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For Immediate Release
February 8, 2013

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**Michigan Department of Civil Rights: Continued Use of
American Indian Mascots Hurts Student Achievement**
Complaint Asks U.S. Department of Education to End Use of American Indian Mascots

LANSING – The Michigan Department of Civil Rights (MDCR) today filed a complaint with the U.S. Department of Education, Office of Civil Rights (OCR), asking the federal agency to issue an order prohibiting the continued use American Indian mascots, names, nicknames, slogans, chants and/or imagery (hereafter referred to as “imagery”). MDCR’s complaint asserts that new research clearly establishes that use of American Indian imagery negatively impacts student learning, creating an unequal learning environment in violation of Article VI of the Civil Rights Act of 1964.

“A growing and unrebutted body of evidence now establishes that the use of American Indian imagery reinforces stereotypes in a way that negatively impacts the potential for achievement by students with American Indian ancestry,” the filing argues. “Continued use of American Indian mascots, names, nicknames, logos, slogans, chants and/or other imagery creates a hostile environment and denies equal rights to all current and future American Indian students and must therefore cease.”

Until now, opponents of the use of American Indian mascots, including MDCR, have not been able to build a sufficient legal basis for its prohibition because proving harassment requires proving that schools intended for their mascots to be offensive or were so egregious as to be considered universally offensive. Both of these determinations – intent and offensiveness – are subjective and as a result supporters and opponents have ended up in a stalemate without legal resolution.

MDCR asserts, in today’s filing, that research now establishes that actual harm occurs as a result of the use of American Indian imagery, thus rendering the subjective debate over intent and

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offensiveness moot. The filing highlights a number of studies which show decreased achievement, self-esteem and self-identity among American Indian students as well as increased stereotyping of all minority groups. (For a detailed look at the studies cited, see pages 19-26 of the Supporting Argument and Appendix A in the materials available at the link below.)

“Because there is now, for the first time, an objective showing that actual harm is resulting and that it disparately falls on American Indian students, there is no longer any need to question what the school, or what the “reasonable American Indian” thinks about the mascot,” the filing argues.

The MDCR complaint asks OCR to determine that the use of American Indian mascots, names, terms, graphics and/or other imagery negatively impacts a minority of primary and secondary students thereby denying them equal protection and opportunity; and that OCR therefore order that:

A. The use of American Indian mascots, names, terms, graphics and/or other imagery (particularly those which portray stereotypical Indian images as warriors), will not be permitted in primary or secondary educational institutions that receive federal funds, (except in the very limited and well defined circumstances described below).

B. The term “Redskins” has historically been used as a racial slur, and for this reason carries particularly negative connotations that accentuate the negative impact of associated stereotypes. Use of the term as a team name by primary or secondary educational institutions that receive federal funds is always impermissible.

C. Where limited uses of images, particularly the use of names of locally significant tribes or tribal persons with tribal support for doing so, can be done in a way that is respectful and which does not reinforce any singular limiting image of Indian Peoples, they may be continued, but only within guidelines provided by OCR.

D. The use of American-Indian names and/or imagery by each of the schools named in this complaint falls within the impermissible uses described above and must cease.

MDCR’s complaint addresses only primary and secondary schools, so colleges and universities would not be impacted by any action OCR might take in response. The MDCR complaint identifies 35 public school districts in Michigan that were using American Indian imagery as of the time of the complaint’s filing.

To review the complaint and supporting documentation, please go to

<http://www.michigan.gov/mdcr/0,4613,7-138-5933---,00.html>.

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Only Fair Is Fair.