

Governor's Commission to Study American Indian Representations in Public Schools

Report 2016



UTE MOUNTAIN UTE TRIBE

P.O. Box 248
Towaoc, Colorado 81334-0248
(970) 565-3751

Friday April 15th, 2016

Dear Commission to Study American Indian Representations in Public Schools,

The Ute Mountain Ute Tribe would like to thank Governor Hickenlooper for creating this Commission and to thank you all for your months of hard work to raise awareness and create productive dialogue around the issue of American Indian mascots. As this is a topic that affects our youth and future leaders, as well as the way that American Indian history and culture is perceived by the larger public, it is critical that honest and thoughtful conversation be facilitated in the State of Colorado. It was an honor for the Ute Mountain Ute Tribe to participate in the Commission and we value involvement in this process as a means of continuing to strengthen our government-to-government relationships.

Through participation in this Commission, our tribe was able to see the lack of education and awareness around American Indian history and culture in Colorado's public schools. A better understanding of the various American Indian nations that have contributed to Colorado's history, as well as a specific understanding of the relationship between Colorado and the Ute peoples, is critical to the education of Colorado citizens.

The use of American Indian mascots creates an opportunity for schools and tribes to engage in meaningful relationships with one another. Schools like Strasburg High School are positive examples of a way in which the use of a mascot can be the catalyst for fostering a respectful, educational, and unique partnership that also acknowledges the sovereignty of American Indian nations.

Our tribe has consistently and continuously offered to share Ute culture and history with schools who are interested in expanding their American Indian educational engagement. We look forward to working with local communities and schools to continue to address the issue of American Indian mascots in a way that benefits everyone and look forward to the creative recommendations that will be produced from this Commission.

Respectfully,

A handwritten signature in blue ink that reads "Manuel Heart".

Manuel Heart
Chairman



SOUTHERN UTE INDIAN TRIBE

April 13, 2016

Dear Commission to Study American Indian Representations in Public Schools,

The Southern Ute Indian Tribe would like to thank Governor Hickenlooper for creating this Commission and to thank you all for your months of hard work to raise awareness and create productive dialogue around the issue of American Indian mascots. As this is a topic that affects our youth and future leaders, as well as the way that American Indian history and culture is perceived by the larger public, it is critical that honest and thoughtful conversation be facilitated in the State of Colorado. It was an honor for the Southern Ute Indian Tribe to participate in the Commission and we value involvement in this process as a means of continuing to strengthen our government-to-government relationships.

Through participation in this Commission, our tribe was able to see the lack of education and awareness around American Indian history and culture in Colorado's public schools. We believe it is incumbent upon our Tribe, the State of Colorado, and Colorado public schools to recognize the role of American Indians in Colorado's history and to ensure that this history is taught comprehensively and accurately. A better understanding of the various American Indian nations that have contributed to Colorado's history, as well as a specific understanding of the relationship between Colorado and the Ute people, is critical to the education of Colorado citizens.

American Indian mascots that portray American Indians as caricatures, trivialize symbols of American Indian culture, and lack any sincere connection to the people they purport to represent, can be harmful and offensive. Nonetheless, the use of American Indian mascots creates an opportunity for schools and tribes to engage in meaningful relationships with one another. Schools like Strasburg High School are positive examples of a way in which the use of a mascot can be the catalyst for fostering a respectful, educational, and unique partnership that also acknowledges the sovereignty of American Indian nations.

The Southern Ute Indian Tribe has consistently and continuously offered to share Ute culture and history with schools who are interested in expanding their American Indian educational engagement. This Commission provided a platform for us to share Ute culture and history and to engage in meaningful dialogue with Colorado public schools on a difficult subject. Moreover, the Colorado Commission on Indian Affairs has been a great resource in addressing issues that our Tribe faces and in facilitating dialogue between our Tribe and the State of Colorado to address these issues. We would like to see the Colorado Commission on Indian Affairs continue the work of this Commission in some form. We look forward to working with local communities and schools to continue to address the issue of American Indian mascots in a way that benefits everyone and look forward to the creative recommendations that will be produced from this Commission.

Respectfully,

A handwritten signature in blue ink, which appears to read "Clement J. Frost".

Clement J. Frost, Chairman
Southern Ute Indian Tribe

EXECUTIVE SUMMARY

On October 5, 2015, Governor Hickenlooper issued an Executive Order establishing the Commission to Study American Indian Representations in Public Schools. "This Commission was charged to "facilitate discussion around the use of American Indian imagery and names used by institutions of public education and develop recommendations for the Governor and General Assembly regarding the use of such imagery and names." The Commission members included leaders from the American Indian community, educators, students, and representatives from civil and governmental organizations.

The need for this Commission has grown out of the debate over the "use of imagery and names that are offensive and degrading to American Indians in institutions of public education." These images can serve to dishonor the rich history of American Indians in Colorado. While these images "may be steeped in local traditions and important to community identity, they may also reinforce negative stereotypes about American Indians" and portray an inaccurate and inauthentic view of American Indians today.

The Commission was given the unique task of visiting communities and schools in various places in Colorado which currently use American Indian mascots and depictions. Through open dialogue and personal experiences, the Commission was able to visit four communities, explore the traditions behind the use of mascots, and hear firsthand from community members. Commission members provided information about the harmful effects of American Indian mascots and offered personal testimonies on the highly negative impact mascots can have on young people and adults. Community members were able to openly express themselves on the ongoing struggle for local traditions vs. the desire to treat American Indians respectfully and honor their history and culture. The Commission visited four communities with American Indian mascots. The first visit was to Strasburg, CO (Indians), followed by visits to Loveland, CO (Indians), Lamar, CO (Savages), and Eaton, CO (Reds). In each of these communities, a rich discussion was held with community members. While a simple solution cannot be derived from the many varying opinions, this Commission developed recommendations to Colorado communities, state agencies and organizations, educational institutions, and the Governor. This report is the result of the many hours spent in these communities along with discussions among the Commission members and other

leaders, including many in the American Indian community. The Commission has established several guiding principles that preface the recommendations of this report to the Governor.

First, the Commission recommends that communities eliminate American Indian mascots, particularly those that are clearly derogatory, offensive, or misrepresent American Indian people or tribes. The Commission recommends that every school and community with American Indian mascots review the use of these depictions in one or more facilitated public forums that allow for the sharing of perspectives, including input from American Indians. The use of these mascots must be reevaluated with a strong consideration of the negative impact they have on American Indians and on all cultures. American Indians must be treated with respect and their history and culture must be honored.

Furthermore, schools and communities that choose to retain American Indian representations should form a partnership with individual federally recognized American Indian tribes to promote transitioning to respectful relations. The Commission respects the inherent sovereignty of American Indian nations, including tribes' authority to enter into relationships with public schools in both Native and non-Native student settings, regarding the use of American Indian mascots, representations and practices. Through these relationships, respectful use of mascots and depictions can be developed and can foster the use of authentic educational experiences with regard to American Indian history, traditions, and culture.

Lastly, the Commission recognizes local control of public schools by elected boards of education as provided by longstanding Colorado law along with the primacy of elected boards to address the appropriate use of American Indian mascots and representations. We have identified several examples of individual schools and districts that have decided to use respectful and authentic American Indian mascots in partnership with federally recognized tribes and organizations.

In closing, the Governor's Commission to Study American Indian Representations in Public Schools was created to explore the use of potentially harmful mascots and depictions in our schools and communities. We recognize the value of local traditions and the pride that exists in the communities we visited. However, the consensus of the Commission members is that portraying American Indians

1 Appendix A

in a stereotypical way or misrepresenting their culture is harmful not only to American Indians, but to all people. Treating American Indians and all cultures respectfully ultimately supersedes local traditions. Our goal is for each community with American mascots to reevaluate their use and their purpose in an honest and productive way. Clearly, if mascots are derogatory or offensive, they should be changed or eliminated. Schools and communities that have respectful and authentic mascots should explore the

origin of their mascot and use their identity to further educate all community members on the history and culture of American Indians that once populated our surroundings and those that continue to call Colorado home. Furthermore, all schools with American Indian mascots should enter into partnerships with American Indian tribes or local organizations and through these partnerships, a bridge to understanding and authentic education can take place that benefits people of all backgrounds and cultures.

ACKNOWLEDGEMENTS

A report of this nature requires the support of many organizations and individuals to make it happen. We would first like to acknowledge the support of Governor John Hickenlooper and Lieutenant Governor Joseph A. Garcia. Without their support, this report and Commission's work would not have been possible. This report is the result of extensive collaboration among a number of tribal, public, and private entities who have contributed their time and talents over the last six months. The representatives and organizations that were part of the Governor's Commission to Study American Indian Representations in Public Schools are:

- Darius Lee Smith, Co-Chair, Director of Denver Anti-Discrimination Office, Denver, CO
- Jeffrey Paul Rasp, Co-Chair, Principal at Strasburg High School, Strasburg, CO
- Walter C. Cooper, Superintendent of Cheyenne Mountain School District, Colorado Springs, CO
- Deirdre Jeannette White Jones, Eaton High School, Eaton, CO
- Tamra Pearson d'Estree, PhD, Director of the Conflict Resolution Institute's Center for Research and Practice, University of Denver, Denver, CO
- Lucinda Long-Webb, Native American Education Durango 9-6 and CEA/DEA Member, Durango, CO
- Amy J. Young, Tribal Councilwoman of the Southern Ute Indian Tribe, Ignacio, CO
- Juanita A. Plentyholes, Vice-Chairwoman of the Ute Mountain Ute Tribe, Towaoc, CO
- Lucille A. Echohawk, Colorado Commission of Indian Affairs, Arvada, CO
- Elicia M. Goodsoldier, Denver American Indian Commission, Firestone, CO
- Matthew Lee Campbell, Native American Rights Fund, Boulder, CO
- Georgina Owen, Colorado Department of Education, Denver, CO
- Lindsey Nicole Nichols of Strasburg, CO
- Holly Arnold Kinney of Denver, CO
- Anap'o Dorothy Anne Locke of Denver, CO
- Troy A. Eid of Morrison, CO served as facilitator

Gillian Weaver, AmeriCorps VISTA for the Colorado Commission of Indian Affairs, Antonio Mendez, Deputy Chief of Staff for Lt. Governor Joseph A. Garcia, and Ernest House, Jr., Executive Director of the Colorado Commission of Indian Affairs assisted in the coordination, planning, and drafting of this Commission and its report and we appreciate their efforts. Finally, this report would not have been completed without the information provided by and invitation to visit the communities of Strasburg, CO; Loveland, CO; Lamar, CO; and Eaton, CO; and the many other students, community members, and organizations that participated in this report. We would like to thank each of them for their time and efforts to make this report a success. For questions or further information regarding this report, please contact:

Ernest House, Jr., Executive Director
Colorado Commission of Indian Affairs
130 State Capitol
Denver, CO 80203
303-866-2087
Ernest.House@state.co.us



TABLE OF CONTENTS

One Page Overview Page 7

Background and HistoryPage 8

Community SummariesPage 14

RecommendationsPage 21

Looking Forward.....Page 23

AppendixPage 27



ONE PAGE OVERVIEW

The goal of the Commission to Study American Indian Representations in Public Schools was to facilitate discussion around the use of American Indian imagery and names and to develop recommendations regarding the use of such imagery and names through community meetings. The communities visited were: Strasburg, CO (Indians) on November 30, 2016; Loveland, CO (Indians) on January 14, 2016; Lamar, CO (Savages) on February 25, 2016; Eaton, CO (Reds) on March 10, 2016.

After five months of community meetings and discussion, the Commission has established four guiding principles which structure the overall recommendations. These recommendations are intended to provide specific action items that can be taken on by local communities, state agencies and organizations, and educational institutions. (full recommendations on page 21)

Summary of recommendations:

A. The Commission recommends the elimination of American Indian mascots, imagery, and names, particularly those that are clearly derogatory and offensive, and strongly recommends that communities review their depictions in facilitated public forums.

- **Organizations involved in regulating, monitoring, and administering student activities and/or competitive events should engage in this dialogue.** We recommend that they establish new, or update existing, policy to prohibit member schools from displaying hostile and abusive racial/ethnic/national origin mascots, nicknames or imagery, and likewise prohibit hostile and abusive behavior of any kind. While the Colorado High School Activities Association (CHSAA) was not involved in any of the Commission's community meetings, the Commission has seen similar organizations in other states play a key role in this discussion.
- **The Colorado Commission of Indian Affairs (CCIA)** should develop an inventory of experts and resources to assist communities in evaluating their American Indian representations.
- Development a list of recommended specific criteria and/or best practices for schools that decide to maintain their American Indian mascot.

B. The Commission recognizes and respects Tribal sovereignty and strongly recommends schools to enter into formal relationships with federally recognized tribes to retain their American Indian imagery.

- **School Districts** that choose to retain American Indian mascots should make informed decisions regarding the impact of mascots on students and the community and be strongly encouraged to develop partnerships with American Indian tribes or organizations.

- Tribal partnerships for schools should be heavily encouraged.

C. The Commission recognizes and respects local control by elected boards of education and an active involvement of local communities, students, and citizens around the topic of American Indian mascots.

- Information regarding the harmful effects of American Indian mascots should be shared with every public school district in the state.
- Student identity should be strengthened through an increased attention to the academic, cultural, and social emotional environment of school districts.
- School districts should reexamine their anti-bullying/anti-discrimination policies.
- Legislative penalties and unfunded mandates on schools should be avoided.
- **Local communities and school districts** should engage in a community based, inclusive, and participatory process for discussing the American Indian mascot.

D. Work collaboratively to promote and support American Indian history, culture, and contributions in our public schools and districts.

- The Governor should extend this Commission's work through the creation of an **Advisory Committee under the Colorado Commission of Indian Affairs.**
- **The Colorado Department of Education and all school districts** should include American Indian history and educational opportunities and supports for American Indian students within its state educational plan under the Every Student Succeeds Act (ESSA).
- **The Colorado Commission of Indian Affairs** should provide sample curriculum plans, American Indian sources, and other resources to schools to help implement American Indian education in all public schools that focus on appreciation of American Indian culture and history.
- **History Colorado Center** should archive and maintain the work of the Commission and those schools that choose to transition in order to disseminate it as a resource for other communities, states, etc.

BACKGROUND AND HISTORY

Debate on the National Level

The debate over the use of American Indian mascots in the national sphere goes back for over sixty years.² Since the 1970's, over 2/3rds of American Indian mascots have been retired at K-12 schools across the country,³ including Colorado's own Arvada High School.⁴ In 1989, Charlene Teters, a Native American graduate student attending the University of Illinois at Urbana-Champaign, initiated efforts to eliminate that school's "Chief Illiniwek" mascot.⁵ Her efforts were made known to the greater public through Jay Rosenstein's documentary "In Whose Honor," which aired on PBS Nationally.⁶ Mr. Rosenstein's film highlights Charlene Teters' efforts to eliminate the "Chief Illiniwek,"

In 2001, after conducting extensive field hearings across the United States, the United States Commission on Civil Rights (CCR) issued a statement demanding an end to the use of American Indian images and team names by non-American Indian public schools. The CCR's accompanying public statement, entitled, "The U.S. Commission on Civil Rights Condemns the Use of American Indian Images and Nicknames as Sports Symbols," concludes:

The stereotyping of any racial, ethnic, religious or other groups, when promoted by our public educational institutions, teaches all students that stereotyping of minority groups is acceptable – a dangerous lesson in a diverse society. Schools have a responsibility to educate their students; they should not use their influence to perpetuate misrepresentations of any culture or people.⁷

The CCR condemned the use of all American Indian representations by non-Native public schools, calling them "disrespectful and insensitive."

The Commission to Study American Indian Representations in Public Schools concluded that these concerns should

prompt public schools in Colorado to reconsider the use of American Indians as mascots. As will be discussed at length below, a growing body of evidence indicates that using any ethnic or racial group, including American Indians, as mascots potentially harms young people.⁸ American Indian and Alaska Native youth are particularly at risk. As a result of historical trauma and other factors, Native children experience Post-Traumatic Stress Disorder at approximately the same reported rate – more than one in four – as returning military veterans from Afghanistan and Iraq⁹. Medical and scientific research strongly suggests that even seemingly benign or superficially positive representations of American Indians can be dehumanizing and desensitizing to an already vulnerable group of young people.

Consequently, several major professional organizations have called for the elimination of all American Indian mascots from public schools. For instance, the American Psychological Association a decade ago called for the "immediate retirement of all American Indian mascots, symbols, images, and personalities by schools, colleges, universities, athletic teams, and organizations." The American Counseling and American Sociological Association likewise called for the elimination of American Indian and Alaska Native names, mascots, and logos in 2011 and 2007, respectively.



2 Phillips, *supra* note 7, at 14.

3 *Suzan S. Harjo, Et Al., v. Pro-Football, Inc.*, 09-326, available at http://www.ncai.org/attachments/LegalBriefing_TB yaxkdqYwYRDohDiQUvSVlcVeXOGzqntVkEXTaEnFailZrpGfN_Amici-NCAL-et-al-10-16-09.pdf.

4 The school is now known as the Arvada Bulldogs. <http://www.changethemascot.org/history-of-progress/>.

5 Interview: Charlene Teters on Native American Symbols as Mascots in The NEA Higher Education Journal. Available online http://www.nea.org/assets/img/PubThoughtAndAction/TAA_00Sum_11.pdf

6 *In Whose Honor?* Film Description <http://www.pbs.org/pov/inwhosehonor/film-description/>

7 The CRC's public statement and recommendations are available at www.usccr.gov/press/archives/2001/041601.htm

8 See, e.g., *MISSING THE POINT: THE REAL IMPACT OF NATIVE AMERICAN MASCOTS AND TEAM NAMES ON NATIVE AMERICAN AND ALASKA NATIVE YOUTH*, Center for American Progress (July 22, 2014), available at www.americanprogress.org/issues/race/report/2014/07/22/94214/missing-the-point/.

9 See *A ROADMAP FOR MAKING INDIAN COUNTRY SAFER: REPORT TO THE PRESIDENT AND CONGRESS OF THE UNITED STATES*, Indian Law and Order Commission (Nov. 2013), available at www.aisc.ucla.edu/iloc/report/.

The use of American Indian mascots by institutions of higher education was severely limited in August of 2005, when the National Collegiate Athletic Association (NCAA) contacted 18 member schools with unacceptable “hostile or abusive” American Indian mascots and encouraged them to change them or risk participating in future championship competition.

“Colleges and universities may adopt any mascot that they wish, as that is an institutional matter,” said Walter Harrison, chair of the Executive Committee and president at the University of Hartford. “But as a national association, we believe that mascots, nicknames or images deemed hostile or abusive in terms of race, ethnicity or national origin should not be visible at the championship events that we control.”¹⁰

From the 18 schools called out in the NCAA decision, several chose to pursue the development of respectful relationships with sovereign tribes, notably the Utah Utes, who have a Memorandum of Understanding (MOU) with the Ute Indian Tribe of the Uintah and Ouray reservation and the University of Florida Seminoles, who have a MOU with the Seminole Tribe of Florida. These relationships support mutual respect and understanding, promote specific tribal histories and culture, and advocate for increased higher educational opportunities for American Indian students.

Additionally, policy changes in some states and localities have triggered more schools to retire their mascots. For example, in 2009 the Wisconsin State legislature passed a law allowing citizens to initiate mascot changes if the school mascots are deemed discriminatory.¹¹ In 2012, the Oregon State Board of Education prohibited all Native American team names and mascots in their schools.¹² Likewise, the Michigan Board of Education passed a resolution calling on schools to retire American Indian mascots in 2003.¹³ Both the Los Angeles Consolidated School District and the Houston Independent School District have moved to end the use of offensive mascots, requiring many schools to change their team names.¹⁴ Most recently, California adopted the California Racial Mascots Act in 2015, prohibiting all public schools from using the term Redskins for school or athletic team names, mascots, or nicknames.

The available scientific and medical evidence makes it all the more important for those public schools with American Indian mascots to reevaluate their use and – if the decision is made to retain such representations, including in partnership with individual federally recognized Indian tribes or American Indian organizations – to do so in a thoughtful and deliberative manner designed to promote and institutionalize the positive educational development and awareness of all students. Those schools choosing to retain American Indian mascots must keep clear educational goals in mind, and should expect to be held to a higher standard.

Debate in Colorado

As the debate has continued on the national level for the past four decades, it has simultaneously affected Colorado communities and school districts. During the 90s, three schools in the Denver metro area voluntarily eliminated or modified their American Indian mascots. In 1993, Arvada High School eliminated their mascot of “Redskins” and moved towards the use of “Reds” with an image of a bulldog.

Also in 1993, Arapahoe High School, under the direction of Principal Ron Booth, contacted the Northern Arapaho Tribe to begin conversations about the school’s mascot and their use of that image. An artist from the Northern Arapaho Tribe redesigned the logo to be a culturally specific rendering of an Arapaho warrior and the tribe advised the school on ways to use the mascot image more respectfully, such as the removal of the image from the gym floor and the placement of the image over the “heart” on school sponsored apparel. The tribe and the school also entered into a respectful and formal relationship, which resulted in cultural exchanges and visits that occur on an annual basis.



10 NCAA Executive Committee Issues Guidelines for Use of Native American Mascots at Championship Events.

<http://fs.ncaa.org/Docs/PressArchive/2005/Announcements/NCAA%2BExecutive%2BCommittee%2BIssues%2BGuidelines%2Bfor%2BUse%2Bof%2BNative%2BAmerican%2BMascots%2Bar%2BChampionship%2BEvents.html>

11 *Id.* at 8.

12 *Id.*

13 *Id.*

14 Phillips, *supra* note 7, at 16.

In 1996, Montbello High School eliminated the use of an American Indian figure to represent their “warriors” mascot and replaced it with an image of a futuristic warrior. In 2015, there were approximately 30 schools in Colorado with American Indian mascots at all levels of public education.¹⁵

Two legislative bills, related to the use of American Indian mascots in institutions of public education, have been introduced in the General Assembly over the last five years and both failed to pass. In 2010, Senate Bill 10-107, “Concerning the Use of American Indian Mascots by Public High Schools” was introduced, which would have required each public high school of a school district and each charter high school that uses an American Indian mascot to cease using the mascot, obtain approval for the continued use of the mascot, or select another mascot from the Colorado Commission of Indian Affairs. In 2015, House Bill 15-1165, “Concerning the Use of American Indian Mascots of Institutions of Public Education” was introduced, which would have established a subcommittee to evaluate and approve or reject the use of American Indian mascots by public schools and public institutions of higher education within the state. Neither of these legislative bills passed. Concerns about preserving local traditions and costs to school districts (particularly in rural communities) played a role in the legislative outcome.

Given the local debate, Strasburg High School, the “Indians,” decided in 2015 to pursue a thoughtful and critical reexamination of their mascot. School officials and students reached out to the Northern Arapaho Tribe, as they were one of the former inhabitants of the area that made up Strasburg, in order to begin conversations about the image of the mascot. Tribal representatives visited the school and made comments about the usage of the image, but also agreed to develop a formal relationship with the school. In early 2016, Principal Jeff Rasp and Senior Lindsey Nichols traveled to the Wind River Reservation in Wyoming to present a formal resolution acknowledging the partnership and the support of respectful relations, increased American Indian education, and cultural exchanges to the tribal business council.

In keeping with tribal sovereignty, the Commission respects the right of these and all other tribal governments to decide for themselves how such relationships might be pursued and sustained, particularly when the public school involved

may not include many or any students who are actually members of that tribe. The examples of Arapahoe and Strasburg High Schools show some of the positive ways tribes are working collaboratively and respectfully with public educators to determine which American Indian representations are most appropriate, and whether and when they might be used, in order to serve legitimate pedagogical goals of improving mutual respect and understanding. These schools can serve as models of positive benefits that can flow when American Indian representations are deliberately used as a springboard for strengthening educational opportunities for students to learn about Native people, history, and cultures.

Colorado Law of Local Control

In contrast to many other states, the public school system in Colorado grew out of an intentional commitment to local control¹⁶. Instead of establishing a centralized, state-administered system, Colorado’s constitutional framers “... made the choice to place control ‘as near the people as possible’ by creating a representative government in miniature to govern instruction.”¹⁷ This choice sets our state apart. Just six states in the nation have a constitutional provision for local public school governance.

The Commission respects the primacy of elected boards of education as ensured by Colorado law, including the ability to address the appropriate use of American Indian mascots and representations in sports and other settings. These are fundamentally local policy decisions that elected school board members should make and administrators and educators carry out with input from all impacted citizens. These decisions should be made with knowledge of both the local and national history as well as the potential harms to all students.



¹⁵ See appendix D.

¹⁶ For a good overview of local control of public secondary education in Colorado, see the Colorado Association of School Boards, “Boards of Education: Local Control of Instruction,” available at www.casb.org/Page/228.

¹⁷ *Owens v. Congress of Parents, Teachers and Students*, 92 P. 3d 933, 939 (Colorado Supreme Court, 2004).

Tribal Sovereignty

This Commission recognizes that the legal status of Native nations in the United States is unique both domestically and internationally.¹⁸ Tribal sovereignty – or, in the words of the United States Supreme Court, the right of American Indians living on federally recognized reservations to “make their own laws and be ruled by them”¹⁹ – is recognized in thousands of treaties, statutes, executive orders and court decisions. Tribal sovereignty secures for tribes a government-to-government relationship with the federal government, imposes limits on the power of Colorado and other states over Native people and lands, and protects Native nations’ right to self-governance.

Of the 567 Indian tribes and nations currently recognized by the federal government, two tribes – the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe – are headquartered within the boundaries of the State of Colorado. Additionally, at least 46 other tribes have cultural and historical ties to our state. The Commission was privileged to include elected officials from the Southern Ute and Ute Mountain Ute Tribes as well as officials of several other tribes connected to Colorado.

During the course of the Commission’s fieldwork, we were mindful that several federally recognized tribes have entered into voluntary agreements with public schools in Colorado related to the representations of American Indians. In some instances – such as Arapahoe High School and the Northern Arapaho Tribe of the Wind River Indian Reservation in Wyoming – the mascot is specifically identified with that tribe’s own citizens. We respect each tribe’s sovereign right to make its own decision regarding American Indian representations.

Effects of Mascots on Students

The dispute over the use of American Indian mascots is rooted in an extensive history of abuse, discrimination, and conquest. American Indian mascots became popular during a time in our country when racism and cultural oppression were the norm.²⁰ Many present day Indian-based team names were once widely used as derogatory terms to describe American Indian characters. Beginning in the early 20th century, sports clubs ranging from the professional level to local schools began appropriating American Indian imagery to represent their teams.²¹ This imagery was often based on stereotypical and false historical narratives of violence, ferociousness, and savagery and such renderings still exist today.²²

Not only are American Indian mascots extremely offensive, but they also cause real, documented harm to the mental health of American Indian and Alaska Native (“American Indian”) students. American Indian youth already face some of the harshest realities in the nation. For example, the poverty rate for American Indians under age 18 was

36.5% in 2012, as compared to 22.2% for the overall population.²³ Further, American Indian youth are more likely to suffer from addiction and substance abuse issues than the general population. A disproportionate 18.3% of American Indian eighth graders reported binge drinking, versus 7.1% nationally.²⁴ These modern challenges, combined with a history of cultural oppression and trauma, result in feelings of



18 A succinct overview introduction to tribal sovereignty in the United States may be found in Robert T. Anderson, Bethany Berger, Sarah Krakoff and Philip P. Frickey, *AMERICAN INDIAN LAW: CASES AND COMMENTARY* (3d Ed. 2008)

19 *Williams v. Lee*, 389 U.S. 217, 220 (1959).

20] National Congress of American Indians, *Ending the Legacy of Racism in Sports & the Era of Harmful “Indian” Sports Mascots*, 2 (2013), http://www.ncai.org/attachments/policypaper_mijapmouwdbjqftjayzqwqlrdwzvsyfakbwthpmatcoroyolpn_ncai_harmful_mascots_report_ending_the_legacy_of_racism_10_2013.pdf.

21 *Id.*

22 J. Gordon Hylton, *Before the Redskins Were the Redskins: The Use of Native American Team Names in the Formative Era of American Sports, 1857-1933*, 86 N.D. L. Rev. 879, 891 (2010).

23 Bureau of the Census, *Selected Population Profile in the United States: 2010-2012 American Community Survey 3-Year Estimates*, http://factfinder2.census.gov/bkrmk/table/1.0/en/ACS/12_3YR/S0201/0100000US/popgroup~001|006.

24 Colorado State University, College of Natural Sciences, *Comparing Rates of Substance Use Among AI Students to National Rates: 2009-2012*, available at http://triethniccenter.colostate.edu/ai_epi1.htm.



hopelessness for many Native youth.²⁵ As such, suicide is the second leading cause of death for American Indians ages 15 to 34, at a rate 2.5 times higher than the national average²⁶.

American Indians are the only group of human beings in the United States who are made the subject of mascots at all levels of education. Several prominent professional, civil rights, and religious organizations have long objected to the use of American Indian mascots. These prominent organizations include The American Psychological Association (2005), American Sociological Association (2007) and American Counseling Association (2001). These organizations have all passed resolutions recommending the end of all American Indian mascots in sports due to the damaging effects on both the American Indian and non-Native population. According to the American Psychological Association, numerous studies have demonstrated that the use of American Indian mascots: (1) undermines the educational experiences of members of all communities; (2) establishes an unwelcome and hostile learning environment for American Indian students; (3) has a negative impact on the self-esteem of American Indian children; (4) undermines the ability of American Indian nations to portray accurate and respectful images of their culture; and (5) may represent a violation of the civil rights of American Indian people²⁷.

Emerging mental health research, investigating and reporting the negative psychological effects of these mascots, reaches the same conclusion. Research shows that the mascots establish an unwelcome and hostile learning environment for American Indian students.²⁸ The research also revealed that the presence of American Indian mascots directly resulted in lower self-esteem and mental health

issues for American Indian adolescents and young adults.²⁹ Equally important, recent studies also show that these mascots undermine the educational experience of all students, particularly those who have little to no contact with American Indian people.

Racial stereotypes, positive or negative, can play an important role in shaping adolescent consciousness. As a consequence, inauthentic behavior displayed in schools with American Indian mascots, by making an absurd misrepresentation of American Indian cultural identity, causes many young Native people to feel shame about who they are. Studies partly attribute feelings of inferiority to negative characterizations that are materialized in racist school mascots.³⁰ Native youth are faced with these undesirable images, showing them the constrained ways in which others view them.³¹ This further limits the ways in which Native youth may view themselves.³² As American Indian youth continue to struggle to find their sense of identity, they are presented with caricature versions of themselves, and this in turn affects how Native youth view their place in society.³³ All this occurs in the context of a population that already has been proven to experience serious psychological distress 1.5 times more than the general population. The most significant mental health concerns among American Indians, cited by the American Psychological Association, are the high prevalence of depression, substance use, suicide, and anxiety (including PTSD).

These concerns arise as American Indian students often face ridicule and harassment in the classroom and at sporting events.³⁴ Such hostile environments result in lower academic achievement and success rates across the

25 Victoria Phillips, Erik Stegman, *Missing the Point: The Real Impact of Native Mascots and Team Names on American Indian and Alaska Native Youth*, Center for American Progress, 7 (July 2014).

26 *Suicide Facts at a Glance*, <http://www.cdc.gov/violenceprevention/pdf/Suicide-DataSheet-a.pdf>.

27 American Psychological Association, *APA Resolution Recommending the Immediate Retirement of American Indian Mascots, Symbols, Images, and Personalities by Schools, Colleges, Universities, Athletic Teams, and Organizations* (2005), <http://www.apa.org/pi/oema/resources/indian-mascots.aspx>.

28 Victoria Phillips, Erik Stegman, *Missing the Point: The Real Impact of Native Mascots and Team Names on American Indian and Alaska Native Youth*, Center for American Progress, 7 (July 2014).

29 *Id.*

30 *Id.*

31 American Psychological Association, *APA Resolution Recommending the Immediate Retirement of American Indian Mascots, Symbols, Images, and Personalities by Schools, Colleges, Universities, Athletic Teams, and Organizations* (2005), <http://www.apa.org/pi/oema/resources/indian-mascots.aspx>.

32 *Id.*

33 *Id.*

34 Phillips, *supra* note 7, at 4.

board.³⁴ The federal government recognizes that schools should work toward eliminating hostile learning environments, as they lead to serious challenges to students' success.³⁶

Studies also show that the continued use of American Indian mascots is harmful to all students, not just American Indian students.³⁷ Schools take on the role of educating and influencing students. By using American Indian mascots, schools are teaching students that stereotyping minority groups is an acceptable practice, further legitimizing discrimination against American Indians.³⁸ These images perpetuate misrepresentations portraying American Indians as a "culture of people frozen in time."³⁹ Non-Indian students with little contact with Indigenous peoples come to rely on these stereotypes to inform their own understanding of American Indians' place in society, often times leading to discriminatory behavior.⁴⁰

Such practices also lead to cultural intolerance and higher rates of hate crimes against American Indians.⁴¹ For example, in 2014 Native students in California reported being taunted with names like "wagon burners," "savages," and "dirty Indians."⁴² Two students at the same high school were forced to transfer schools after finding notes on their lockers reading "White Pride Bitch" and "Watch Your Red-skinned Back."⁴³ There have also been recent examples of schools with American Indian mascots performing "Indian" dances or chants at pep rallies or other events, where students are dressed in fake feathers and mock war paint. This cultural intolerance embodies the negative impacts described by the American Psychological Association.

As shown above, the causal connection is clearly evident, and the mascots and concomitant behavior that goes along with them only exacerbate an already severe, unfair, and unjust burden and problem.



35 Id. at 5.

36 Id.

37 American Psychological Association, *APA Resolution Recommending the Immediate Retirement of American Indian Mascots, Symbols, Images, and Personalities by Schools, Colleges, Universities, Athletic Teams, and Organizations* (2005), <http://www.apa.org/pi/oema/resources/indian-mascots.aspx>.

38 Id.

39 Id.

40 Id.

41 U.S. Department of Justice Office of Justice Programs, Bureau of Justice Statistics, *American Indians and Crime*, (1999), available at <http://www.bjs.gov/content/pub/pdf/aic.pdf>.

42 Alysa Landry, *Racial Bullying Persists in Northern California* (Apr. 17, 2014), <http://indiancountrytodaymedianetwork.com/2014/04/17/racial-bullying-persists-northern-california-154494>.

43 Id.

COMMUNITY SUMMARIES

The Commission to Study American Indian Representations in Public Schools and staff collaborated with local school boards, educational organizations, and community leaders to plan and execute the community meetings. The Commission agreed to only visit schools and communities that they were invited to and these communities listed below showed great hospitality and interest. From initial invitation, purpose of Commission, and creating a respectful

and successful dialogue; staff and Commissioners worked to make sure all viewpoints were heard in a facilitated public forum.

In these meetings, the Commission asked to hear comments from students, school staff, and community members regarding their American Indian mascot, logo, and/or school traditions, in order to better understand the particular feelings, local histories, and challenges associated with the mascot. The communities visited were:

COMMUNITY	MASCOT	LOCATION	DATE
Strasburg	Indians	Strasburg High School	November 30, 2015
Loveland	Indians	Loveland High School	January 14, 2016
Lamar	Savages	Lamar Community College	February 25, 2016
Eaton	Reds	Eaton High School	March 10, 2016

STRASBURG, CO

Meeting Date: November 30th, 5:30PM-8:30PM

Location: Strasburg High School, 56729 Colorado Ave., Strasburg, CO 80136

Number of Community Members Attended: 30

Media Present: ABC7 The Denver Channel

Demographics

As of the census of 2000, there were 1,402 people, 503 households, and 393 families residing in the town. The racial makeup of the town was 95.44% White, 1.28% African American, 0.57% American Indian/Alaska Native, 0.21% Asian, 0.07% Pacific Islander, 0.71% from other races, and 1.71% from two or more races.



The first meeting of the Commission was held at Strasburg High School, at the invitation of Commission members Principal Jeff Rasp and senior Lindsey Nichols. During the meeting, Jeff Rasp and Lindsey Nichols provided an overview of their ongoing goal to develop a formal relationship with the Northern Arapaho Tribe, a project which was spurred by a deeper investigation of the meaning, implications, and history of the school's "Indians" mascot.

Highlights from Strasburg Meeting:

- **A Strasburg student** contributed to the conversation by saying that in his opinion, the local community has embraced the mascot as more of a symbol than as a representation of a culture and that to remedy that, they need more education. It is clear that the community embraces the name "Indians" and the various American Indian names used for streets throughout the community, but no one knows anything about these particular cultures.
- **A staff member of Strasburg High School** commented on the emotional impact that the mascot has on alumni and students, who they believe carry the name with pride. The name "Indians" is deeply tied to their identity. She also shared with the group that according to a local historian, the town of Strasburg was originally called "Comanche Crossing," but it changed to Strasburg with the development of the railroad.
- **A school board member** noted that the main issue underlying this conversation is education and the lack of education, or ignorance, regarding this topic. He commented that not everyone will be agree, but that the community of Strasburg never intended to be derogatory or disrespectful to American Indians. That being said, he would like the school to remove the mascot image from the gym floor, because based on conversations he had during the small group break out, this is disrespectful.

LOVELAND, CO

Meeting Date: January 14th, 2016 5:30 PM-8:30PM

Location: Loveland High School, 920 W. 29th St., Loveland, CO 80538

Number of Community Members Attended: 40

Media Present: Loveland Herald-Reporter

Demographics

As of the census of 2000, there were 50,608 people, 19,741 households, and 14,035 families residing in the city. The racial makeup of the city was 92.85% White, 0.37% Black, 0.69% American Indian/Alaska Native, 0.83% Asian, 0.03% Pacific Islander, 3.21% from other races, and 2.02% from two or more races.



Photo credit: Loveland Reporter-Herald



The second meeting of the Commission was held at Loveland High School, at the invitation of Superintendent Stan Scheer. During the meeting, Principal Todd Ball and former teacher Danny Heymann provided an overview of how Loveland and tried to seek tribal input on their mascot and the challenges of that process.

Highlights from Loveland Meeting:

- **A faculty member** of Loveland High School commented that she chose to work for Loveland due to its rich sense of history and traditions. She works with the student council to improve the student climate and these students would like to honor their tradition as respectfully as possible. They are interested in learning more about this and educating the student body as well, perhaps through the form of a school assembly. The student council would definitely be willing to increase awareness of this issue to their peers.
- **A student representative from the student council** stated that he is very proud to be a Loveland “Indian” as his school is very important to him, but this meeting has been an eye opening experience. He was not aware of how much he didn’t know and of how many people are willing to educate people more on the topics being discussed here. He would love to learn more about how the entire community can be educated on what was discussed tonight.
- **An alumnus of Loveland High School** remarked on how interesting this meeting and conversation had been for her. She was born and raised in this area and in her youth looked forward to becoming a “Loveland Indian.” For her, strength is a big part of the image she had of the mascot, but was very impressed with the opportunity to get more information for actual people and as opposed to reading information through a third party. With real people, there is a tangible connection which is a great blessing for the community. She remembers when in the past there was more of a connection to American Indian culture, through annual powwows in the downtown area. During these visits, there was an opportunity for Loveland residents to meet American Indian people and learn more about their dances and dress. This type of cross cultural education is exciting and the community of Loveland should have access to it in their youth, they should not have to wait as long as she did for this conversation. She also thanked the Commission members that spoke their native language tonight, as this alone was a unique way to show the diversity of indigenous culture.
- **Another student** agreed with her peer that she is also proud to be an “Indian,” but it needs to be represented in a positive way. She also wasn’t very aware of this issue and knows many students are not as well.



LAMAR, CO

Meeting Date: February 25th, 5:00PM-8:00PM

Location: Lamar High School,
1900 S. 11th St., Lamar, CO 81052

Number of Community Members Attended: 100

Media Present: The Prowers Journal

Demographics

As of the census of 2000, there were 8,869 people, 3,324 households, and 2,247 families residing in the city. The racial makeup of the city was 76.24% White, 0.38% African American, 1.48% American Indian/Alaska Native, 0.47% Asian, 0.05% Pacific Islander, 18.81% from other races, and 2.57% from two or more races.



The third meeting of the Commission was held at Lamar Community College and discussed the Lamar High School "Savages" mascot. The meeting was opened by representatives of the Lamar Board of Education.

Highlights from Lamar Meeting:

- **A community member** stated that he appreciated the Commission coming to visit and doing their own research of the community. Initially, this visit put him on the defensive, but after hearing several Commissioners speak, that is not how he feels now. He had several questions: first, if the major concern is being respectful of American Indian culture, does the community really communicate disrespect and/or did the Commission come across anything intentionally harmful or malicious? Second, he would like to understand where the feeling of disrespect comes from: is it a misunderstanding of the name savages or the logo, or, is it the connection between the name savages and the image of an American Indian?
- **A Lamar High School alumnus and former faculty** announced to the Commission that they are "in Indian Country now" and that it was "Savage Country." She attended and taught in the Lamar education system. She is also active in the alumni community and just finished organizing a reunion that was attended by over 350 people. When they sat together at this reunion, singing songs together, praying together, they were "savages." She asked the Commission if they didn't think they were proud to be Savages. They are as proud as everyone sitting in the chairs [the Commission]. This is Savage Country to them, their ambulances and fire trucks carry the logo. Anyone who would have anything to say against the savages will hear about it. They are proud people here. If the Commission should get mad at anyone, they should get mad at the media, they are the ones responsible for pushing those stereotypical and offensive images. How is Lamar supposed to learn about tribal history if they cut Colorado History from the curriculum? You need to work on the media and standards of education before solving the mascot question.
- **A different community member** spoke on her experience in Lamar and with the mascot as a transplant to this area. To those who can't understand why the Savage name is offensive, to others outside the community, it is embarrassing to be associated with such a name. The term is a slur and is especially offensive when used in connection with American Indians; it means someone is less than human, beast like. Continued use of the mascot makes the town look ignorant.
- **Another community member** commented that everyone's feelings get hurt way too easily, including himself. When he first heard about this meeting, his feelings were hurt, but now he doesn't feel that way. He graduated high school here as well as his children. When the governor visited Lamar a few months back, he asked him if he was going to change their mascot. In no way would he want to demean a child and he has nothing but respect for American Indians. If it weren't for the Navajo, everyone in America would be speaking Japanese today. He has friends who are Navajo, and to hear them speak their language is beautiful. He has respect for all Indian nations and he doesn't care what creed or race a person is, if you are a good human, you are a good human. He hopes the Commission feels the same way about the people of Lamar and see how much they care for this community. He ended his comments by saying that he feels a lot better after hearing the stories of the Commissioners and learning different things.



• A junior at Lamar High School commented that the mascot has been used by generations upon generations of community members. The school does provide a Colorado History curriculum where they learn about some of the heritage of Lamar. He asked the commission, whether any tribe was ever called the savages, and if not, what tribe would that offend then? He also asked if the artwork represented American Indians negatively or if anything other pride was for that name was felt at the school. The title of this year's yearbook is called "Pride in the Tribe," which demonstrates how the students feel about this moniker.



EATON, CO

Meeting Date: March 10th, 5:00PM-8:00PM

Location: Eaton High School, 1900 S. 11th St., Lamar, CO 81052

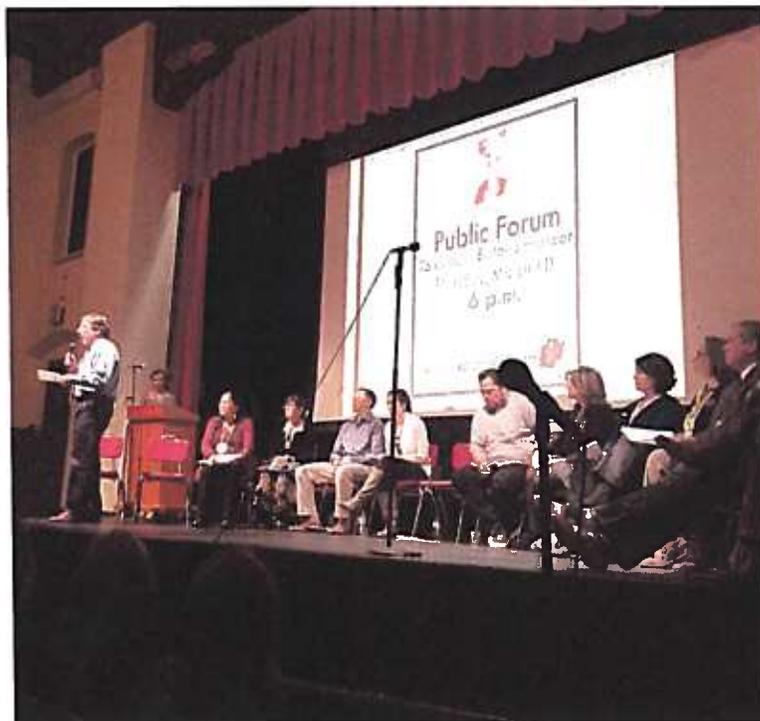
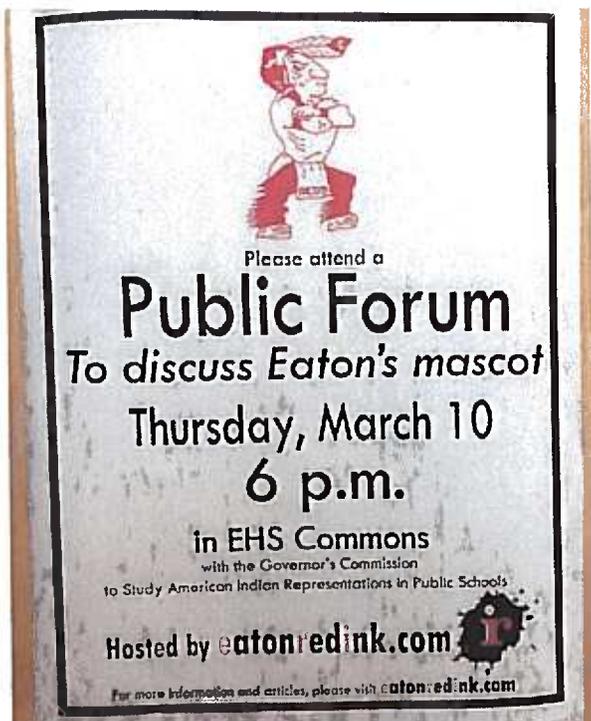
Number of Community Members Attended: 125

Media Present: The Herald Voice, ABC 7, The Denver Channel, The Greeley Tribune, Colorado Public Radio

Demographics

As of the census of 2000, there were 2,690 people, 1,033 households, and 765 families residing in the town. The racial makeup of the town was 91.12% White, 0.04% African American, 0.52% American Indian/Alaska Native, 0.78% Asian, 5.76% from other races, and 1.78% from two or more races.





Highlights from Eaton Meeting:

- **An alumnus of Eaton High School** remarked on her particular experience. She was an actively involved student and was always proud of her school and athletic teams. It wasn't until she went to college that she became more aware of the context and complicated nature of American Indian mascots. Now examining the mascot, she does not see authentic American Indian culture and she thinks that people who would have a different opinion of the image if they were exposed to American Indian culture. If they were doing this to any other ethnic group, it would be considered racist.
- **A community member**, not an alumni of Eaton High School, grew up in Nebraska, where there is more American Indian culture, and has lived here for 50 years. It was interesting for him to listen to the kids at this meeting and what they have to say, but he thinks that their negative associations of American Indian mascots is a product of the media. When he was younger, he would play cowboys and Indians and always wanted to be the Indian because they were brave, fast, and courageous, I don't see a killer. He would encourage the youth to make their own opinions and not be influenced by Hollywood.
- **A student athlete at Eaton** commented on the sports traditions associated with the mascot. Every week, the best player gets to wear a tomahawk on their helmet and there is a lot of usage of warrior names and ideas. Everyone is very protective of the mascot, but his eyes have been opened and he realizes that it isn't his bloodline or his heritage. It belongs to someone else. The school can embrace the warrior spirit without being American Indians. He sees a division in the younger and older generations over this issue, but it directly affects the current students, not the alumni.
- **A community member and father of Eaton High School Alumni** said that he had empathy of what he had heard tonight, but to comment on why people like to dress up as Indians, it is because "we are a tribal bunch" He was a part of the 13th bomb squadron in 1945 and their mascot was the "Devil's Own Grim Reapers." 60 years later, this mascot still belongs to him, though it might offend some people. He also shared his experiences as a youth soccer coach and his success in inspiring athletes by having them think of their warrior spirit. He ended his comments with a plea to not take the mascot away and a suggestion that any changes should be made with a community vote.

RECOMMENDATIONS OF THE COMMISSION TO STUDY AMERICAN INDIAN REPRESENTATIONS IN PUBLIC SCHOOLS TO COLORADO COMMUNITIES, STATE AGENCIES AND ORGANIZATIONS, AND EDUCATIONAL INSTITUTIONS

After five months of community meetings and discussion, the Commission has established four guiding principles which structure their overall recommendations. These recommendations are intended to provide specific action items that can be taken on by local communities, state agencies and organizations, and educational institutions. As citizens of Colorado, we should all be invested in and responsible for the education and well-being of our students, so similarly there are ways that respectful and meaningful discussion of the mascot issue can be held at the individual, local, and state levels. Furthermore, every local community is unique and has its own distinctive challenges, history, traditions, and identity that must be taken into account, so recommendations regarding mascots should be flexible, responsive, and supportive of these needs.

The Commission to Study American Indian Representations in Public Schools makes the following recommendations:

A. The Commission recommends the elimination of American Indian mascots, imagery, and names, particularly those that are clearly derogatory and offensive, and strongly recommends that communities review their depictions in facilitated public forums.

The Commission recommends that every school and community with American Indian mascots review the use of these depictions in a facilitated public forum that allows for the sharing of perspectives, including input from American Indians. The use of these mascots must be reevaluated with a strong consideration of the negative impact they have on American Indians and on all cultures and students. Mascots or images should be eliminated, particularly those that are derogatory and offensive.

In support of this recommendation, the Commission recommends:

- **Organizations involved in regulating, monitoring, and administering student activities and/or competitive events should engage in this dialogue.** We recommend that they establish new, or update existing, policy to prohibit member schools from displaying hostile and abusive racial/ethnic/national origin mascots, nicknames or imagery, and likewise prohibit hostile and abusive behavior of any kind. While the Colorado High School Activities Association (CHSAA) was not

involved in any of the Commission's community meetings, the Commission has seen similar organizations in other states play a key role in this discussion.

- The **Colorado Commission of Indian Affairs (CCIA)** to develop an inventory of experts and resources that can assist school districts and student organizations with either eliminating or reviewing their mascot.
- **A special Advisory Committee by the Colorado Commission of Indian Affairs** to develop a list of recommended specific criteria and/or best practices for schools that decide to maintain their American Indian mascot.

B. The Commission recognizes and respects Tribal sovereignty and strongly recommends schools to enter into formal relationships with federally recognized tribes to retain their American Indian imagery.

Schools that choose to retain an American Indian mascot are encouraged to form a partnership with individual federally recognized tribes to promote transitioning to respectful relations. The Commission respects the inherent sovereignty of American Indian nations, including tribes' authority to enter into relationships with public schools in both Native and non-Native student settings, regarding the use of American Indian mascots, representations and practices. Through these relationships, respectful use of mascots and depictions can be developed and can foster the use of authentic educational experiences with regard to American Indian history, traditions, and culture.

In support of this recommendation, the Commission recommends:

- That **school districts** that choose to retain American Indian mascots should make informed decisions regarding the impact of mascots on students and the community and be strongly encouraged to develop partnerships with American Indian tribes or organizations.
- Tribal partnerships for schools that want to develop long term relationships with sovereign governments and Native citizens to inform how and when mascots are used, provide contemporary cultural education, and establish mutually beneficial partnerships, should be heavily supported.

C. The Commission recognizes and respects local control by elected boards of education and an active involvement of local communities, students, and citizens around the topic of American Indian mascots.

As the Commission respects the primacy of elected boards of education as ensured by Colorado law, including the ability to address the appropriate use of American Indian mascots and representations in sports and other settings, it strongly advises communities to take this topic on at the local policy level and support systems that ensure culturally sensitive, inclusive, and respectful learning environments for the benefit of all their students.

In support of this recommendation, the Commission recommends:

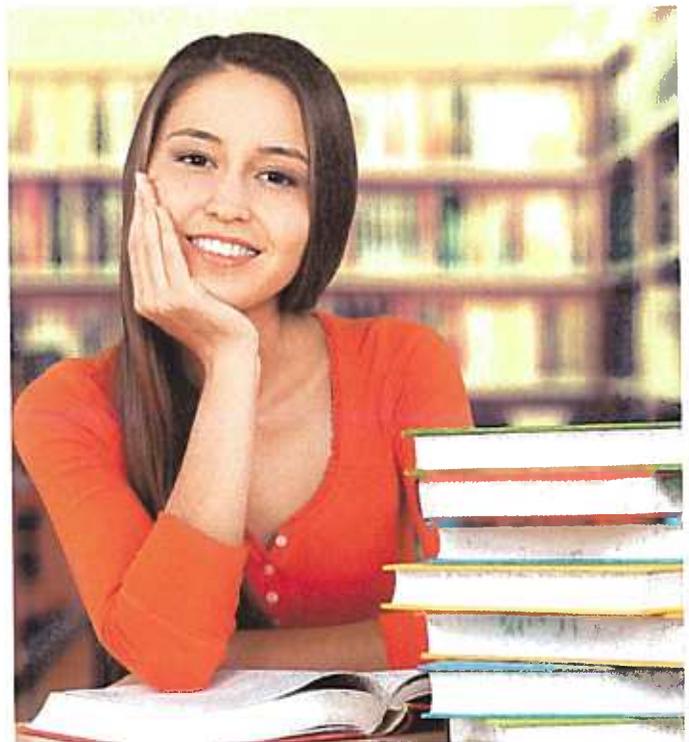
- Information regarding the harmful effects of American Indian mascots should be shared with every public school district in the state.
- Student identity to be strengthened through an increased attention to the academic, cultural, and social emotional environment of school districts, particularly in regards to American Indian students.
- School districts to reexamine their anti-bullying/anti-discrimination policies, especially with regard to American Indian students.
- That legislative penalties and unfunded mandates for schools with American Indian mascots be avoided.
- **Local communities and school districts** to engage in a community based, inclusive, and participatory process for discussing the American Indian mascot. To support these conversations there should be incentives and aid provided to help in facilitating public meetings, gathering school information, inviting speakers and experts, consultations, etc.

D. Work collaboratively to promote and support American Indian history, culture, and contributions in our public schools and districts.

One of the most important aspects of the debate over continued use of American Indian mascots is a lack of educational awareness of American Indian culture and history in public schools and a lack of resources for developing and increasing this awareness. In order to advocate for American Indian cultures and history in local communities, resources need to be available to inform school districts of the rich and diverse American Indian heritage in Colorado.

In support of this recommendation, the Commission recommends:

- An extension of this Commission's work through the creation of an **Advisory Committee under the Colorado Commission of Indian Affairs** to assist with community conversations, the development of set of criteria and transition process for public schools that use American Indian mascots or imagery, and to help identify financial support to assist in the transition process.
- The **Colorado Department of Education and all school districts** should include American Indian history and educational opportunities and supports for American Indian students within its state educational plan under the Every Student Succeeds Act (ESSA).
- The **Colorado Commission of Indian Affairs** to provide sample curriculum plans, American Indian sources, and other resources to schools to help implement American Indian education in all public schools that focuses on appreciation of American Indian culture.
- **History Colorado Center** to archive and maintain work of the Commission and those schools that choose to transition in order to disseminate it as a resource for other communities, states, etc.



LOOKING FORWARD

American Indians have long challenged the use of stereotypical American Indian images by sports, entertainment, and educational institutions. Many contend that the use of such imagery is as demeaning as the *Amos & Andy*, *Frito Bandito*, and *Aunt Jemima* racial caricatures of a not so distant segregated past. Proponents for Indian mascots assert that using these images honors Native peoples and promote native culture in highly visible forums.

While there is no denying that western colonization set in motion the demise of the traditional American Indian way of life, there remains profound resistance to letting go of Indian mascots or acknowledging the current impact these mascots and images have on Indian identity and cross-cultural relationships. For American Indian children, who are collectively denied positive media and educational models to counter these images, the ramifications on self-identity are very real and documented. While they are the inheritors of strong and vibrant tribal communities, Indian children share a legacy of poverty created by relocation and reservation systems. Too often rendered invisible by mainstream society, Indian youth experience the dismissal of their progression into the future as they are continually romanticized into the past. Often regarded as fierce warriors or noble savages the American Indian is expected to look, act, speak, and think in a manner predetermined by mainstream

viewpoints, regardless of whether these perceptions are historically or currently accurate.

In defining culture there is an inherent sense of entitlement to write one's own record of history. To acknowledge the use of Indian mascots as hurtful or insulting would require a reexamination of the accepted views of "new world discovery" and western expansion. Also, honest conversations would need to take place about the associated, economic benefit for professional sports organizations and educational institutions.

These perspectives, among others, contribute to an inevitable conflict between those who support the continued use of cartoonish Indian mascots, those who find such images offensive and demeaning, and those that have documented real and actual harms that are caused by mascots to all students. Unlike the past, when mainstream viewpoints dictated cultural identification, Indians today are expressing themselves through both contemporary and traditional mediums by insisting on their human right of self-determination. By educating all children to more accurately and positively reflect the contributions of all people, the use of American Indian mascots will no longer be an accepted reality, but an issue relegated to the footnotes of American history.

"Defiant to your Gods", Denver Art Museum, artist Greg Deal



STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol
Denver, Colorado 80203
Phone (303) 866-2471
Fax (303) 866-2003



John W. Hickenlooper
Governor

B 2015 006

EXECUTIVE ORDER

**Creating the Commission to Study American Indian
Representations in Public Schools**

Pursuant to the authority vested in the Office of the Governor of the State of Colorado, and in particular, pursuant to Article IV, Section 2, of the Colorado Constitution, I, John W. Hickenlooper, Governor of the State of Colorado, hereby issue this Executive Order creating a Commission to Study American Indian Representations in Public Schools.

I. Background, Need and Purpose

American Indians have resided in Colorado for centuries. Within the boundaries of the present State of Colorado, numerous indigenous nations hunted, gathered, and lived in every part of the state. The early settlement of Colorado resulted in displacement of American Indians from their land, as well as the loss of language, culture, and lives. The offensive use of tribal names and American Indian imagery became more apparent in early media publications as these wars, massacres, and displacements occurred. The use of imagery and names that are offensive and degrading to American Indians in institutions of public education dishonors the ongoing legacy of American Indians in the State of Colorado. The use of these images and names may be steeped in local traditions and important to community identity, but they may also reinforce negative stereotypes about American Indians and limit public knowledge about actual indigenous culture and heritage.

Two legislative bills, related to the use of American Indian mascots in institutions of public education, have been introduced in the General Assembly over the last five years and both failed to pass. In 2010, Senator Suzanne Williams sponsored Senate Bill 10-107, "Concerning

the Use of American Indian Mascots by Public High Schools.” The bill would have required each public high school of a school district, and each charter high school, that uses an American Indian mascot to cease using the mascot, obtain approval for the continued use of the mascot, or select another mascot from the Colorado Commission of Indian Affairs. In 2015, Representative Joe Salazar sponsored House Bill 15-1165, “Concerning the Use of American Indian Mascots of Institutions of Public Education.” The bill would have established a subcommittee to evaluate and approve or reject the use of American Indian mascots by public schools and public institutions of higher education within the State. Neither of these legislative bills passed. Concerns about preserving local traditions and costs to school districts (particularly in rural communities) played a role in the legislative outcome.

Some school districts in Colorado have found constructive and collaborative ways to migrate away from offensive ethnic caricatures and mascots without disrupting school traditions or incurring costs that detract from student learning. In some cases, these districts have even found ways to use the debate over offensive mascots as an opportunity to educate students about our common history and bring diverse communities together.

It is in that spirit, we believe a more open and ongoing discussion and study is needed to identify how affected communities can respect the culture of American Indians while maintaining community traditions. One of the goals of this Commission is to host public discussions among constituents who feel strongly connected with these names and images without the threat of revoking state funding or issuing penalties.

II. Mission and Scope

The Commission shall facilitate discussion around the use of American Indian imagery and names used by institutions of public education and develop recommendations for the Governor and the General Assembly regarding the future use of such imagery and names. Through dialogue between representatives from federally recognized tribes, Colorado’s American Indians, institutions of public education, state agencies, and community stakeholders, the Commission will explore the manner in which images and names are perceived in relationship to individual, historical, and cultural perspectives. The Commission will also reach out to affected communities to gather more information about the community response to the usage of American Indian imagery and evaluate potential impacts to both rural and urban communities. Representatives from American Indian tribes and urban populations will guide discussion on the offensive nature of some images and names, the effects of these images and names on members of their communities, and opportunities for cooperation. The Commission will create a list of recommendations for the State of Colorado to address the issue of American Indian imagery and names in institutions of public education in a way that serves all affected communities.

III. Membership

The Commission shall consist of no more than fifteen (15) members and shall be appointed by the Governor. The Governor shall appoint the Chair and Co-chair of the Commission. Efforts will be made to ensure representation from all areas of the state. The members of the Commission shall be as follows:

- i. Chair;
- ii. Co-Chair;
- iii. Four representatives from statewide education organizations;
- iv. One representative of the Southern Ute Tribe;
- v. One representative of the Ute Mountain Ute Tribe;
- vi. One representative from the Colorado Commission of Indian Affairs;
- vii. One representative from the Denver American Indian Commission;
- viii. One representative from the Native American Rights Fund;
- ix. The Executive Director of the Colorado Department of Education or his or her designee;
- x. Three members of the public.

IV. Duration

This Executive Order shall continue in existence until April 4, 2016, or until such time as it is either terminated or extended beyond that date by further Executive Order of the Governor.



GIVEN under my hand and the
Executive Seal of the State of
Colorado, this fifth day of
October, 2015.

A handwritten signature in blue ink, which appears to read "John W. Hickenlooper".

John W. Hickenlooper
Governor

APPENDIX B:

The following is a list of relevant resources regarding American Indian mascots and representations.

Rules and Resolutions:

APA Resolution Recommending the Immediate Retirement of American Indian Mascots, Symbols, Images, and Personalities by Schools, Colleges, Universities, Athletic Teams, and Organizations (2005)

Minneapolis Commission on Civil Rights Resolution in opposition to the use of offensive Native American team names and logos within the City of Minneapolis

NCAA Executive Committee Issues Guidelines for Use of Native American Mascots at Championship Events (2005)

Oregon State Board of Education Resolution Regarding Use of Native American Mascots (2015)

Oregon State Board of Education Rule Banning Use of Native American Mascots (2015)

Statement of U.S. Commission on Civil Rights on the Use of Native American Images and Nicknames as Sports Symbols

Washington State Board of Education Native American Mascot Resolution (2012)

Studies on how American Indian mascots have serious social effects on American Indian communities:

Justin W. Anglea, Sokiente W. Dagogo-Jack, Mark R. Forehand, and Andrew W. Perkins (2016)

Activating Stereotypes with Brand Imagery: The Role of Viewer Political Identity

Chaney, Burke and Burkley (2011)

Do American Indian Mascot = American Indian People? Examining Implicit Bias Towards American Indian People and American Indian Mascots

Kim-Prieto, Okazaki, Goldstein and Kirschner (2009)

Effect of Exposure to an American Indian Mascot on the Tendency to Stereotype a Different Minority Group

Steinfeldt, Foltz, Kaladow, Carlson, Pagano, Benton and Steinfeldt (2010)

Racism in the Electronic Age: Role of Online Forums in Expressing Racial Attitudes About American Indians

Freng and Willis-Esqueda (2011)

A question of honor: Chief Wahoo and American Indian stereotype activation among a university based sample

Stephanie A. Fryberg, Hazel Rose Markus and Daphna Oyserman

Of Warrior Chiefs and Indian Princesses: The Psychological Consequences of American Indian Mascots

LaRocque, McDonald, Weatherly and Ferraro (2011)

Indian sports nicknames/logos: affective difference between American Indian and non-Indian college students

National Congress of American Indians (2013)

Ending the Legacy of Racism in Sports & the Era of Harmful "Indian" Sports Mascots

Erik Stegman and Victoria Phillips (2014)

Missing the Point: The Real Impact of Native Mascots and Team Names on American Indian and Alaska Native Youth

Government Reports:

Native American Mascots: Report to the Oregon State Board of Education (2012)

White House Initiative on American Indian and Alaska Native Education U.S. Department of Education School Environment Listening Sessions (2015)

Legislation:

California Racial Mascots Act (2015)

Colorado Senate Bill 10-107: Concerning the Use of American Indian Mascots by Public High Schools

Colorado House Bill 1165: Concerning the Use of American Indian Mascots by Public Institutions of Education (2015)

New York State Senate Resolution 5966 Condemning the Promotion and Marketing of Dictionary-Defined Racial Slurs as Mascots (2014)

U.S. House of Representatives Bill 3487 – Respect for Native Americans in Professional Sports Act of 2015

For even more resources, please visit ChangeTheMascot.org, which has many resources related to American Indian mascots, specifically the Washington Redskins Football team.


APPENDIX C: American Indian Tribes with a Historic Connection to the State of Colorado

Apache Tribe of Oklahoma
Cheyenne & Arapaho Tribes of Oklahoma
Cheyenne River Sioux Tribe
Comanche Nation of Oklahoma
Crow Creek Sioux Tribe
Crow Tribe
Eastern Shoshone Tribe (Wind River Reservation)
Fort Sill Apache Tribe
The Hopi Tribe
Jicarilla Apache Nation
Kewa Pueblo (formerly the Pueblo of Santo Domingo)
Kiowa Tribe of Oklahoma
Mescalero Apache Tribe
Navajo Nation
Northern Arapaho Tribe
Oglala Sioux Tribe
Ohkay Owingeh (Pueblo of San Juan)
Osage Nation
Paiute Indian Tribe of Utah
Pawnee Nation of Oklahoma
Pueblo of Acoma
Pueblo de Cochiti
Pueblo of Isleta
Pueblo of Jemez
Pueblo of Laguna
Pueblo of Nambe
Pueblo of Picuris
Pueblo of Pojoaque
Pueblo of San Felipe
Pueblo of San Ildefonso
Pueblo of Sandia
Pueblo of Santa Ana
Pueblo of Santa Clara
Pueblo of Taos
Pueblo of Tesuque
Pueblo of Zia
Rosebud Sioux Tribe
San Juan Southern Paiute Tribe
Shoshone-Bannock Tribes
Southern Ute Indian Tribe
Standing Rock Sioux Tribe
Three Affiliated Tribes
Ute Indian Tribe (Uintah & Ouray Reservation)
Ute Indian Tribe (Uintah & Ouray Reservation)
Wichita & Affiliated Tribes
Ysleta del Sur Pueblo
Zuni Tribe of the Zuni Reservation

APPENDIX D: Colorado Schools with Indian Mascots/Names/Logos**-Elementary School-**

Avondale Elementary School—Avondale, CO (Apache Indians)
Eaton Elementary School—Eaton, CO (Little Braves)
Frederick Elementary School—Frederick, CO (Warriors)
Galeton Elementary School—Galeton, CO (Indians)
Kiowa Public School—Kiowa, CO (Indians)
Morris Primary School—Yuma, CO (Indians)
Mountain Valley School—Saguache, CO (Indians)
Sanford Elementary School—Sanford, CO (Indians)
Strasburg Elementary School—Strasburg, CO (Indians)

-Middle School-

Bill Reed Middle School—Loveland, CO (Warriors)
Previously the Indians
Centennial Middle School—Mostrose, CO (Braves)
Eaton Middle School—Eaton, CO (Reds)
West Middle School—Colorado Springs, CO (Warriors)
Yuma Middle School—Yuma, CO (Indians)

-High School-

Arapahoe High School—Arapahoe, CO (Warriors)
Arickaree School—Anton, CO (Indians)
Campo School—Campo, CO (Warriors)
Central High School—Grand Junction, CO (Warriors)
Cheyenne Mountain High School—Colorado Springs, CO (Indians)
Eaton High School—Eaton, CO (Reds)
Fredrick High School—Fredrick, CO (Warriors)
Lamar High School—Lamar, CO (Savages)
Loveland High School—Loveland, CO (Indians)
Montrose High School—Montrose, CO (Indians)
Yuma High School—Yuma, CO (Indians)

-Junior and High School-

Frederick Junior Senior High School—Frederick, CO (Warriors)
La Veta Junior Senior High School—La Veta, CO (Redskins)
Mountain Valley School—Saguache, CO (Indians)

-K-12

Weldon Valley School—Weldona, CO (Warriors)

-Preschool

Little Indians Preschool—Yuma, CO (Little Indians)



Southern Ute Indian Tribe

Sunshine Cloud Smith Youth Advisory Council

December 29, 2015

Dear Governor Hickenlooper, Southern Ute Tribal Council, and Colorado Commission of Indian Affairs,

The use of disrespectful mascots saddens the Sunshine Cloud Smith Youth Advisory Council of the Southern Ute Indian Tribe because people are being told wrong information which attributes the lack of Native American cultural awareness. The Sunshine Cloud Smith Youth Advisory Council believes having people portray Native Americans culture in a negative way is disrespectful. This is important to address this issue because there are some people who are not aware of the effects it has on Native American communities. Our culture and tradition are very important to us and the use of questionable mascots do not support our values as a people. The Sunshine Cloud Smith Youth Advisory Council supports Governor Hickenlooper's efforts of addressing the issue by appointing a commission to research the use of Native American mascots. We look forward to the next steps the State of Colorado, Governor Hickenlooper, and this commission will do for all Indian Country by seeing an example.

Sincerely,

Issac Suina, Chairman

Larenz Wilbourn, Vice-Chairman

Lakota TwoCrow, Secretary

Cameron Weaver, Councilman

Elijah Weaver, Councilman

Randy Herrera, Councilman

**RESOLUTION OF THE
STRASBURG SCHOOL DISTRICT AND THE NORTHERN ARAPAHO BUSINESS
COUNCIL, WIND RIVER RESERVATION, ETHETE, WYOMING**

Resolution No. NABC-2016-_____

WHEREAS, the Strasburg School District Board of Education is the duly elected governing body of the Strasburg School District; and

WHEREAS, the Strasburg School District has been approached by the Northern Arapaho Business Council from the Wind River Reservation in Ethete, Wyoming, with the intention to establish an ongoing partnership with the Tribe so that their use of a school mascot named the "Indians" is depicted in a respectful and authentic manner; and

WHEREAS, the Strasburg School District acknowledges that the Arapaho and Cheyenne were the original peoples in the area where their school is now located; and

WHEREAS, the Strasburg School District hopes to honor the tribes and people who once lived in the area and integrate American Indian history and culture into the school's curriculum and community; and

WHEREAS, the Strasburg School District has agreed to use an authentic depiction of their mascot designed by a Northern Arapaho Tribal member, Eugene Ridgley;

NOW, THEREFORE, BE IT RESOLVED, that the Northern Arapaho Business Council supports the efforts and goals of the Strasburg School District of wanting to explore and learn about the Northern Arapaho culture, historical events (such as Sand Creek Massacre), prevalent issues facing Natives today, respectful use of an Indian mascot, and creating a relationship/partnership with the Tribe

BE IT FINALLY RESOLVED that the Strasburg Board of Education is authorized and directed to sign this resolution.

CERTIFICATION

The undersigned, as members of the Strasburg Board of Education, hereby certifies that the foregoing resolution was adopted by a vote of 4 () in favor, 0 () against, and that the foregoing resolution has not been rescinded or amended in any way.

Done at Strasburg, Colorado, this 13th day of April, 2016.

Monica K. Alban, Superintendent, Strasburg School District

Nancy Taylor, President, Strasburg School District School Board of Education

M. J. [Signature], School Board Member

_____, School Board Member

Gene W. [Signature], School Board Member

Constance Lybarger, School Board Member

Jeff Rasmussen, Principal, Strasburg High School, Co-Chair of Governor's Commission to Study American Indian Representations in Public Schools

Lindsay Nichols, Student at Strasburg High School, President of National Honor Society, Member of Governor's Commission to Study American Indian Representations in Public Schools

