

Native American Rights Fund

EXECUTIVE DIRECTOR

John E. Echohawk

DEPUTY DIRECTOR

Matthew L. Campbell

**CASE SELECTION
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David L. Gover
Matthew L. Campbell
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ATTORNEYS

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Michael Kennedy

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Donald M. Ragona

CORPORATE SECRETARY

Sarah Palacios

250 Arapahoe Ave., Boulder, CO 80302-5821

(303) 447-8760 FAX (303) 443-7776

www.narf.org

WASHINGTON OFFICE

950 F. Street, NW
Suite 1050
Washington, DC 20004-1438

Ph. (202) 785-4166
FAX (202) 822-0068

ATTORNEYS

Mark Carter
Samantha B. Kelty
Morgan Saunders

ANCHORAGE OFFICE

745 W. 4th Avenue
Suite 502
Anchorage, AK 99501-1736

Ph. (907) 276-0680
FAX (907) 276-2466

ATTORNEYS

Megan Condon
Erin C. Dougherty Lynch
Wesley J. Furlong
Matthew N. Newman

July 10, 2023

Robert J. Jones

Chancellor

University of Illinois Urbana-Champaign

517 Swanlund Admin Building

601 E. John

M/C 304

Champaign, IL 61820-5711

Re: Letter of Endorsement for Changing the University of Illinois' Mascot to the Belted Kingfisher

Dear Chancellor Robert J. Jones,

The Native American Rights Fund (“NARF”) was contacted seeking input regarding the impact the University of Illinois’ mascot and the associated stereotyped imagery have on Native American and non-native American youth. In 2007, under the pressure of the NCAA, the University of Illinois Board of Trustees made the decision to retire their mascot, Chief Illiniwek. The former mascot was portrayed by a student dressed in Sioux regalia, despite “representing” the Illiniwek. The mascot would perform dances at football and basketball games as the marching band played a “war chant.” Since the removal of the former mascot, students and members of the University of Illinois community have worked diligently to establish an inclusive mascot for the University, but these harmful images persist on campus. There are a few issues with the use of Native mascots and imagery in general that we would like to educate you about, and there are

important legal and policy reasons for state funded schools to affirmatively take steps toward changing Native American Mascots that are not only offensive, but cause real, documented harms to native and non-native students.

First, Native mascots and their associated imagery have a negative psychological and educational impact on both Native American and non-native youth. It is now well understood that not only are Native American mascots extremely offensive, but they also cause real documented harm to the mental health of Native American and Alaska Native students. According to the American Psychological Association, numerous studies have demonstrated that the use of Native American mascots: (1) undermines the educational experiences of members of all communities; (2) establishes an unwelcome and hostile learning environment for Native American students; (3) has a negative impact on the self-esteem of Native American children; (4) undermines the ability of Native nations to portray accurate and respectful images of their culture; and (5) may represent a violation of the civil rights of Native American people.¹

Beginning in the early 20th century, sports clubs ranging from the professional level to local schools began appropriating Native American imagery to represent their teams.² This imagery was often based on stereotypical and false historical narratives of violence, ferociousness, and savagery, and such renderings still exist today.³ Some supporters of these mascots cite to the importance of tradition and argue that the mascots act to honor Native American cultures.⁴ However, the history behind these mascots tells a different story of prejudice and subjugation. In the early 20th century, American's use of the "N-word" was a part of the public and media's vernacular. Depictions of African Americans and Native Americans as caricatures in cartoons, advertisements, and the theatrical use of "black-face" and "red-face" were everyday proliferations, such as "Little Black Sambo," Disney Peter Pan's "Indian Chief," and the unnamed "Indian" cartoon characters of Bugs Bunny.⁵

As the American public evolved, there was a movement away from the caricatures and denigrating images of African Americans by removing the offensive imagery from the public eye

¹ 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) <https://www.apa.org/about/policy/mascots.pdf> [hereinafter, *APA Resolution*].

² 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/proudtobe> (last visited May 25, 2018); Mark R. Connolly, *What's in a name? A Historical Look at Native American-Related Nicknames and Symbols at Three U.S. Universities*, 71(5) *Journal of Higher Education* 515, 530 (2000).

³ 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).

⁴ *Contra* Scott Freng & Cynthia Willis-Esqueda, *A Question of Honor: Chief Wahoo and American Indian Stereotype Activation Among a University Based Sample*, 151(5) *The Journal of Social Psychology* 577, 586-87 (2011) (confirming that even when proponents argue "Indian" mascot imagery represents honor and respect, the same imagery activates only negative Native American stereotypes by non-Native American youth).

⁵ Michael Barrier, *Hollywood Cartoons: American Animation in its Golden Age* 439 (Oxford Uni. Press, Inc. 1999) (paperback ed. 2003); *see also* Public Domain Motion Pictures, *Merrie Melodies #181: All This and Rabbit Stew (1941) – Public Domain Animated Comedy*, YouTube (May 11, 2017) <https://www.youtube.com/watch?v=dcqB--A0P54>.

and removing the “N-word” from the everyday vernacular. When it comes to the imagery of Native Americans, however, the opposite is true. As Americans moved away from the denigrating imagery of African Americans, the imagery of Native Americans increased with “Indian” mascotry.⁶ This mascotry remains because schools now claim that the use of the “Indian” mascot is to “honor,” or stay true to the school and the community’s original tradition. Tradition is no reason to continue to perpetrate these harmful imageries.

By using Native American mascots, federal and state publicly funded schools are teaching students that stereotyping minority groups is an acceptable practice, further legitimizing discrimination against Native Americans.⁷ These images perpetuate misrepresentations portraying Native Americans as a “culture of people frozen in time.”⁸ Research has confirmed that these mascots establish an unwelcome and hostile learning environment for Native American students.⁹ The research also revealed that the presence of Native American mascots directly resulted in lower self-esteem and mental health issues for Native American adolescents and young adults.¹⁰

Studies have shown that Native American mascots negatively affect how Native American youth see themselves and contribute to their feelings of inferiority.¹¹ When Native youth are faced with these undesirable images, it illustrates to them the constrained ways in which others view them.¹² Thus, further limiting the ways in which Native youth may view themselves.¹³ As Native American 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.¹⁴ These concerns arise as Native American students often face ridicule and harassment in the classroom and at sporting events.¹⁵ Such hostile environments result in lower academic achievement and success rates across the board.¹⁶

The National Congress of American Indians (“NCAI”) first formally addressed the term used by Washington, D.C.’s N.F.L. team in 1993, stating the term “is not and has never been one of honor or respect[.] [I]t has always been and continues to be a pejorative, derogatory, denigrating, offensive, scandalous, contemptuous, disreputable, disparaging, and racist designation for Native

⁶ Chu Kim-Prieto, et al., *Effect of Exposure to an American Indian Mascot on the Tendency to Stereotype a Different Minority Group*, 40(3) *Journal of Applied Social Psychology* 534, 538 (2010) (“American Indian names are among the top 10 most popular mascot names for U.S. high schools.”).

⁷ *APA Resolution*, *supra* note 1.

⁸ *Id.*

⁹ 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, 1 (July 2014) [hereinafter, *Missing the Point*].

¹⁰ *Id.*

¹¹ *Missing the Point*, *supra* note 14, at 4.

¹² *APA Resolution*, *supra* note 1, at 1.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Missing the Point*, *supra* note 14, at 4.

¹⁶ *Id.* at 5.

Americans.”¹⁷ Research shows that any “Indian” mascot, whether negative or positive, negatively affects the psychology and education of Native American youth.¹⁸

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 Native American people.¹⁹ Non-native students come to rely on these stereotypes to inform their own understanding of Native Americans’ place in society, often times leading to discriminatory behavior.²⁰ Non-native American youth, when exposed to an “Indian” mascot, are more likely to stereotype other non-native minority groups,²¹ and this mascot imagery will activate only negative Native American stereotypes like “lazy” and “uneducated.”²² Such practices also lead to cultural intolerance and higher rates of hate crimes against Native Americans.²³ According to the Department of Justice, “American Indian victims were more likely to report the offender was from a different race, compared to black and white victims.”²⁴

In short, schools with Native American mascots and imagery miseducate their students and encourage their students and faculty to remain uninformed about the realities of Native Americans, and more generally about the shared history between European Americans and Native Americans.²⁵

¹⁷ National Congress of American Indians, Resolution #TUL-13-050, *Commending Efforts to Eliminate Racist Stereotypes in Sports and Calling on the U.S. President and Congress to Combat These Continuing Affronts to Native Peoples* (Oct. 2013), http://www.ncai.org/attachments/Resolution_OYdGFAZFMqQHpvvNLPcWKmsrTcaUnlcqeMnyetmhetMvvyVZn_TUL-13-050%20Final.pdf [hereinafter NCAI Resolution].

¹⁸ Fryberg, et al., *Of Warrior Chiefs and Indian Princesses: The Psychological Consequences of American Indian Mascots*, 30 *Basic and Applied Social Psychology*, 208, 209-10, 216 (2008) (finding that non-Native American youth’s self-esteem is boosted when exposed to “Indian” mascot imagery).

¹⁹ *APA Resolution*, *supra* note 1, at 1; American Sociological Association, *Statement by the Council of the American Sociological Association on Discontinuing the Use of Native American Nicknames, Logos and Mascots in Sport* (Mar. 6, 2007), (“[S]tereotypes embedded in Native American nicknames, logos and mascots in sport undermine education about the lives of Native American peoples[.]”), <http://www.asanet.org/about-asa/how-asa-operates/council-statements/use-native-american-nicknames-logos-and-mascots> .

²⁰ *Id.*

²¹ Kim-Prieto et al., *supra* note 6, at 545, 547 (“[E]ven if the intention of the depiction may have been to honor and respect, the ramification of exposure to the portrayal is heightened stereotyping of racial minorities.”).

²² Freng & Willis-Esqueda, *supra* note 4, at 580, 586-87 (“Mascots portray American Indians stereotypically, distort Indigenous customs and culture, damage the self-esteem and self-concept of American Indians, and contribute to a racially hostile environment.”).

²³ U.S. Dep’t of Justice, Office of Justice Programs, Bureau of Justice Statistics, *A BJS Statistical Profile, 1992-2002: American Indians and Crime* (Dec. 2004), <https://www.bjs.gov/content/pub/pdf/aic02.pdf> .

²⁴ *Id.* at 9; *Id.* at v. (“Approximately 60% of American Indian victims of violence . . . described the offender as white.”).

²⁵ Ellen J. Staurowsky, *American Indian Imagery and the Miseducation of America*, 51 *National Association for Physical Education in Higher Education*, 382-392, 390 (1999) (“[S]chools have been extremely slow to accept responsibility for miseducating students through the continued use of American Indian imagery[.]”); C. Richard King, *Teaching Intolerance: Anti-Indian Imagery, Racial Politics, and (Anti)Racist Pedagogy*, 30 *The Review of Education, Pedagogy, and Cultural Studies*, 420, 428 (2008) “Anti-Indian imagery in athletics works against the ideals of educational institutions. It produces false knowledge, fosters hostility and discomfort, and undermines the creation of inclusive, democratic learning communities.”).

Second, over 2,000 athletic programs in schools, colleges, and national leagues have recognized that Native American mascots are no longer acceptable in the 21st century. NCAI, in their 2013 Resolution, states

Native Peoples and non-Native supporters have succeeded in eliminating over two-thirds (2,000+) of the so-called “Native” names, images, mascots and behaviors from educational athletic programs, beginning with the first nationwide, the University of Oklahoma’s retirement of “Little Red” in 1970[.]

[D]espite these solid successes in colleges and universities, as well as in elementary, middle and high schools, there remain nearly 1,000 of these race-based stereotypes in educational and professional sports[.]²⁶

The movement to end the use of Native American mascots has gained national attention as of late, but activists have been vigorously fighting the use of these mascots for over 60 years.²⁷ Since the 1970’s, over two-thirds of Native American mascots have been retired at K-12 schools, colleges and universities across the country.²⁸ Indeed, the NCAA adopted a policy against “hostile and abusive” Native American mascots, nicknames, or imagery at its championships in 2005.²⁹ The sky has not fallen for these Schools.

Third, Title VI of the Federal Civil Rights Act prohibits any “program or activity receiving Federal financial assistance” from discriminating based on race or national origin.³⁰ Utilizing such mascots may violate anti-discrimination laws.³¹ The U.S. Department of Education, Office for Civil Rights stated, “School districts may violate . . . civil rights statutes and the Department’s implementing regulations when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.”³²

²⁶ NCAI Resolution.

²⁷ Phillips, *supra* note 11, at 14.

²⁸ Brief for National Congress of American Indians, et al. in Support of the Petition for a Writ of Certiorari as Amici Curiae in Support for a Writ of Certiorari at 16, *Harjo v. Pro-Football, Inc.*, No. 09-326 (U.S. Oct. 16, 2009), http://www.ncai.org/attachments/LegalBriefing_TB yaxkdqYwYRDohDiQUvSVlcVeXOGzqntVkEXTaEnFailZrpGfN_Amici-NCAI-et-al-10-16-09.pdf.

²⁹ Amy Wimmer Schwarb, *Where Pride Meets Prejudice*, NCAA Champion Magazine, Winter 2016 Issue, <http://www.ncaa.org/static/champion/where-pride-meets-prejudice/index.php>.

³⁰ 42 U.S.C. § 2000d (1964).

³¹ See Racial Incidences and Harassment against Students at Educational Institutions; Investigative Guidance, 59 Fed. Reg. 11,448, 11,449 (Mar. 10, 1994) (stating, generally, that Title VI is violated where a hostile environment exists); Press Release, U.S. Comm’n on Civil Rights, Statement of U.S. Commission on Civil Rights on the Use of Native American Images and Nicknames as Sports Symbols (2001), <http://www.usccr.gov/press/archives/2001/041601st.htm>.

³² Letter from Russlynn Ali, Ass’t Sec’y for Civil Rights, U.S. Dep’t of Education, Office for Civil Rights, to Colleague (Oct. 26, 2010), <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf> (“Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, . . . or other conduct that may be physically threatening, harmful, or humiliating. . . . In these cases, the obvious signs of the

As one student testified to the Department of Education, “I had to watch my classmates make posters saying we are going to ‘skin’ our sports opponents. The other teams would make posters that said they are going to send us home on a ‘trail of tears.’ I’m now in college, and I recently had to write a peer-review paper, and I wrote on the mascot issue. I had a classmate say that Natives don’t exist anymore, so no one should be upset by the mascot issue. I asked, ‘Well, am I real?’ He said, ‘You don’t live in a teepee, so no.’ It’s still a slap in the face every time. I thought I had moved on, but it still hurts every time.”³³

Finally, Native Nations, as sovereign governments, should have a role to play in this discussion. Native Nations, as sovereigns, represent their people and should be afforded a government-to-government opportunity to weigh in on this issue that affects their people.

Since the retirement of Chief Illiniwek, the University of Illinois community and students have worked diligently to adopt an inclusive mascot. The University of Illinois at Urbana-Champaign’s senate has endorsed student suggestions to adopt the Belted Kingfisher as their mascot. Despite these efforts, images of the former mascot persist on the University of Illinois’ campus, and the name “Fighting Illini” is still used to refer to the University’s student body and sport teams. The Native American Rights Fund is supportive of a replacement mascot and urges the University of Illinois at Urbana-Champaign to prioritize this matter.

Schools that continue to mascot a modern and contemporary population only contribute to the perpetuation of harmful and prejudicial imagery. “Indian” mascots represent Native Americans as living and remaining in the past, but in reality, Native American peoples are modern and contemporary people, still present and alive in America. We would recommend the retirement of these harmful images, and also call for a process for the University of Illinois to appropriately work with the Native Nations on this issue.

Thank you in advance for your consideration in this matter.

Sincerely,



Matthew Campbell

harassment are sufficient to put the school on notice.”); *see also* Daniel J. Trainor, *Native American Mascots, Schools, and the Title VI Hostile Environment Analysis*, 1995 U. Ill. L. Rev. 971, 981 (1995).

³³ School Environment Listening Sessions Final Report, U.S. Dep’t of Education (2015) at 41 <https://sites.ed.gov/whiaiane/files/2015/10/school-environment-listening-sessions-final-report.pdf>.