



JOHN A. KITZHABER, MD
Governor

August 16, 2013

The Honorable Kate Brown
Secretary of State
136 State Capitol
900 Court Street, NE
Salem, OR 97301

Dear Secretary Brown:

I am returning Enrolled Senate Bill 215 unsigned and disapproved.

SB 215 permits a school district to enter into a written agreement with the geographically closest federally recognized Native American tribe in Oregon to use the name, symbol, or image of a mascot associated with a Native American Tribe.

In a March 2012 report to the State Board of Education, the Superintendent of Public Instruction concluded that “the continued use of Native American mascots creates a hostile educational environment at both those schools who have the mascots and other schools.” Two months later, operating under its responsibility to ensure that discriminatory practices do not occur in school programs or interscholastic activities (ORS 326.051 and ORS 659.850), the Board adopted a ban on Native American mascots in Oregon public schools. This action followed detailed research on the part of ODE staff, testimony from expert witnesses, lengthy public testimony from the public on both sides of the issue, and deep consideration and discussion by members of the Board.

In conversations and in writing during the 2013 Legislative session, I and my advisors told SB 215’s proponents that I am open to a process that would allow for narrow exceptions to the Board’s tribal mascot ban. Specifically, I have indicated that I would support a “namesake exception” – modeled on NCAA policy and recommendations from the National Congress of American Indians – that would permit school districts and federally-designated Tribes to agree to the use of mascots, names, and symbols that are associated with the particular Tribe entering into the agreement. The exception process available under SB 215, however, would be much broader. The broad nature of the bill’s exception to the tribal mascot ban, the ambiguities it creates with respect to the geographic designation of the closest Tribe, and the fact that there is not consensus among tribal members and communities in Oregon about this bill, lead me to the conclusion that I cannot support it.

Honorable Kate Brown

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I appreciate the sponsors' desire to promote conversations about diversity and inclusion in their local schools. Their intent is sincere, and I share it. The Board's ban does not take effect until 2017; I hope that we can work together over the coming months to bring to the Board or the 2014 Legislature a consensus proposal that would provide for reasonable exceptions to the ban without violating the Board's obligation to prohibit discrimination in education.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Kitzhaber". The signature is fluid and cursive, with the first name "John" being the most prominent.

John A. Kitzhaber, M.D.
Governor

LJR/smg