

DOWAGIAC UNION SCHOOLS

“Enter to Learn, Leave to Serve”

August 9, 2023

Ms. Rebecca Richards, Chair Tribal Council
Pokagon Band of Potawatomi Indians
58620 Sink Road
Dowagiac, MI 49047

Re: Dowagiac Union Schools “Chieftains”

Dear Ms. Richards:

The Board has asked that I write this letter communicating our formal position as requested from the Pokagon Band of Potawatomi Representations Outreach Board regarding the change of the District’s current logo of “Chieftains.” First, as it has been in the past, the Board is committed to continued engagement with the Tribal Council to ensure that the history and culture of Michigan’s Native Americans, especially the Pokagon Band of Potawatomi Native Americans, remain an important part of the District’s curriculum and educational experience. In large part because of this commitment, the Board respectfully declines to change its logo. As fully exemplified by the parties’ history, the Board and the District have treated the “Chieftains” logo with dignity and respect. The Board believes that the “Chieftains” logo has been an important and valuable tool for facilitating students’ education regarding Native American history and culture. For that reason, as well as others discussed below, the Board firmly believes that it would be a mistake to change its logo. The Board’s position is explained more fully below based on the historical record and on solid legal grounds.

Based on the history that we reviewed, the logo that had been used since 1928, was never adopted or used with the intent to dishonor or demean the Potawatomi Tribe or Native Americans. In fact, in 1989, the Tribal Council passed a resolution supporting the District’s continued use of the name “Chieftains” for its athletic teams and other purposes as part of the District’s commitment to create positive mascots, logos and policies in its athletic and educational activities. Then in March of 1990, the Tribal Council and District signed a joint resolution, which committed the District to providing information about the history and culture of the Potawatomi Tribe. The Tribal Council provided a list of tribal speakers to the school community who lectured on subjects relating to Potawatomi history, customs, culture, heritage, and treaties with the United States. This resolution also committed the parties to refrain from the use of inappropriate, demeaning headlines or slogans relating to the use of “Chieftains” as the District’s nickname. The District consulted the Tribal Council regarding images associated with the “Chieftains” logo, and in fact, a member of the tribe developed the portrait image we use.

More recently, on May 6, 2019, the Director of Education of the Pokagon Band of Potawatomi Indians, Mr. Samuel J. Morseau, wrote the Dowagiac Union High School principal expressing appreciation for allowing indigenous students to showcase their educational achievements through the use of honor cords or eagle feathers. The letter “applauded” the District’s efforts in promoting Tribal consultation for all indigenous students currently attending Dowagiac Union High Schools.

On August 27, 2019, Superintendent Jonathan Whan attended a Tribal Council meeting as a guest. At that time, the Council was supportive of the relationship and continuation of the agreement with respect to the use of “Chieftains”. The only request was that the District should focus on using “Chieftains” and not “Chiefs,” as there had been some instances where “Chiefs” was used instead of “Chieftains.” In support and affirmation of the joint resolution, the District agreed to ensure the use of “Chieftains” only. The Council voted to continue the agreement 9-1 in favor.

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We acknowledge that the Council’s viewpoint changed in the spring 2021. In November of 2022, a meeting with Representatives Outreach Board, Julie Dye and Brandon Rapp, it was again communicated to Superintendent Jonathan Whan that the Tribal Council opposed any use of Native American symbols and logos and that included the nickname “Chieftains.” Because of that meeting, the District explored the legality of maintaining the “Chieftains” name and over the months sought two legal opinions from our attorney and both advised that there was nothing illegal with maintaining the logo of “Chieftains.”

At the June 2023 regular Board meeting, a few community members addressed the Board regarding a change in the “Chieftains” logo. At the same time, the Board received an unsigned letter of concern from the Tribal Council Representations Outreach Board, but this letter did not contain any contact information. In July 2023, a community member wrote a letter that was written to the editor of the Dowagiac News publication on the subject of the “Chieftains” logo. Also in July, the Superintendent and each Board member received a certified letter dated July 13, 2023, regarding the “Chieftains” logo. This was the same letter as in June but had contact information for future communication. At the July 17, 2023 Board meeting, six individuals spoke about this topic, five of whom wanted to change the logo while there was one in favor of maintaining it. Julie Dye, a Representations Outreach Board member, spoke at this Board meeting, expressing a desire to collaborate yet still held the position the logo had to change.

From our analysis, the District has concluded its use of the “Chieftains” logo does not present any legal problems. There is no prohibition in Michigan against using Native American imagery in school logos. The State Board of Education and Michigan Department of Civil Rights (“MDCR”) have issued guidance discouraging school districts from using Native American imagery based on the concern that it may promote racially hostile educational environment.

In 2003, the State Board of Education adopted a resolution “strongly recommend[ing]” the “elimination of American Indian mascots, nicknames, logos, fight songs, insignias, antics, and team descriptors by all Michigan schools.” However, the resolution recognized that “this matter should be addressed at the local level of each separate school district.” The State Board of Education reaffirmed this resolution in 2010.

However, this guidance is nonbinding and has no legal effect. In response to this resolution, the Michigan Attorney General issued an opinion letter addressing whether the Superintendent of the State Board of Education has the authority to withhold state school aid from schools that use Native American mascots, logos, and imagery. OAG, 2017-2018, No. 7296 (July 3, 2017). Attorney General Bill Schuette opined that the State Board of Education’s 2003 and 2010 resolution “simply recommends that schools discontinue use of American Indian mascots or logos; it does not require schools to do so,” and, even if it did, “the resolution, as a policy statement, does not have the force of law.” Thus, he concluded, “the resolution does not require schools to eliminate American Indian mascots or logos, nor does it give the Superintendent authority to withhold funding from schools that do not comply with the resolution.”

In 2013, the MDCR filed a complaint with the U.S. Office for Civil Rights (“OCR”) seeking an order prohibiting 35 Michigan schools, including Dowagiac Union Schools, from using Native American mascots and imagery, arguing that their continued use created a hostile education environment for Native American students. Specifically, the MDCR alleged the use of Native American mascots violated Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin. The MDCR cited to a “growing and un rebutted body of evidence” establishing that the use of Native American imagery “reinforces stereotypes in a way that negatively impacts the potential for achievement by students with American Indian ancestry.”

OCR dismissed the MDCR’s complaint, finding that the evidence cited did not provide sufficient detail to infer that racial discrimination had occurred. OCR explained that when reviewing complaints involving mascots, names, and other associated imagery, OCR examines whether the complaint alleges a racially hostile environment, meaning an environment in which “racially harassing conduct takes place that is sufficiently severe, pervasive or persistent to limit a student’s ability to participate in or benefit from the recipient’s

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programs or services.” OCR concluded that the MDCR’s complaint “did not provide any specific examples of race-based incidents nor identify any students or individuals who have suffered specific harm because of the alleged discrimination at any of the named school districts.”

Therefore, there is no legal requirement for changing the logo “Chieftains.” The District is under no legal compulsion to make any change.

The Board believes there are several very practical reasons for its continued use of “Chieftains” as the District’s logo. These include the following:

1. There is a firm historical record of the District using “Chieftains” starting in 1928 and continuing all the way through the present. Generations of students associate their education experience with this name.
2. The use of “Chieftains” has been with decades of consent and approval of the Council up until 2021.
3. The District has used “Chieftains” to facilitate the teaching of Native American culture and heritage, especially that of the Potawatomi Tribe and its relevance and importance to Southwest Michigan.
4. Any perceived issues of racially hostile educational environment or detrimental effect for the use of “Chieftains” are not supported by any evidence or facts. The District has strong non-discrimination policies that prohibits any discrimination or harassment against any student based on their national heritage, including Native American heritage. The District has not, nor will it ever tolerate any racial discrimination or harassment based on a student’s national origin including Native American heritage.
5. As far as the Board is concerned, the considerate use of the logo “Chieftains” has actually created a culture of respect toward the District’s Native American constituents and students.

In conclusion, the Board respectfully declines to change its “Chieftains” logo. Notwithstanding, the Board is determined to continue its collaboration and engagement with the Tribal Council to ensure that the name “Chieftains” receives the dignity, respect, and reverence that it deserves, and that this engagement continues to foster an environment where all District students embrace curriculum and related activities that teach the important history of the Potawatomi Tribe’s relevance to Southwest Michigan and the Midwest in general.

Please feel free to contact the Board if you have any questions or wish to discuss this matter further.

Sincerely,



Brent Brewer
Dowagiac Union Schools
Board of Education President

cc: Ms. Madolyn Wesaw, Representations Outreach Board Chairperson
Mr. Sam Morseau, Secretary Tribal Council Pokagon Band of Potawatomi Indians
Mr. Jonathan Whan, Superintendent