

September 19, 2018

Doug McMillon,
President & CEO Walmart
702 S.W. Eighth Street
Bentonville, Arkansas 72716

Re: Paw Paw Michigan High School Paraphernalia

Dear Mr. McMillon:

The public high school that serves the community of Paw Paw, Michigan has long used the racial slur “Redskins” for its sports programs. In recent years Native Americans and their allies have complained about this practice and have urged a change. The public debate has been heated and highly controversial. Nevertheless, the school district has declined to make requested changes.

We have been told that the Walmart store in Paw Paw has historically stocked high school paraphernalia that bears the offensive racial slur and accompanying images. We were told as well that although a recent complaint to Walmart resulted in removal of the products from the store for a brief period, it appears that the merchandise has been returned to the store’s sales displays. If these reports are true, the return of the merchandise does not occur in isolation, but within a racial context that your company should consider.

The ACLU of Michigan is concerned about the use of racially offensive words and images by public institutions such as Paw Paw High School. Title VI of the Civil Rights Act of 1964 prohibits discrimination by any program (including a school district) that receives federal funding. 42 U.S.C. § 2000d. This law provides in part: “no person ... 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.” *Id.* In addition, Section 402 of Michigan’s Elliott-Larsen Civil Rights Act provides: “An educational institution shall not do any of the following: (a) Discriminate against an individual in the full utilization of or benefit from the institution, or the services, activities, or programs provided by the institution because of religion, race, color, national origin, or sex.”

Certain words and images may contribute to a racially hostile educational environment that violates the laws cited above. We have a particular concern about the Paw Paw schools. A recent ACLU public records request and investigation exposed disturbing evidence of what appears to be a pattern of serious racist incidents that have harmed students of



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color and other community members. Clearly, the “Redskins” controversy has exacerbated racial tensions at the school in recent years and apparently both students and community members feel free to physically and/or verbally assault students and community members who are racial minorities. For example, school records provided in response to our Freedom of Information Act request reveal the following:

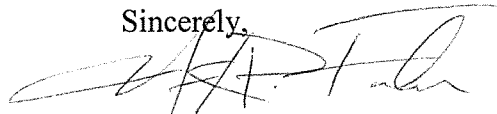
- A note to the superintendent states: “Inside the school, I was approached by a resident who was punched in the face because she was in favor of the change [of the ‘Redskins’ name] and made this public prior to the meeting. The community or myself should not be afraid to attend a board meeting or any other activity on school property...There are community members who are afraid to attend the meetings and speak out for change due to the hostile environment. I am requesting that you change your mascot name and remove the name redskins and any imagery used in reference to Indians.”
- After a highly contentious school board meeting about the “Redskins” issue, a parent described the proceedings as an “openly hostile environment” and asked school officials to help her identify options for transfer of her child out of the school district.
- One document alleges that students placed a swastika and a small Hitler figurine in the basket of another student’s model hot air balloon science project. In response to a complaint the teacher allegedly described the swastika as “artistic.”
- One report states: “Tuesday coming back from lunch, [name deleted] pushed another student and called him the N word.”
- Another report states: “...[name deleted] came to me yesterday and wanted to talk to me about how he was feeling after the election. Yesterday afternoon he told me he had been hearing racist remarks from other students such as “Trump’s in the house,” “Go back to Mexico,” “Go back to your country now and pick blueberries.”
- Still another report states: “Use of a racial slur, directed at a classmate. Called him a ‘f---ing n***er.’”
- A document states that a student used a “whiteboard eraser to draw a penis and write the ‘n’ word on the carpet.”
- A report alleges that “[name deleted] called another student a ‘dirty Mexican.’”
- An e-mail states: “I wanted to just inform you on some very negative comments I overheard today after school. I was with a group of friends and as I walked over I overheard a student harassing one of the foreign exchange students and accusing him of having ties with the Taliban.”

These are only some of the documented racial incidents. If these reports reflect widely-held racial sentiments in Paw Paw, the decision to return the racially offensive high school paraphernalia to store shelves is unlikely to negatively affect sales at the Paw Paw Walmart.

However, we respectfully suggest that Walmart is not only a corporate citizen of Paw Paw, but also of a nation that strives to move beyond racial division. As such, Walmart has a responsibility to take a leadership role in that community. Refusing to sell offensive paraphernalia will effectively communicate to the residents of Paw Paw that Walmart stands with the overwhelming majority of its customers worldwide who are committed to the achievement of racial understanding and racial justice. Such an action will undoubtedly contribute to the education of Paw Paw residents and the growth of goodwill toward your company elsewhere. We believe it is very important to remove the offensive merchandise, and we urge Walmart to do so immediately.

Thank you for your consideration of our perspective on this matter. If you have any questions or concerns do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. P. Fancher', written over a horizontal line.

Mark P. Fancher
Staff Attorney- Racial Justice Project

Cc: Karen Roberts, Walmart Executive Vice President and General Counsel