to me that the University of Pennsylvania conducted a large national poll of Native Americans and *only 9% of those Native Americans indicated that they believed that the "Redskins" nickname is offensive.* I can tell you that those opposed to this bill certainly do not represent a majority of this State and, in fact, they don't even represent a majority of Native Americans.

Many Native Americans, like me, believe that the use of these nicknames provides an important opportunity to teach Native American history and culture to young students in a way that students can relate to and feel a part of. We live in a society where very few of our nation's history books were written by Native Americans. A majority of the time, Native American history and heritage is taught from the European-immigrant's perspective. The respectful use of these nicknames in our schools keeps local Native American history alive and provides an important opportunity for tribal members to become involved in educating students who currently reside on the land that they first nourished. Mukwonago and the other impacted school districts around the State that I have worked with, look forward to a day that the state's tribes are willing to work with them to use this nickname and logo issue to better the educational opportunities of their students.

This proposal simply protects the constitutional rights of school districts and taxpayers and I urge prompt passage of this bill on that basis.

Very truly yours,



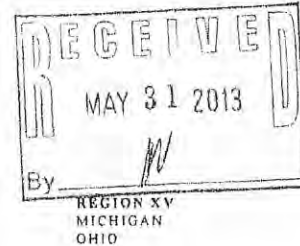
SAMUEL C. HALL, JR.

Enclosure



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

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CLEVELAND, OH 44114-2611



MAY 29 2013

Daniel M. Levy, Esq.
Director of Law and Policy
Michigan Department of Civil Rights
3054 W. Grand Boulevard, Suite 3-600
Detroit, Michigan 48202

Re: OCR Docket #15-13-1120 thru #15-13-1154

Dear Mr. Levy:

On February 8, 2013, the U.S. Department of Education (the Department), Office for Civil Rights (OCR), received the complaints you filed against 35 school districts (the Districts), alleging discrimination on the basis of race, color, or national origin (American Indian). Specifically, your complaints allege that the continued use of American Indian mascots, names, and other associated imagery by the Districts creates a hostile environment based on race, color, or national origin and denies American Indian students equal access to the Districts' programs and activities.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, at 34 C.F.R. Part 100, which prohibits discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance from the Department. As recipients of such assistance, the Districts are subject to Title VI and its implementing regulation.

During the evaluation of your complaints, OCR determined that we needed further information and clarification in order to determine whether we had a sufficient basis to initiate an investigation of your complaints. By letter dated March 4, 2013, OCR outlined the type of information we needed before we could determine whether to open your complaints for investigation. On March 18, 2013, OCR staff contacted you by telephone, during which call you explained the information set forth in your complaints and responded to OCR's March 4 letter. You also provided OCR a written response with numerous attached documents on April 1, 2013.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

www.ed.gov

After carefully reviewing all of the information you provided in support of your complaints, OCR is dismissing your complaints for the reasons explained below.

Under OCR's case processing procedures, OCR will not initiate an investigation unless a complaint provides sufficient detail (i.e., who, what, where, when, how) for OCR to infer that discrimination under one of the laws we enforce may have occurred or is occurring.

As OCR informed you in its March 4 letter, in complaints involving mascots, names, and other associated imagery, OCR examines whether the complaint allegations are sufficient to constitute a racially hostile environment. A racially hostile environment is one in which racially harassing conduct takes places that is sufficiently severe, pervasive or persistent to limit a student's ability to participate in or benefit from the recipient's programs or services.

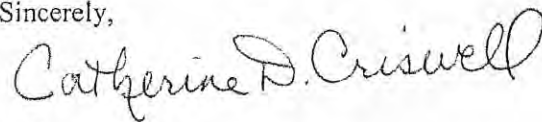
In response to OCR's request for clarification of your complaints, you assert that empirical evidence supports that race-based athletic nicknames and associated activities, including the use of American Indian mascots, are psychologically harmful to American Indian students attending schools with race-based nicknames and that their use denies such students equal access to educational opportunities. You further assert that, given this empirical evidence, OCR should not require identification of specific students or individuals who have been harmed to support a claim. You did not provide to OCR any specific examples of race-based incidents nor identify any students or individuals who have suffered specific harm because of the alleged discrimination at any of the named school districts.

Based on the foregoing, OCR concludes that the information you provided is not sufficient for OCR to infer that racial discrimination has occurred or is occurring. OCR is therefore dismissing your complaints as of the date of this letter.

There may be state and local laws relevant to your complaints. You may wish to consult with a private attorney, local legal aid organization, and/or state or local bar association, which may be able to assist you further.

We regret that we were unable to assist you in this matter. If you have questions or concerns about this letter, please contact OCR staff members Mr. Jason Katz at (216) 522-4977 or Ms. Denise C. Vaughn at (216) 522-7574.

Sincerely,



Catherine D. Criswell
Director



BUILDING BETTER
SCHOOLS TOGETHER

MUKWONAGO AREA SCHOOL DISTRICT

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October 3, 2013

Representative Tyler August,
Chairman
Committee on Govt. Operations
and State Licensing
WI State Assembly

Dear Committee Members,

My name is Shawn McNulty. I am the superintendent of the Mukwonago Area School District. This is my twenty-first year in our district and I have worked as a social studies teacher, coach, associate principal, and principal at Mukwonago High School. My family lives in Mukwonago and our children attend Mukwonago public schools.

On behalf of the School Board, I want to thank you for your support of Assembly Bill 297. I want to assure you that the School Board of the Mukwonago Area School District fully endorses the passage of this bill.

Mukwonago High School is an outstanding school. Recent DPI report cards place the school in the top 10% of the state. We have a positive school climate bolstered by a wonderful PBIS (Positive Behavior and Intervention Supports) program called the **Mukwonago Way** which stresses to our students the importance of respect, responsibility, being on time, and safety. We have a strong SAVE (Students Against Violence Everywhere) group and thriving Best Buddies program which promotes friendship and activities with our students in regular and special education.

Our school also takes a tremendous amount of pride in our Indian nickname and logo. The Indian nickname has been a piece of our school's history for over 85 years. We have worked hard to educate our students on the significance of Native American history and culture in the Mukwonago area and have strived to demonstrate respect toward nickname and logo. When complaints have been brought to our attention, we have addressed them in good faith. In fact, the DPI ruled in 1995 that the MHS logo was not discriminatory and didn't violate the provisions of Wis. Stats. § 118.13.

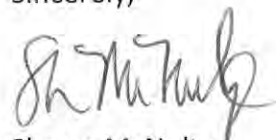
With this in mind, I hope you can understand the frustration that our community has experienced with Act 250. Despite our good intentions and efforts, we were not treated fairly due to the process established by this poorly written legislation. As the principal of Mukwonago High School at the time of the August, 2010 DPI hearing, I was extremely disappointed with the following:

1. **One student** accused us of discrimination due to the nickname and logo. Contrary to the entire American legal system, Act 250 established a process where schools are **presumed to be guilty and must go to Madison to demonstrate that they are innocent**. Yet when we attempted to introduce evidence to prove our innocence at the hearing, we were not allowed to do so by the DPI official, Paul Sherman. What happened to innocent until proven guilty? We were never even allowed to ask our accuser any questions.
2. Despite establishing a hearing procedure that we assumed to be fair, Paul Sherman later admitted in a deposition that there was nothing that Mukwonago High School could have done in August of 2010 to demonstrate our innocence. We had spent countless hours and over \$20,000 on legal costs to find out later that we never had a chance.
3. Finally, we have a hard time explaining to our students and residents the fairness of a law that eliminates our use of the Indian nickname and logo but other high schools in our own county and throughout the state are allowed to continue their use.

Despite our frustrations, I want to make it clear that we respect Rain Koepke's and other's opinions regarding the Indian logo and nickname. Our MHS students are familiar with Voltaire and his famous statement, "I do not agree with what you have to say, but I'll defend to the death your right to say it." We want a school environment that welcomes a variety of viewpoints and fosters discussion on issues. We certainly don't condone racial hostility and take discrimination complaints seriously. Although we may disagree with Rain's complaint, our concern and frustration is with the legislation.

We understand that this issue has become a political challenge for both parties. We are hoping that Assembly Bill 291 will lay the groundwork to start discussions between our school district and the Native American tribes in Wisconsin. We would be extremely interested in meeting with the Potawatomi to discuss ways to improve the education of our students regarding the history, culture, and sovereignty of the Native Americans in Wisconsin and the United States. We strongly encourage you to pass Assembly Bill 297. Thank you.

Sincerely,



Shawn McNulty
Superintendent



ANDRÉ JACQUE

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

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TO: Members of the Assembly Committee on Government Operations and State Licensing

FROM: Representative André Jacque

DATE: Thursday October 3, 2013

RE: Assembly Bill 297

Chairman August and Colleagues:

Thank you Mr. Chairman and committee members for hearing this bill.

I appreciate the opportunity to testify before you today on behalf of the Mishicot School District and appreciate the effort made by the authors on the substitute amendment put forward.

Assembly Substitute Amendment 1 establishes a more reasonable and predictable process for complaints not triggered by a single individual in a process with the deck stacked against a defending school district.

I would like to point out that there has been bi-partisan opposition to the initial legislation that was passed in 2009 including my predecessor, Democrat Representative Ted Zigmunt who also voted against it.

The school district, town, and village of Mishicot were named in honor of Chief Abraham Mishicot of the Potawatomi tribe. Chief Mishicot was a close friend of the founder of the village, Daniel Smith. The Mishicot School District and surrounding community take great care to honor their history in a very respectful way and there is an annual bus trip of Mishicot residents to Hannahville, Michigan. The school district has received a letter of support for their use of the school mascot and logo from the tribal council of the Hannahville Potawatomi chaired by the great-grandson of Chief Abraham Mishicot.

This is common sense legislation which I am proud to support on behalf of my district. Thank you again for your time and for your consideration of Assembly Bill 297.

flowing freely in cyberspace whenever communities try to mount a defense of their race-based nickname and logo. Partly because the mainstream media and school districts have done little to discuss the research, community members often start to repeat irrelevant arguments about place names, “offensiveness” and how they work so hard to make their logo use an “honor” to Native Americans.

At the same time, some logo supporters start to personally threaten and attack those who have asked for change. This should cause alarm in ‘Indian’ logo school districts since threats, graffiti, and taunts can constitute hate crimes. Why would any school even put itself in the position to be a passive accomplice to this kind of behavior?

2. There are huge disadvantages for all students in preparing for a successful career. No school that retains a race-based logo can accurately claim to be preparing their students for jobs in the 21st Century.

Because elected tribal leaders and educational leaders across the state have worked so many years to eliminate race-based nicknames and logos, the very idea of claiming to “honor” Wisconsin Indian people with ‘Indian,’ nicknames and logos demonstrates a huge lack of cultural sensitivity. Schools must teach respect for other cultural perspectives to be effective in the emerging global business environment.

Wisconsin tribes contribute both culturally and economically to the wealth of Wisconsin. Ignoring their wishes on this matter and promoting the harmful process of stereotyping is most certainly a red flag to any forward thinking business seeking to locate in Wisconsin.

IV. MOVING FORWARD

School districts that still retain ‘Indian’ nicknames and logos need to understand the importance of

educating their communities about the empirical research and the many tribal resolutions. The issue will not go away by ignoring it, by changing a law, or by court challenges because the advocates for change are fighting to stop proven harms to the most precious commodity Wisconsin has --- our children. There is no “once and for all” action districts can take to preserve practices that harm students. More than 120 health, educational and tribal organizations are committed to seeing schools eliminate these nicknames and logos and they will not stop because of local attempts to preserve behavior proven injurious to children.

There are many ways to engage classrooms and local communities in the discussion. Start with some thought-provoking questions: 1. Why is no other race of people singled out this way? 2. No matter how hard you cheer FOR your nickname, what is going to happen on the other sidelines? 3. When you group your school nickname with others in the conference, what feelings are evoked when predatory animals, occupations and objects are put in competition with an entire race of people?

V. THERE IS LIFE AFTER LOGO CHANGE

More than 30 Wisconsin School Districts have changed to new nickname and logo identities. Recently Kewaunee changed to become the “Storm,” a nickname that accurately reflects their history as a lakeshore community. Before them, Seymour became the “Thunder,” Shawano the “Hawks,” and many others chose nicknames and logos that harm no one and can be celebrated by everyone. Districts that change continue to experience the same pride in student achievement with their new nicknames and logos and join with all other schools in a universal spirit of celebration.

Please join the efforts to share this information with all those who care about education. You will find more ways to help at www.indianmascots.com and aistm.org.



UNDERSTANDING THE HARMS CREATED BY THE USE OF ‘INDIAN’ NICKNAMES, LOGOS AND MASCOTS



*This publication is sponsored by the
Wisconsin Indian Education Association Mascot
and Logo Task Force*

I. WHY WE ALL NEED TO UNDERSTAND THIS ISSUE

Public schools exist to give every student the opportunity to achieve his or her full potential. When schools maintain policies and take actions that harm students, we all have an obligation to help make changes. Even the possibility of future harms have brought forth rather rapid change in the past. For instance, with the issue of asbestos in school buildings, we acted decisively to make the school environment safer, even though the threat wasn't immediate or observable to most people. The key in situations like this was the use of scientific studies that demonstrated a level of threat to the well-being of students.

With the nickname and logo issue, very compelling scientific studies have been conducted as well. Surprisingly, even though each district was given information about the studies, they have been ignored. This has happened in spite of the fact that most educators have recognized over the years that school endorsed stereotyping of an entire race of people, regardless of the intent, is educationally and morally wrong.

Many schools have carried out local discussions and have seen the anti-educational nature of 'Indian' nicknames, logos and mascots. They, then, made the needed changes. Others, though, have convinced themselves that they are upholding a local tradition and have insisted that their perception of "respectful" logo use is okay. They insist that their local interpretation of what constitutes harm should "trump" the growing body of research evidence and the personal testimony from American Indians. The discussion over what is the best educational practice becomes a victim of local popularity. Explanations from American Indian nations, psychologists, sociologists and educational organizations from across the country about the harms of 'Indian' nicknames and logos go unrecognized in the restricted environments these schools construct.

II. EVIDENCE IS JUST TOO IMPORTANT TO IGNORE

One of the ongoing problems is the disconnection between local opinion saying, "We are honoring 'Indians,'" and the realities of Wisconsin Indian tribes and educational organizations unanimously calling for an end to 'Indian' nicknames and logos. This can largely be explained by the scientifically conducted research of Dr. Stephanie Fryberg (Tulalip, U. of Arizona).

One finding in the six studies she conducted (that were validated by a doctoral board of world-renowned psychologists at Stanford University and by the American Psychological Association and American Sociological Association) was that non-Indians get a boost to their self esteem from using 'Indian' nicknames, logos and mascots. So there is a logical element in the resistance to change because a significant number of people in these schools districts have a good time "playing Indian."

Huge problems emerge, though, because Dr. Fryberg's research also shows that, for American Indian students, school use of '**Indian' nicknames and logos:**

- 1) **Lowers their self esteem**
- 2) **Negatively affects their beliefs that their community has the power and resources to resolve problems (community efficacy)**
- 3) **Reduces the number of achievement-related future goals they see for themselves (self-efficacy)**

All schools that retain 'Indian' nicknames and logos produce these effects. By itself, the finding that non-Indians experience a boost to self-esteem while American Indian students experience reduced self-esteem is *prima facie* proof of discrimination. Furthermore, we must remember the importance of nurturing esteem and efficacy. As Dr. Ernesto Randolfi tells us, "Self esteem and self efficacy are central to the sustained success of any individual. They combine to formulate a powerful vaccine

against distress, depression, helplessness, dependency, and irrational cognition. They are the key to optimism, positive behavior change and the achievement of goals."

Schools try to say these findings don't apply because they police student behavior related to their nickname and logo and they use only "honorable" images. They fail to understand the nature of behavioral research where data is meticulously checked, control groups are used, and the findings are peer reviewed. In this case, the Fryberg research showed it didn't matter if the images were perceived as honorable or not. When these districts find some residents "with Native American ancestry" who say they support their nickname and logo, it is very important to note that the Fryberg research shows more damage is done to American Indian students who endorse an 'Indian' nickname and logo than to those who oppose the use of these symbols.

In addition, two more studies have now been completed that show **the damage extends to ALL students** in yet another way. Research from Dr. Chu Kim Prieto and three other scholars, all from different universities, concluded that students exposed to 'Indian' nicknames and logos increased their stereotyping of other minority groups.

It is stunning to think that schools would ignore all this research, especially since there is no scientifically conducted research that shows any value to retaining race-based nicknames and logos.

III. OTHER DIMENSIONS OF THIS ISSUE THAT ADD TO THE URGENCY FOR CHANGE

1. Cyberbullying and harassment through Facebook, online blogs and other social media have both spread and intensified the harms. Any element of perceived control by school districts is now totally gone. Studies by Dr. Jesse Steinfeldt (Oneida) of Indiana University and others have now documented the high level of hurtful rhetoric that is

**Assembly Committee on Government Operations and State Licensing
Hearing of AB297**

October 3, 2013

**Entry to the Record on Behalf of Great Lakes Inter-Tribal Council
by Barbara E. Munson (Oneida)**



GREAT LAKES INTER-TRIBAL COUNCIL, INC.

P.O. Box 9, Lac du Flambeau, Wisconsin 54538

Phone: 715-588-3324 Fax: 715-588-7900

Email: glite@glite.org

Officers

Gerald Danforth, *President*
Robert Chicks, *Vice President*
Louis Taylor, *Secretary/Treasurer*

Members

Bad River Band of Lake Superior
Chippewa Indians
Eugene Bigboy, Chair

Forest County Potawatomi
Harold Frank, Chair

Lac Courte Oreilles Band of Lake
Superior Chippewa Indians
Louis Taylor, Chair

Lac du Flambeau Band of Lake
Superior Chippewa Indians
Victoria A. Doud, President

Lac Vieux Desert Tribe of Michigan
James Williams, Jr., Chair

Menominee Indian Tribe of
Wisconsin
Michael Chapman, President

Oneida Nation
Gerald Danforth, Chair

Red Cliff Band of Lake Superior
Chippewa Indians
Patricia DePerry, Chair

St. Croix Band of Lake Superior
Chippewa Indians
David Merrill, Chair

Sokaogon Band of Lake Superior
Chippewa Indians
Sandra Rachal, Chair

Stockbridge-Munsee Band of
Mohican Indians
Robert Chicks, President

Resolution 2006-01.03

Address to Public School Districts Regarding Indian Nicknames, Logos and Mascots

Whereas, the Great Lakes Inter-Tribal Council, Inc. is a consortium of eleven federally recognized Indian tribes located in Wisconsin and Michigan; and

Whereas, some Wisconsin public schools still have school nickname/logo policies based on race which target Native Americans; and

Whereas, the American Psychological Association has confirmed the growing body of knowledge indicating that these race-based school policies can harm all students, but particularly Native American students; and

Whereas, a diverse and growing body of professional opinion has shown that these policies reduce the self-esteem of Native American students and reduce the number of future roles Native American students visualize for themselves in society; and

Whereas, a diverse and growing body of professional opinion has shown that these policies constitute discrimination based on race because they raise the self-esteem of non-Native Americans while lowering the self-esteem of Native Americans; and

Whereas, the Wisconsin Superintendent of Public Instruction has recently re-affirmed support for the elimination of Native American nicknames, logos, and mascots in public schools, and has written to public school districts across the State of Wisconsin, encouraging them to consider alternatives to Native American imagery; and

Whereas, the “boost” in self-esteem experienced by non-Native Americans helps explain why some non-Native Americans support these race-based policies and have difficulty understanding why Native Americans could have a different view based on a different experience; and

Whereas, a diverse and growing body of professional opinion has shown that this harm occurs below the conscious level so that Native Americans are often not aware of the psychological impact; and

Whereas, these race-based policies also harm non-Native students by “teaching” them that it is “acceptable” to stereotype Native Americans; and

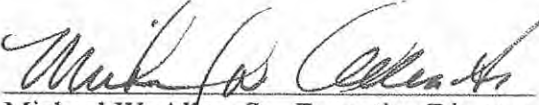
Whereas, the harm extends beyond the boundaries of the school district and similarly affects Native and non-Native athletes and fans in other school districts which compete against these schools; and

Whereas, members of Native American tribes are living in these school districts and are affected by these race-based 'Indian' nickname policies;

Therefore, be it resolved that the Great Lakes Inter-Tribal Council, Inc. respectfully asks that all school boards in school districts with these policies act quickly to find an alternative to using the Native American race for a school nickname, logo and/or mascot.

Certification

I, the undersigned Executive Director of the Great Lakes Inter-Tribal Council, Inc., do hereby certify that the foregoing resolution was adopted by the Board of Directors the 30th day of January, 2006.


Michael W. Allen, Sr., Executive Director

Great Lakes Inter-Tribal Council, Inc.

Resolution No. 99-01.05

WHEREAS, The Great Lakes Inter-Tribal Council, Inc., is a consortium of twelve federally recognized Indian tribes native to the region of the North American continent and the area around Lake Superior, and

WHEREAS, the strength of GLITC lies in the resolve of the tribes to be independent, yet to come together in a unified forum to address those issues which require intertribal unity and attention, and

WHEREAS, “Indian” mascots and logos are offensive, disrespectful, and demeaning; “Indian” logos mock Indian people, cultures, and traditions; “Indian” logos contribute to a societal environment that is racist, oppressive, and harmful to harmonious relationships between people; and

WHEREAS, all children in schools depicting “Indian” stereotypes are encouraged to tolerate, perpetuate, and maintain racist practices against a group of people, and

WHEREAS, children in Wisconsin schools have been exposed to this form of racial, ethnic discrimination since the early 1920’s, and continue to be exposed to such racism today, although other forms of stereotyping such as blackface minstrel shows have long since disappeared from the American landscape, and

WHEREAS, the presence of these symbols in state-supported schools, at the expense of Indian and non-Indian taxpaying constituents constitutes state-supported racism, and

WHEREAS, appropriate means of recognizing Native American people exist through teaching Native American history accurately, by treating Native American students with the same respect afforded other students, and by removing “Indian” mascots and logos, and

WHEREAS, Native American Indian Tribes and other organizations have voiced their condemnation of such images by adopting similar resolutions, providing education, and taking political action.

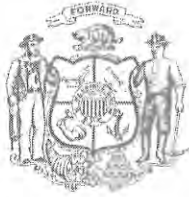
NOW THEREFORE BE IT RESOLVED, the Great Lakes Inter-Tribal Council, condemns the use of “Indian” logos as offensive and will work alone and in concert with other organizations to eliminate the use of depictions of and cultural references to American Indians as mascots, logos, and team nicknames in Wisconsin public schools.

BE IT FURTHER RESOLVED, that this form of racism which damages Native American children and cultures be removed from Wisconsin Public Schools before the new millennium.

CERTIFICATION

I, the undersigned, as Secretary/Treasurer of the Great Lakes Inter-Tribal Council, Inc. Board of Directors comprised of 11 members, of which 10, constituting a quorum, were present, do hereby certify the foregoing resolution was adopted at a meeting duly called, noticed, convened and held on the 21st day of January, 1999, by an affirmative vote of 10 member for, 0 members against, and 0 members abstaining.

Signed by Al Trepania, Secretary/Treasurer



Mary Lazich

Wisconsin State Senator
Senate District 28

Assembly Committee on Committee on
Government Operations and State Licensing
October 3, 2013
Assembly Bill 297

Good afternoon committee members. Assembly Bill 297 (AB 297) seeks to improve the procedure for objecting to and ordering termination of the use of race-based mascots, nicknames, and logos. Current law allows a single individual to file a complaint that may trigger a hearing with an unrealistic burden on a school board to prove negative. AB 297 is a common sense approach to conflicts arising out of concern over the use of mascots, logos, and nicknames at our high schools by implementing several changes.

First, the bill requires signatures from citizens equal to 10 percent of the school districts' membership before a hearing may be held. Ten percent is not an unreasonably high threshold and maintains a healthy balance between popular sentiment and protecting concerns about the use of mascots, nicknames, and logos.

Second, the bill restores due process to the complaint process by requiring the complainant to bear the burden of proving the offensive nature of the mascot, nickname, or logo. This reverses the current, fundamentally unfair practice of requiring the school to prove something does not exist. The burden of proof should be on the complainant.

Third, the bill requires the complaint be heard by the Division of Hearings and Appeals rather than the Department of Public Instruction. The Division of Hearings and Appeals routinely conducts hearings about administrative law issues. They are far more qualified to make findings of fact and determinations of law.

Fourth, the bill allows mascots, nicknames, and logos related to American Indians approved by a federally recognized tribe with ties to Wisconsin are exempt from challenges. The purpose of these complaints and hearings is to remove offensive mascots, nicknames, and logos from public schools.

I ask the committee to approve AB 297. Thank you for your attention to this bill.



To Representatives: Nass, Craig, Vos

My name is Sue Haase. I am a lifelong resident of Berlin and have served for 28 years as a member of the Berlin Area School Board. All three of my sons graduated from Berlin.

The "Indian" nickname has always been a symbol of pride for Berlin. We have a rich Indian history which we value and respect.

I testified on Berlin's behalf at the DPI hearing in Madison in 2012. I feel that the process was unfair. Because of one person's objection to our use of the Indian nickname, the overwhelming majority of our community was going to be forced to change a rich tradition that we have been proud of for 70 years.

I personally feel this is not only about the Indian nickname, it is about allowing one person to dictate change in a district even though it is contrary to the desire of the majority.

Please allow us the discretion to make choices that we feel are in the best interest of our district by passing Assembly Bill 297.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sue Haase".

Sue Haase

Berlin Area School Board



**Gay Straight Alliance
for Safe Schools**
122 E. Olin Avenue, #290
Madison, WI 53713
voice: 608-661-4141
fax: 608-661-1360
www.gsafewi.org

October 3, 2013

Dear Members of the Assembly,

My name is Kristen Petroschius and I am the Co-Director of Gay Straight Alliance for Safe Schools, or GSAFE. GSAFE is a statewide organization whose mission is to create schools in Wisconsin where all LGBTQ youth can thrive.

I am here today to oppose AB297 and ask that you oppose it with me. Our current Act 250 is an important part of making our public schools a safe space for all students and teaching all of our students that stereotypes are not acceptable.

In our specific work, we know all too well the effects of stereotypes on young people. Because of bias against LGBT youth in Wisconsin, lesbian, gay, and bisexual youth have higher rates of suicide, depression, substance abuse, school truancy, lower academic achievement and high school graduation rates than their peers. These disparities stem from stereotypes, bias, and discrimination.

We are opposed to AB297 because this legislation fails to address the harm that we know race-based mascots cause to all children. Research has clearly shown that exposure specifically to a Native American sports mascot increases the tendency of people to endorse stereotypes about a different group. The research has found that cognitively speaking, lumping a community of people into a box based on a stereotype causes our mind to further categorize people. The stereotyping that is promoted through the use of race-based mascots can actually teach people – children and adults – to further stereotype other groups, including LGBT people. These stereotypes hurt all of us.

Another issue of critical importance to us in this issue is that of tribal sovereignty. The 11 federally recognized nations in Wisconsin have all resolved that the use of race-based mascots, logos, and nicknames by Wisconsin Public Schools needs to end immediately. In accordance with federal law, we also believe that the sovereignty of Wisconsin's First Nations needs to be respected and we urge the legislature to respect their sovereignty.

Lastly, I want to speak as a parent. I do not want my child to grow up in a school where he is taught to stereotype and discriminate against Native American people and others. It pains me to think that the legislature wants to force my child to learn stereotypes, bias, and racism. Civil rights issues should not be left to a vote of the population. If the majority of people in a school district vote that racism is ok, does that make it ok? No. As a legislature, you are tasked with acting in the best interests of all Wisconsinites. Please do not force my child to learn stereotypes, bias, and racism. The use of race-based mascots hurts my child and I am asking you to protect him.

Sincerely,

Kristen Petroschius, Co-Director
(608) 661-4141
Kristen@gsafewi.org



Save The Berlin Indian Committee

Barbara J. Resop, President • (920) 229-5856 • luvluv@charter.net • PO Box 414 • Berlin, Wisconsin 54923

October 2, 2013

Assembly Committee on
Government Operations and State Licensing
Wisconsin Capitol
Madison, WI 53703

RE: Assembly Bill 297

Dear Committee Members:

The following essay is a plea from the Berlin community to help us to save a piece of our heritage and community identity: the Berlin Indian nickname and logo. As you may know, the Wisconsin Department of Public Instruction (DPI) used Act 250 to hold Berlin and the Berlin Indian guilty until proven innocent of stereotyping and discriminating Native Americans. At Berlin's hearing in Madison, the DPI violated due process by stacking the hearing with prejudiced DPI members appointed by State Superintendent Tony Evers who already had their minds made up as to the fate of the Berlin Indian before testimonies were given. As it is our constitutional right, since our tax dollars are being used to pay the people who aimed to change our logo, and considering it will cost Berlin taxpayers thousands of dollars to do so, Berlin was entitled to have proper due process and a more meaningful voice in this matter.

Theory Driving DPI's Actions – *Political Correctness*

The People of Berlin, Wisconsin are confused. The tyranny in our society of sterilized and often state-mandated, words and symbols continues to reach its zenith. Political censorship and the destruction of free speech, expression, and choice that is done in the name of cultural sensitivity has been effective on national and local levels for at least the past two decades. Political correctness censors controversy. It also shames and litigates people into one way of thinking, speaking, and expressing themselves or others. As is the case with the Berlin Indian, political correctness strips us of the ability to make basic choices concerning our publicly-funded schools and our children.

The dominant ideology of political correctness in the United States resembles an uncritical straightjacket of government's officially-condoned truth, which flip-flops when politically advantageous. The proponents of a politically correct society say that the average person is too uneducated to understand the meaning of the words or symbols when he or she uses, and may

unintentionally or intentionally "harm" a person or group of people as a result. Rather than promoting robust discussion to educate and to discover history, meanings, and perspectives by using diverse terminology and symbology, proponents of the politically-correct agenda think and act on the premise that freedom of speech must be restricted because people cannot be trusted to choose and exercise their own words and symbols.

Berlin Indian – Harmless to All, Meaningful to Berlin

Contrary to the claim that the Berlin Indian logo stereotypes or discriminates Native Americans, if you ask any citizen in the Berlin area, including those of Native American heritage, to describe the identity of the Berlin Indian, citizens will not discuss the figure in a demeaning or unfair way. The average Berlinite will say the logo and nickname represents a Mascoutin or a member from one of the many other tribes historically and culturally integral to the identity of the Berlin Community. As early as 1675, European explorers visited the Mascoutin Village, now known as Berlin. When settlers arrived they became friends with the many tribes in the area including the Mascoutin, Ho-Chunk and Menominee. Despite hostilities occurring among Native Americans and Europeans in many instances across the continent, it should also be celebrated that there were also instances of peaceful trading, social celebrations, and cohabitation between Native Americans and Europeans. The interaction between Native Americans and French fur traders is one excellent example where two cultures had positive, meaningful interaction particularly in Wisconsin.

Several examples of the codependency of Native American and European heritage follow. First, Chief Poegonah (Big Soldier) was a Menominee (Winnebago) chief. His son, Big Thunder, always wore a stovepipe hat and became affectionately known as Chief Highknocker by Berlinites. Berlin was known as a fur and leather city and manufactured a high-quality glove known as the "Highknocker." Second, Berlin schools' annual yearbook has been called "The Mascoutin" since the first 1918 edition. In 1925 Superintendent Carl Wolf decided to use the Indian nickname and logo when he organized the first B-Club for boy athletes. During the game in the gym it was announced, that since Berlin wants to remember and to honor the Mascoutin, the school district was adopting the name "Berlin Indians" to honor all tribes of the area. Attending Native Americans cheered this decision. Third, since 1930 the local golf course has been called the "Mascoutin Country Club." Fourth, since school buses started taking children to school, the bus company has been called the "Mascoutin Transportation Company." Fifth and most recently –within the last five years–the City of Berlin named its new recreation trail the "Mascoutin Trail." *Please note:* Berlin proclaiming itself as the fur and leather city capital of Wisconsin does not discriminate against other communities and people manufacturing fur and leather any more than Berlin choosing to be labeled as "Indian Country" is derogatory to Native Americans. It's absurd.

Berlin's Grievances – Violation of Due Process, Destruction of Identity

Regarding the legal process, the Berlin Indian should not be discriminated against and subsequently banned unless the community of Berlin at the very least is able to exercise due process in a fair and balanced manner. The Berlin Area School District was deemed guilty and had the burden of proving innocence at a biased hearing stacked with a predetermined agenda by Tony Evers and the DPI. That was unjust. If the Berlin Indian is to be annihilated without due process, Wisconsin would not be protecting the identity of Native Americans or fighting racism by destroying a harmful stereotype as proposed. Instead, the State of Wisconsin would be discriminating against the Berlin community and sponsoring the dictated elimination of a positive, community-supported, idealized cultural icon representing Native American and European heritage.

Native Americans or American Indians themselves have diverse views concerning their name, symbolic representation, and identity. The U.S. Census of 1990 (prior to the influence of political correctness) asked a question of preference to American Indians concerning racial or ethnic

terminology and 47.76% preferred "American Indian" while 37.35% chose "Native American." Another 3.66 preferred other terms while 3.51% chose "Alaska Native." A total of 5.72% of Native Americans surveyed had no preference. We are also aware of the terms "Aboriginal Indians," "First Nations," as well as other Indian references to the people of the western hemisphere. Some people prefer to be referred only by their tribal name. However, as the U.S. Census survey demonstrates, most Native Americans desire labeling themselves with the comprehensive – daresay stereotyped-term "American Indian."

Likewise, the term "Indian," as in "Berlin Indian," is simply a practical term used to conceptualize a group of people. This proud minority represented by the Berlin Indian symbol are the former and current Native Americans of the Berlin area as well as the present-day Berlin community – or tribe if you will. Stated again, one must first rip the Berlin Indian logo and nickname out of its socio-historical context in order to incorrectly twist its meaning and then negatively apply it to Native Americans for our caricature to be considered a racist or discriminatory statement to the Native America ethnicity.

In Conclusion – A Plea for Justice

Berlin schools enroll all races, ethnic groups, foreign exchange students and the citizens feel the attack on the Berlin Indian by one reasonless person in a biased theater is an unfair destruction of community identity and the traditional grassroots approach to public education. The Berlin Area School District already follows all the State of Wisconsin educational guidelines set forth by Act 31 regarding education concerning Native Americans and there are already laws and procedures to cover student situations.

There are many graduates of Native American heritage who want Berlin's Indian logo and nickname to represent them. There are also many Native Americans outside the Berlin school district who are afraid to speak up against their elders for fear of facing reprisal from some in control who will fight to maintain their monopoly on casinos. Certain powers controlling the multi-billion-dollar casino industry would rather destroy Berlin's small-community Indian logo than risk the fact it might draw questions as to why Native Americans still have this monopoly, despite the fact that their lifestyles are very similar to other Americans. The fact remains that there are entire tribes that have publicly stated they support Indian nickname and logo use.

We thank you for your time and respectfully request your endorsement of Assembly Bill 297.

Sincerely,

Save the Berlin Indian Committee

Barbara Resop, President: 143 Water St Apt 108, Berlin WI 54923

Catherine Kuble, Secretary: 115 East Moore St, Berlin WI 54923

Peter Nicholas, Treasurer: W733 Oak DR, Berlin WI 54923

David Gneiser: N401 30th DR, Berlin WI 54923

Jack Butler: W2563 Puchyan RD, Berlin WI 54923

2 October 2013

Assembly Committee on
Government Operations and State Licensing
Wisconsin Capitol
Madison, WI 53703

Re: Public Hearing on Assembly Bill 297

Dear Committee Members,

My name is Jason Fox and I have served for the past five years as the editor of the Berlin Journal Newspapers, during which time I've written several articles about the debate over racially-inspired team nicknames and even spoken on behalf of the Berlin Area District during the Department of Public Instruction's proceedings against the district two years ago. The words shared by those looking to uphold Berlin's longtime tradition of taking to the sporting fields as the "Indians" seemed at the time to have been little more than a formality, with the odds overwhelmingly favoring the DPI even before the start of the proceedings.

We have continued to cover the issue with the same level of commitment since day one, providing our readership with even the slightest of details in the event of updates affecting school districts like Berlin and Mukwonago. From our perspective as journalists, it's an important issue not only close to home, but all over the country. From the perspective of our readership area, or at least the vast number who've taken the time to share their views with our publication, the overwhelming consensus is clear—community members, even those of Native American descent, are not only in favor of maintaining the Indian tradition at Berlin High School, but vocally adamant about it.

It was with great anticipation, then, that the staff at the Berlin Journal Newspapers learned through a member of the local Save the Berlin Indian Committee earlier this week that twenty Wisconsin Republican legislators had brought forth a proposal that would take the burden of proof away from the school districts and eliminate the possibility of one individual forcing a mandated change. Speaking as not only the editor of the official local newspaper, but also a Berlin High School alumnus who proudly competed as an Indian for four years, I commend these men and women for their efforts toward turning the proposed Assembly Bill 297 into a long-overdue law in the near future.

The reaction to the news that the Berlin Indians' days might be numbered was both immediate and overwhelming, so two years ago the staff of the Berlin Journal Newspapers drafted a simple questionnaire asking readers if they were in favor or opposed to the idea of changing the Indians logo and moniker, as well as to offer any additional commentary. Conducted over the course of roughly one month, the survey drew a considerable response; with 10,652 surveys distributed throughout the publication area, more than one thousand were completed and returned for tabulation. The results of

the survey indicated that 971 respondents favored maintaining the Indian tradition, while only 30 expressed a desire for change.

Should viewing the actual completed surveys assist you in any way during the decision-making process over Assembly Bill 297, we at the Berlin Journal Newspapers would be happy to provide you with them in a timely manner.

As someone who grew up attending the Berlin schools and a member of my hometown's business community for the past fifteen years, the vast majority of which I've spent covering the Berlin High School sporting events and seen nothing but respect for the Indians name and imagery, I thank you for taking the time to consider this important decision. As can be seen from the local golf course (Mascoutin Golf Club), the high school annual (The Mascoutin) and even the local school bus company (Mascoutin Transportation), the Native American heritage of our community is one upheld with great pride. The people who work here or call Berlin home embrace that heritage, and taking even a small part of that away would be taking away a part of this community's identity.

I look forward with great interest to learning about the developments in this matter in the near future, and again offer my assistance to your committee members in any way possible.

Sincerely,

Jason J. Fox

Editor, Berlin Journal Newspapers

P.O. Box 10, Berlin WI 54923

(920) 361-1515

AB 297

Mikalsen, Mike

From: Kris Schoolcraft <kschoolcraft@badgercolor.com>
Sent: Thursday, October 03, 2013 9:12 AM
To: Mikalsen, Mike
Subject: "Assembly Bill 297"

Kris

Kristine R. Schoolcraft
Human Resources Manager
Badger Color Concentrates, Inc. * 1007 Fox Street (Hwy. E5) * Mukwonago, WI 53149
☎ (262) 363-5710 📠 (262) 363-5764 ✉ kschoolcraft@badgercolor.com
Company website: www.badgercolor.com



Bringing Color To Life

TO: Assembly Committee on Government Operations and State Licensing

Wisconsin Capitol
Madison, WI 53703

Dear Committee Members,

I would like to respectfully submit our input with regard to the support of Assy. Bill 297.

My husband and I are not able to get off work today but would like our support known. My husband and I fully support all proposals covered under AB297.

As a Mukwonago resident for the past 35 years, and having raised our children in the Mukwonago district, I have very strong convictions and feelings with regard to this issue.

My husband James R. Schoolcraft graduated from Mukwonago H.S. in 1981, he is of Cherokee and Choctaw descent, and was one of the co-petitioners of the effort to declare Act 250 unconstitutional. We as a family have dedicated the last 3 years to this cause, to correct a law that not only enabled one person to bring down a 90 year tradition, but left an entire community no recourse but to accept the school district's financial burden to change a logo. Our goal has been to END THE BIAS that was proven of the DPI in hearing our Mukwonago case when Mukwonago was not able to defend itself properly, and it was proven by deposition of Paul Sherman that there was nothing Mukwonago could have said to change their minds. Leave it up to complainant to prove their case.

Assy. Bill 297 addresses all of these issues. Although many residents would push for repeal of ACT 250, I agree that going forward it is important to have a consistent and fair "complaint qualification" and resolution process. I genuinely feel that a complaint backed by only 10% district adult residents is weak, however, it is a "step in the right direction" which would be away from enabling 1 person to complain.

The Mukwonago district "has educated" its students especially those entering high school of the significance of Indian heritage, history and respect due to Native Americans and our logo. The district banned negative offensive actions or behavior towards Native Americans for years. Instead of hearing cases, and fining school districts, the DPI could do their job to grow those educational curriculums across the state to rid the state of any discrimination and stereotypes against Native Americans that may exist. It is sad these days when even adults stereotype the term Indians = Casinos. In Mukwonago, our families and residents have been proud to grow up in Mukwonago "place of the bear", and respect and honor the beloved Indian logo who in full headdress embodied qualities of bravery, strength, honor, and dignity. We have no casino here, nor do we have a reservation, but we have a loyalty and dedication to our villages heritage and high schools Indian logo. This is why we urge for this Bill 297 to pass.

Students, parents, and visitors to our high school **have not seen** costumes/headdresses, tomahawks and **have not heard** war chants, native drum beats, **WHY?** because those actions and behaviors were banned on Mukwonago property in due respect of this honorable heritage and our logo. Our Indian logo graces our schools welcome sign, letterhead, its legal documents, its diplomas, and is prevalent in the awards and trophy cabinets going back 90 years of school history. A "Fast M" is what represents Mukwonago on uniforms, and helmets in our athletic programs.

To ban our beloved Mukwonago Indian logo for one complaint erases 90 years of pride.

I speak for Mukwonago here. Approval of Assy. Bill 297 is what is right to bring fairness, consistency, stronger complaint qualification and fair complaint resolution to the State of Wisconsin.

Our opposition, Barb Munson states on 9/13/13 on Indianz.com : **Wisconsin Indian educators want school environments where all students can thrive, and we want accurate and authentic historical and contemporary information taught about all people. In school districts where the prevailing thought was that the issue was a power struggle about local control, people defending an "Indian" moniker often became more and more rigid in their defense and less able to frame the issue as an education policy issue involving harm to children.**

So, I say sign and pass Assy. Bill 297 and put the DPI to work growing our curriculums that are accurate, authentic historical and contemporary information about all people (including Native Americans), and that is one step closer to satisfying our opposition.

Thank you,

Kristine Schoolcraft

578W31030 Sugden Road

Mukwonago, WI 53149

AB 297

Mikalsen, Mike

From: Dave Gneiser <sparkplugdave@gmail.com>
Sent: Wednesday, October 02, 2013 8:56 PM
To: Mikalsen, Mike
Subject: Written testimony on AB297

Assembly Committee on

Government Operations and State Licensing

Wisconsin Capitol

Madison, WI 53703

You should include a regarding line referencing "Assembly Bill 297" and begin your letter with

Dear Committee Members:

I support Assembly Bill 297 which replaces the very much unconstitutional Act 250. Under Act 250, the accused school district is automatically presumed guilty of racism and places the burden on the accused to prove innocence. This runs 180 degrees counter to our justice system where one is innocent until proven guilty by the accuser.

Yes, I know the Act 250 proponents believe that using any means, even an obviously unconstitutional one where one is guilty and must prove their innocence, is justified by their end goal. NO, it is not, nor should it ever be thus. This sets a dangerous legal precedent. It is bad law.

AB297 resolves what is wrong with Act 250, ends the tyranny of one complainer trumping the wishes of the rest of the school district taxpayers. We elect our school boards to run our local schools. The best government is that which is closest to the people represented. Restore the decision making processes to our locally elected school board members as to what sports team nicknames and logos we choose.

Thank you for your consideration,

David E. Gneiser
Berlin, WI.

Indian Testimonial

To whom it may concern:

The Berlin School System has proudly carried the nickname for a lot longer than I've been around and the students here have worn the "Indians" uniform with dignity and respect. I strongly disagree with the principle that if ONE person is offended, the entire population should be.

I find it ludicrous that when cities, towns, lakes, rivers, parks, public buildings and even our state carry Indian names, our athletic teams can't embrace it as well. The school's yearbook and our golf course carry Indian names and no one has ever been offended. In fact, we had a friendly Indian village on the shores of the Fox River just outside Berlin and that is a rich part of our history.

I heartily agree with the bill that has been brought forth and urge the legislators to adopt it as quickly as possible before school districts are ordered to carry out expensive and unnecessary changes in uniforms, score boards, signage and athletic facilities.

Thank you.

Sincerely,

James Wolff
Editor Emeritus
Berlin Journal Newspapers