

July 16, 2014

A Declaration of Indigenous Equality

To: **The University of Minnesota**, including its Executives, Regents, Officials, Faculty, Students, Sponsors and Community. **THE UNIVERSITY MUST ACT NOW TO DENY the National Football League and its Washington DC Professional Football Team NAME and MASCOT the Opportunity on or before November 2, 2014 to:**

...Break Specific Federal, State, City and University Laws Pertaining to Discrimination Against People on the Basis of Race, Religion, Color, Gender and National Origin.

...Sociologically, Psychologically and Economically Harm Vulnerable Indigenous Children and the 200,000+ Indigenous Peoples in this Region.

...Apply Precious Public Resources to an Event and Ongoing Communications that Deprives Indigenous People of the Right to Live Their Lives Without Discrimination, Prejudice, Degradation and Desecration of their Spirituality, Culture and Beliefs.

...Teach the Students of the University of Minnesota and the National Consciousness that ALL You Have Taught of Law, History, Sociology, Psychology, Political Science, Humanities, Indigenous Rights, the US Constitution, Human Systems and the Literature of Oppression are threatened When Money and Power and Inherited Ignorance Intercede.

**NO INDIGENOUS CHILD,
NO CHILD,
SHOULD GROW UP IN A WORLD
WHERE PROFESSIONAL SPORTS AND MEDIA
PERSIST IN USING DISCRIMINATORY NAMES & MASCOTS.**

The battle for equality, and against prejudice, requires eternal vigilance for the long list of people subject to the bite of institutional discrimination – women, religious minorities, people of color, indigenous people, immigrants, seniors, LGBT people, poor people, people with physical and behavioral differences....

It is illegal in the United States to discriminate against anyone on the basis of race, color, religion, national origin, sex, physical difference or gender preference. The Indigenous Peoples of America, are victims of discrimination on the basis of race, spirituality, color, national origin and institutional ignorance. While many indigenous people struggle to live their lives with pride and independence from the negative influences of institutional racism, it remains necessary to assert our equal rights as citizens of the United States through education and legal action.

The name for the Washington DC football team is a racial slur, an illegal form of hate speech and discrimination, that damages a protected class of people by denying us respect and equality: in the workplace, at government funded institutions and contractors, at public gatherings, over the airwaves, and in media corporations producing electronic and print content. The “R” word has no place in a country of equals. No similar denigrating term for other protected classes of people would be tolerated, and we would not accept any such denigration of anyone. Yet, sports organizations, media organizations, educational institutions and many fans have inherited and perpetrated an immunity to the racism embedded in derogatory indigenous sports names and mascots, and to the damage they do to the freedom of anyone to live their lives without experiencing prejudice or ridicule.

The argument or rationalization that indigenous sports mascots and racist names filled with fan tradition should somehow be immune from the laws of the land that protect people from discrimination does not override the damage to the heritage and traditions of indigenous people perpetrated by the mascots, by the names, and by centuries of desecration and injustice that continue to this day.

All Indigenous Mascots manufactured for professional and school sports teams by and for non-indigenous people are unwelcome caricatures that do not represent the spirituality, culture, beliefs and rich history of native peoples.

Moreover, there is overwhelming evidence from impartial academic research that unwelcome names mascots stereotypes and caricatures damage indigenous children, damage indigenous futures, and damage the perception of all protected classes.

While our actions are addressing what the recent US Trademark ruling called a “Racial Slur” and “Disparaging” language, we want to be clear that our objective is to stop the damage to indigenous children, and to all protected classes, by asserting and seeking enforcement of the US Constitution and the many Federal, State, County, City and Municipal laws explicitly designed to protect us from harm.

We, the National Coalition Against Racism in Sports and Media, insist that all racist sports names and mascots that appropriate our names and images be changed by the media and by the perpetrators so that they can no longer harm our children, and deny indigenous people and all protected classes of people our civil rights.

The Indigenous Peoples are a beautiful part of the fabric of the United States of America, as are all of our fellow brothers and sisters experiencing systemic injustice.

Mascots and Names such as those utilized by the Washington football club are Institutionally Racist and contribute to severe hardships faced by many indigenous people. The extent of damage is unimaginable to all but us. We urge you to do your part to bring us all together.

We are writing to provide formal notification that the current choice of the University of Minnesota to enable the NFL and its Washington Football Franchise the opportunity to appropriate the spirituality, heritage, culture and images and language of the indigenous peoples of North America for their and your financial benefit and amusement, despite ample alternatives, is intolerable. Specifically, the presentation of the term "Redskins" and associated images damages the self-image and productivity of indigenous children specifically, and all indigenous people as a protected class, and violates civil rights, violates Federal anti-discrimination laws, and violates the professed purposes and goals of the University.

On or before August 15, 2014, we request that the University publicly state its intention to not enable the NFL to willfully harm Native Peoples. We urge you to take the following actions:

To abide by Federal Laws and your own laws by prohibiting brand propaganda, dress and behavior that caricature and degrade the sacred spiritual and cultural practices of Indigenous Peoples in and on the grounds of the University's public stadium and on the public land that remains subject to treaty protections. Specifically, consistent with your own policies, we expect you to prohibit and without exception enforce the following:

1) No Head-Dress, Red or Mock Face-Paint, Stereotypical Implements such as tomahawks, feathers and bows and arrows, Mocking Chants, Mock Indigenous Clothing or Minstrel-Like Behaviors in the Stadium

2) No publicly visible clothing, manufactured products and artifacts with the "R" word name or the manufactured Mascot Image in the Stadium

3) No signage of any kind on Stadium or University Grounds and no University Broadcast or in-Stadium public announcements in or on the grounds of the Stadium or the University that contain the "R" word or mascot images, including instant in-stadium replay. Regrettably, this does not prohibit the private Washington team from wearing its racist clothing, or the private broadcasters and media communicators from reporting and recording and broadcasting audio and video of the event as they see fit. The First Amendment rights of private organizations are precious and should only be abridged when it competes with the even more precious civil rights of all people to be treated respectfully as equals by the government, by public entities, when public funds are involved, when employment is involved, when public accommodations are involved, when the public interest is involved and regulated, and when discrimination of protected groups is involved.

We understand the inherited tradition of the name and mascot and the strong emotions they conjure. We believe that institutional racism is hard to change and we are asking the University to begin that journey now. No indigenous sports mascot or name manufactured by and for non-indigenous people honors us, is welcomed by us, is celebrated without denigration, or is an accurate or positive representation of our race, our spirituality and our heritage.

If after August 15, 2014 you plan to perpetrate the use of caricatures and slurs of our people in the people's stadium on public land, we plan to initiate the following actions to protect our peoples and our rights under the laws of our country:

We will explore the potential for a class action lawsuit naming the University of Minnesota as a defendant. You are a willful party with the clear intent to continue the harm to a class of protected people. Plaintiffs may be identified to represent indigenous children, and all indigenous people. Damages may include lost income, psychological damage, medical expenses and punitive assessments.

We will seek all legal and political remedies to protect indigenous people from the brand of hate that the NFL brings to our community, and from your blatant and illegal disregard for existing discrimination and labor law protections in code and statute.

We will seek Public enforcement of remedies linked to your conscious disregard for and damage to the public interest, your disregard for the Civil Rights Act of 1964, and your willingness to disperse profane and grossly offensive language and images known to cause harm to children and members of the public.

We will pursue remedies that may include injunctions, bans and damages at the Federal, State, County, City, and Municipal levels – asking that they immediately enforce all applicable legal protections and remedies that exist in writing that are intended to protect employees, contractors, children and the general public from hate crimes and acts of discrimination, harassment, profanity and abuse.

We will organize students, faculty, Indigenous Peoples from across America, and within Minnesota to oppose your decision to enable denigrating mascots. Among the strategies that some will pursue are boycotts, civil disobedience, protests and specific large scale actions aimed at the University.

We are asking you to lead us toward justice and equality. A private organization has the right to freedom of speech but not the freedom to publicly incite racial hatred. Public organizations, publicly funded organizations, and corporations and organizations regulated by the public have a higher standard. You do not have the right to harm any class of people because of the color of their skin, or because of any other aspect of their appearance, origin or beliefs.

Once you have received this public notification, you may not hide any further behind ignorance or tolerance. Your conscious choice to continue the harm to a class of people must have just consequences if we are to preserve a union where all men and women are created equal. A simple remedy exists for the profound damage that is generated by the usage of hateful names and mascots.

First and foremost, the preferred solution, the easiest solution, and the best solution to this matter is for the NFL and its team owners to deny the right of the Washington Team to continue to desecrate the heritage and culture of Indigenous People. The Washington Red Hawks, which has been registered as a trademark by the Washington football franchise is an acceptable alternative name. If you can influence their decision to introduce a new brand name and image, we would be very appreciative and supportive. We look forward to hearing your public decision about whether you will remain tolerant to discrimination, whether you will ignore clear legal standards regarding blatant acts of discrimination, and whether you will ignore the accumulation of knowledge and the legacy of Minnesota's beloved leaders that clearly define your present behavior as racist.

Major Native American organizations, including the American Indian Movement, the National Coalition on Racism in Sports and Media, the National Congress of American Indians, many Tribes, the National Indian Education Association, the Native American Journalists Association, the Oneida Indian Nation of New York, the Native American Rights Fund, the Morning Star Institute, the International Indian Treaty Council, and the National Indian Youth Council, have opposed the continued use of the "R" word and all Indigenous Mascots manufactured by Non-Indigenous People.

The "R" word is no different from the "N" word except that the institutional inherited racism associated with the use of Indigenous Mascots and Names by non-indigenous people has maintained its political, social and financial momentum. The evidence demonstrates that such use is damaging and entirely unnecessary. Such usage would never be tolerated for analogous situations with other protected classes. Yet, much of the media ignores the evidence that the reason you persist in denigrating a class of people is because of embedded racism – by definition.

The institutions of this nation seem to believe it is their right and duty to use the name REDSKINS and other denigrating mascots words and images. This horrific racist name, designed to be derogatory, and its accompanying manufactured images, are broadcast and imprinted into the minds of all indigenous people, all indigenous children, all children and before the world. The truth is the "R" word is not any different than the "N" word except that all of us have become accustomed to sports driven forms of institutional racism. The most egregious damage occurs with the words and images associated with REDSKINS. Other offensive and discriminatory names and images include INDIANS, BRAVES, BLACKHAWKS AND CHIEFS.

Impartial peer reviewed academic research makes it abundantly clear that mascots and stereotypes harm the targeted class of people, Indigenous People, with children being the most affected by negative consequences. Moreover, this same research suggests that any specific use of mascots and stereotypes crosses over and affects all protected classes because any demeaning of one class increases the context and perceptions of all targeted classes as to their social status and self-image, and increases the likelihood that the general population will view all classes of protected people with a lesser perception of equality.

The American Psychological Association, and many other professional organizations, recommend the discontinuance of any and all references to the "Redskin" words and images, and other similar mascots, because it harms the self-image of our children, it reflects an inequality that affects attitudes and behaviors, and it reflects a continued institutional racism that is no longer acceptable today for other minority groups. The many laws protecting all people from racism need to be enforced for indigenous people.

We ask you to recognize that what is at stake is your willingness to recognize and overcome overt racism. We ask you to stop enabling the words and symbols that harm not only our children but all of us.

We believe the word "Redskin" is a form of hate speech, is discriminatory, is vulgar, violates certain federal and state labor laws, violates the editorial standards of most media organization except when it comes to indigenous people, and is entirely unnecessary regardless of whether a racist owner chooses to change the name or not. "Redskin" is deeply offensive because it was originally utilized to designate contempt for the remains of murdered American Indian men, women and children who were scalped for state sponsored bounty payments. We believe all indigenous sports mascots manufactured for commercial benefit by and for non-indigenous people are similarly denigrating and harmful to a race of people.

The time is now to take a position that is on the right side of justice and equality for the millions of indigenous people, and for all children who are damaged by the outright racism expressed by the word "Redskin" and other indigenous mascots.

We join with Billy Mills, Joey Browner, Congresswoman Betty McCollum and Congressman Keith Ellison, Senators Klobuchar and Franken, and thousands of your thoughtful active students in urging the University to take an easy single step that will help tip the national scales against the never ending discrimination of indigenous people.

We are asking the University, no later than August 15, 2014, to establish and publicize your policy, one that we hope consciously bans the use of Indigenous mascot words and images.

There are many issues facing the people of the United States. One issue that appears in our media with institutional regularity virtually every day of every year is the institutional racism inherent in the words and images associated with Indigenous sports mascots. No other protected class of people in America are subject to daily caricatures of name and image in stadiums and across all media that harass and degrade our culture, our names, our language, our heritage, our leaders and our spirituality.

Indigenous People in America suffer greatly and disproportionately from centuries of discrimination and oppression.

We have found scores of laws at the International, Federal, State, County, City and Municipal level, including cherished constitutional protections, that prohibit the expressions of hate speech and harassment and discrimination that you will permit to continue through your inaction. The fact that no other protected class experiences this degree of pervasive denigration is the very definition of institutional racism.

We ask you, as our educators and leaders, and as the trustees of the University franchise of Minnesota:

Please stop the harm of Indigenous mascots and racist names, particularly the heinous examples from DC, by denying them the right to display and disseminate their hate speech in public, in the workplace, to children, and across your controlled media by enforcing the laws of the land – now!

We, the National Coalition Against Racism in Sports and Media, on behalf of the Indigenous Peoples of America, respectfully request that the University of Minnesota honor its rich legacy as a place of higher learning for all by acting with integrity in light of the laws of this land and your own policies. We ask you to ensure and enforce through your agency and resources the avoidance of discrimination associated with the November 2, 2014 NFL event in your stadium. We believe the University is required to do so. Please see references specified below. If you fail to act as vigorous caretakers of equality and democracy, you will become an accomplice to institutional racism and the resulting harm to Indigenous Peoples. We will not accept any defense for your failure to act against discrimination, such as contractual obligations or inherited mandates, and if necessary, we will take any and all available steps, including Federal legal action, injunctions and civil disobedience to protect the most harmed class of people in this country from further acts of ignorance and institutional racism.

Please contact us to meet and discuss this matter at your earliest convenience.

Sincerely,

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Clyde Bellecourt

Founder and Director, National Coalition Against Racism in Sports and Media

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REFERENCES

UNIVERSITY OF MINNESOTA POLICY

To promote an atmosphere of respect the University of Minnesota Athletics Department shall make every effort to avoid scheduling home events with schools that use Native American mascots. The use of Native American mascots by athletic teams is perceived by many in our community as portraying Native American culture in demeaning and stereotypical ways.

Consequently, the department will strongly discourage the scheduling of athletic events on campus when the team(s) involved use Native American mascots. When teams using Native American mascots participate in athletic events on this campus, the Native American mascots, nicknames and symbols will not be permitted to be displayed (except as they pre-exist on teams uniforms, equipment and apparel). Teams will be described and announced using the institution's name only.

In addition, the University of Minnesota's Athletics Department shall make every effort not to host any preseason, regular season or postseason competition at sites, venues, or facilities which have membership requirements or practices which result in discrimination on the basis of race, gender, national origin, religion or sexual orientation.

2.4 Regents' Code of Conduct

Employees must not engage in, nor permit harassment and are entitled to a respectful and safe work environment consistent with the Regents' Code of Conduct.

2.1 Discrimination

2.1.1 Discrimination and harassment on the basis of race, color, creed, religion, sex, marital status, sexual orientation, public assistance status, disability, age, national origin, or veteran status are forbidden by the University of Minnesota.

US Civil Rights Act of 1964

TITLE II--INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) any establishment (A)(i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

SEC. 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision thereof.

SEC. 203. No person shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 201 or 202, or (b) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by section 201 or 202, or (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 201 or 202.

SEC. 204. (a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved and, upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the civil action without the payment of fees, costs, or security.

SEC. 902. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws under the fourteenth amendment to the Constitution on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action upon timely application if the Attorney General certifies that the case is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

SEC. 703. (a) It shall be an unlawful employment practice for an employer--

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

U.S. DEPARTMENT OF EDUCATION WASHINGTON, D.C. 20202-132

EDUCATION AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI and Race, Color and National Origin Discrimination

Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color or national origin in programs or activities that receive Federal financial assistance. Title VI states that:

- No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Programs and activities that receive Federal financial assistance from the United States Department of Education (ED) are covered by Title VI. ED maintains an Office for Civil Rights, with 10 regional offices and a headquarters office in Washington, D.C., to enforce Title VI.

Minnesota Human Rights Act.

363A.02 PUBLIC POLICY.

Subdivision 1. Freedom from discrimination. (a) It is the public policy of this state to secure for persons in this state, freedom from discrimination:

(1) in employment because of race, color, creed, spirituality, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and age;

(3) in public accommodations because of race, color, creed, spirituality, national origin, sex, sexual orientation, and disability;

Subd. 2. Civil right. The opportunity to obtain employment, housing, and other real estate, and full and equal utilization of public accommodations, public services, and educational institutions without such discrimination as is prohibited by this chapter is hereby recognized as and declared to be a civil right.

363A.11 PUBLIC ACCOMMODATIONS.

Subdivision 1. Full and equal enjoyment of public accommodations. (a) It is an unfair discriminatory practice:

(1) to deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation because of race, color, creed, spirituality, disability, national origin, marital status, sexual orientation, or sex, or for a taxicab company to discriminate in the access to, full utilization of, or benefit from service because of a person's disability; or

363A.17 BUSINESS DISCRIMINATION.

It is an unfair discriminatory practice for a person engaged in a trade or business or in the provision of a service:

(3) ... to discriminate in the basic terms, conditions, or performance of the contract because of a person's race, national origin, color, sex, sexual orientation, or disability, unless the alleged refusal or discrimination is because of a legitimate business purpose.

City of Minneapolis

There are several Minneapolis Ordinances designed to effectuate non-discrimination and to protect minors.

International

The International Covenant on Civil and Political Rights, of which the US is a signatory, prohibits "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination". The use of racist names also violates the United Nations International Declaration of Indigenous Rights which the US signed in 2012.

American Psychological Association (“APA”) Resolution Recommending Retirement of American Indian Mascots

In 2005 the American Psychological Association (APA) called for the immediate retirement of all American Indian mascots, symbols, images and personalities by schools, colleges, universities, athletic teams and organizations. APA's position is based on a growing body of social science literature that shows the harmful effects of racial stereotyping and inaccurate racial portrayals, including the particularly harmful effects of American Indian sports mascots on the social identity development and self-esteem of American Indian young people. Research has shown that the continued use of American Indian mascots, symbols, images, and personalities has a negative effect on not only American Indians students but all students by:

- Undermining the educational experiences of members of all communities-especially those who have had little or no contact with Indigenous peoples. The symbols, images and mascots teach non-Indian children that it's acceptable to participate in culturally abusive behavior and perpetuate inaccurate misconceptions about American Indian culture.
- Establishes an unwelcome and often times hostile learning environment for American Indians students that affirms negative images/stereotypes that are promoted in mainstream society.
- According to Dr. Stephanie Fryberg, University of Arizona, this appears to have a negative impact on the self-esteem of American Indian children. "American Indian mascots are harmful not only because they are often negative, but because they remind American Indians of the limited ways in which others see them. This in turn restricts the number of ways American Indians can see themselves."
- Undermines the ability of American Indian Nations to portray accurate and respectful images of their culture, spirituality, and traditions. Many American Indians report that they find today's typical portrayal of American Indian culture disrespectful and offensive to their spiritual beliefs.
- Presents stereotypical images of American Indians Such mascots are a contemporary example of prejudice by the dominant culture against racial and ethnic minority groups.
- Is a form of discrimination against American Indian Nations that can lead to negative relations between groups.

"We know from the literature that oppression, covert and overt racism, and perceived racism can have serious negative consequences for the mental health of American Indian and Alaska native (AIAN) people. The discontinued use of American Indian mascots is a gesture to show that this kind of racism toward and the disrespect of, all people in our country and in the larger

global context, will not be tolerated," said Dr. Lisa Thomas, APA Committee on Ethnic and Minority Affairs.

To eradicate the hurtful presence of stereotypical imaging of Americans Indians the American Psychological Association encourages continued research on the psychological effects that these mascots, symbols, images, and personalities have on American Indians communities and others; and American Psychological Association is calling upon all psychologists to speak out against racism, and take proactive steps to prevent the occurrence of intolerant or racist acts and recommends the immediate retirement of American Indians mascots, symbols, images, and personalities by schools, colleges, universities, athletic teams, and organizations.