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“You Know, We Are All Indian”

Exploring White Power and Privilege in Reactions to the NCAA Native American Mascot Policy

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In August 2005, the National Collegiate Athletic Association (NCAA) ignited a firestorm of controversy when it announced a policy that would require colleges and universities with Native American mascots and imagery to refrain from displaying those during NCAA-sponsored events. The policy further stated that institutions with this imagery would be ineligible to host NCAA championships starting in 2006. This article examines what the controversy reveals about White people, power, and privilege. Consideration is given to the complications associated with who gets to claim being “Indian” and the racial trappings contained within the continuum of sustainable racism emerging in the scheme of NCAA policy exemptions. The article ends with a reflection on the role racialized Native American mascots play in perpetuating a culture whose level of tolerance for slights directed toward Native Americans cannot be reconciled with the central mission of higher education.

Keywords: *Native American; mascot; racism; Whiteness; NCAA; power; privilege*

In the 1920s and 1930s, Englishman Archie Belaney became one of the most famous “Red Indians” in the world when, under the guise of the assumed identity of “Grey Owl,” he published books about the Canadian wilderness and advocated for nature conservation on the lecture circuit in North America and Europe (Canadian Broadcasting Company [CBC], 1972; Root, 1998). An impostor whose public image was shaped in significant part by White audiences who expected to see a man in buckskins and headdress, his carefully constructed and maintained fraudulent “Indian” identity would not come to light until just after his death (CBC, 1972; Root, 1998).

Although Belaney’s duplicity was viewed as a betrayal by some of his followers, his misappropriation of Indian identity could not have been accomplished if not for the expectations of the very people who were fascinated with him and/or enamored of his message precisely because he “looked like” an Indian. In 1972, Belaney’s Iroquois wife Gertrude Bernard spoke about this in a CBC documentary. She commented, “I was aghast when he said that he was going as an Indian chief to lecture in England. And I said, ‘why not as the woodsman you are?’” In response to his wife’s query, Belaney replied, “They expect me to be an Indian.” From the perspective of Lovat Dickson, the British publisher who arranged the lecture tour, “[Belaney] looked just like what I would have expected or hoped he would look like—an Indian. He was

wearing the right clothes, everything I had hoped to unveil to the English public” (CBC, 1972).

Scholar Deborah Root (1998) points out that individual acts of cultural appropriation such as the one perpetrated by Belaney “do not float in space but are underlain by very precise systems of authority” (p. 103). In effect, Grey Owl did not become one of the most famous “Red Indians” in the world by accident. Rather, the existence of Grey Owl speaks to a sociopolitical power structure that renders Indianness tolerable to Whites as long as it is represented on terms acceptable to them. When seen within the larger context of White colonial control over indigenous populations, “how Indians look through the other man’s eyes” (Baca, 2000b) is laden with multiple meanings. As a consequence, “In a society where land theft is legitimated by law, and where communities and individuals are repressed to facilitate the colonization of territory, the taking up and popularizing of the culture under siege are not neutral acts” (Root, 1998, p. 105).

For more than a century, U.S. colleges and universities have participated in laying siege to American Indian culture. Through a mass process of misappropriation in the form of American Indian mascots, fight songs, and other forms of imagery, legions of students, graduates, sports fans, and citizens have been encouraged to enact their own versions of the Grey Owl scenario, selectively becoming American Indian impostors themselves and accepting American Indian impersonation as a normative and expected part of school and team identity.

Contrary to the case of Grey Owl, whose masquerade was not known at a conscious level by most of his followers, supporters of “Chief Osceola” at Florida State University (FSU), “Chief Illiniwek” at the University of Illinois, and the “Fighting Sioux” of the University of North Dakota (UND) express few qualms about images manufactured for White consumption designed to achieve an agenda that serves a White power structure. Thus, these images and personalities are celebrated because of their attendant qualities of fighting prowess and bravery but not because they represent peoples, whether they be Sioux or Seminole, who were, and are at times now regarded, in quite literal terms, as enemies of the United States. Within the context of a college sport spectacle, the scripted form of White people “becoming” American Indian renders invisible the ignominious history of American Indian genocide by the U.S. government, replacing it with a culturally comfortable and comforting myth of the “American Indian warrior.” It further obscures the White supremacist center of the debate that remains ever present but rarely in full view, unless revealed in the form of someone like Ralph Englestad, a collector of Nazi memorabilia with a penchant for hosting parties on Hitler’s birthday, whose \$35 million gift to the UND athletic department was linked to the retention of their Fighting Sioux imagery (Dorhmann, 2001).

Inasmuch as the cultural appropriation of American Indians is not neutral, neither are attempts to interrupt the use of this imagery. Nowhere in recent years has this been more forcefully demonstrated than in the negative reaction to the National

Collegiate Athletic Association's (NCAA) decision in August of 2005 to bar institutions with hostile or abusive Native American imagery from displaying those images while participating in NCAA-sponsored championships or from hosting championships on campuses where Native American imagery was used (Lederman, 2005; Williams, 2005).

Notably, in the grand scheme of issues that the NCAA has dealt with during its 100-year span of history—persistent academic fraud issues, overcommercialization, allegations of exploiting athletes, and gender equity—none have produced the sustained level of rancor as the Native American mascot issue from the time the policy was announced through the present. Acknowledging the widespread criticism of the NCAA as a result of the policy, noted Cheyenne and Hodolugee Muscogee author Suzan Shown Harjo (2005) wrote in *Indian Country Today*, “The NCAA is learning what it’s like to be mocked, cartooned, lampooned and vilified—in short, what it’s like to be Indian” (p. A3).

The question of who controls the representation of Native Americans in the college sport context is very much at issue in the reactions to the NCAA Native American mascot policy. Although the presenting focal point for the dialogue surrounding the mascot controversy is a conception of Native Americans, in point of fact, the master narrative running through this discourse is about White supremacy. How else can we explain why images initially invented by White people without the permission of Native Americans have become contested “Indian” terrain, defended by state boards of education, college and university presidents, and state legislatures that are predominantly White? (for detailed histories of these images as White inventions, see Deloria, 1999; King & Springwood, 2001; Spindel, 2000; Staurowsky, 2000; Tovares, 2002).¹ Even for institutions such as FSU, which has the qualified support of what has come to be called its namesake tribe, it is notable that in none of these cases did American Indian tribes lobby for this recognition. The engagement of American Indian tribes in these discussions is only after the fact, and well after the fact at that. Whatever umbrage some take to the NCAA policy being achieved by what they call administrative fiat (Kupchella, 2005), the very existence of these images was a matter of White groups or individuals in power acting by fiat.

The remainder of this article addresses the ways in which White power and privilege have played out in the debate that has ensued in the aftermath of the announcement of the NCAA Native American mascot policy, with a focus primarily on the case of the UND Fighting Sioux.

Advised by recent efforts of sport scholars to map Whiteness in sport (King, 2005; McDonald, 2005), the discussion to follow adheres to what McDonald (2005) describes as a reversal that “moves the analytic gaze away from an exclusive preoccupation with the effects of racism on people of color toward inquiry that targets the knowledge and subjects perpetuating racism” (p. 246). In an effort to pursue the question of what the NCAA Native American mascot controversy reveals about White people, power, and privilege, consideration will be given to the complications

associated with who gets to claim being “Indian” and the racial trappings contained within the continuum of sustainable racism emerging in the scheme of NCAA policy exemptions. The article ends with a reflection on the role racialized Native American mascots play in perpetuating a culture whose high level of tolerance for offenses directed toward Native Americans cannot be reconciled with the central mission of higher education to treat students fairly and with respect.

“We Are All Indian. At Least, Those of Us Who Went to McMurry.”

Reacting to the placement of McMurry University on the NCAA list because of its nickname, the “Indians,” Grant Teaff, executive director of the American Football Coaches Association and former McMurry coach, commented, “You know, we are all Indian. At least those of us from McMurry anyway. We all are McMurry Indians, and we always will be” (Griffin, 2006, p. 1C). The sentiment expressed by Mr. Teaff is a familiar one among those affiliated with schools that have Native American sport imagery, perpetuated by the practices of the institutions themselves. Florida State regularly corresponds with their athletic boosters using the standard address, “Dear Seminole” (Black, 2002). Student supporters of the UND call themselves the Sioux Crew, the largest student organization on the campus (“Sioux Crew,” 2006).

On the surface, this seems like a harmless enough claim embedded as it is in a feeling of solidarity, a desire to belong to groups for whom one has affection and affinity. It is the ease with which the claim is made, however, that is significant. Most assuredly, the desire on the part of non-American Indians who wish to assume the affectations and appearance of being American Indian cannot actually mean that they are Indians or they have authority to speak as Indians. They cannot mean that they would volitionally set themselves on a path to be subjected to the ongoing forces of assimilation designed to “kill the Indian and save the man” (Churchill, 2004). And yet, they perceive themselves to be Indians with a legitimate voice of authority regarding control of “their” imagery.

This assumption of Indianness, this presumption of Indianness on the part of non-American Indians, relies on an understanding that the status conferred by mascots is imbued with the “benefits” of being American Indian without ever suffering the price exacted by the U.S. government and American society at large. As psychologist Stephanie Fryberg (2001) found in studying the effects of Native American imagery on the self-esteem of White and Native American youth, both may support the imagery, but it is Whites, not Native Americans, who experience a boost in self-esteem from being exposed to it. In effect, mascots represent a quintessential consumerist form of no fuss, no muss Indianness made easy. Thus, as Philip Deloria (2004) so eloquently describes, Indians are everywhere in symbolic form throughout American material culture.

This problematic of a freewheeling entitlement to being Indian is explained by Jason Black (2002), a non-American Indian scholar who graduated from Florida State and became, courtesy of the athletic boosters, a Seminole. In interpreting the phenomenon of the “mascotting” of Native America, Black theorized that it served to further White hegemony. About the essential falsity at the core of the “mascotting” process, Black wrote:

On the one hand, I carry with me a so-called misrepresented identity, a Seminole persona I do not understand but apparently assume through attending football games and hanging framed parchment on my wall. On the other hand, without a lived experience—replete with cultural understanding, prejudicial suffering, and a sense of heritage—how can Florida State University actually refer to me in good faith as “Dear Seminole”? (p. 605).

American Indian identity within this construction is a matter of choice that denies the implications of what it is to be an American Indian.

When viewed through the expanse of history, the taking up and taking on of American Indian identity by Whites has paralleled the taking of land and the taking over of the land mass now commonly referred to as the North American continent. From the time of the Boston Tea Party to the present, Whites have masqueraded as Indians (Deloria, 1999). Strong (2004) points out that assuming the guise of American Indian within the context of a university sport team, however, “is a form of playing Indian in which there is an unusual degree of economic and emotional investment” (p. 79). “As a Foucaultian process of ‘self making and being made’ within ‘hierarchical schemes of racial and cultural difference,’” mascots are a form of cultural citizenship that “defines who does and does not belong within the nation-state and civil society” (p. 83). As normalized activities, the use of Indian sports mascots, logos, and rituals serves to “exclude contemporary Native Americans from full citizenship by treating them as signs rather than as speakers, as caricatures rather than as players and consumers, as commodities rather than citizens” (p. 83).

Beyond the subtle ways in which mascots block paths to what Strong (2004) refers to as full participatory citizenship for American Indians, the cultural shorthand of mascots avoids the very real problem of Whites pretending to be American Indian for their own social and economic gain. As a case in point, in 2000, then president of the National Native American Bar Association Lawrence Baca challenged the integrity of statistics reported by the American Bar Association that suggested American Indians were represented in law schools at higher rates than within the American Indian population overall, a figure that suggested something had gone awry in the reporting given that 40% of American Indian students drop out of high school. He went on to attribute the flawed numbers to “certain students who check the Native American box when they apply to law school even though they are not American Indian” (Baca, 2000a, p. 18).

As Springwood (2004) points out, “The selective (mis)use and inflation of American Indian identity is hardly a new practice” (p. 56). However, disingenuous claims to Indianness affect the entire dialogue surrounding the Native American mascot debate. The obsession with polling American Indians and others on the mascot issue (King, Staurowsky, Baca, Davis, & Pewewardy, 2002) reflects the degree to which the public relies on a belief that “Native voices embody a genuine authenticity that renders them more authoritative” (Springwood, 2004, p. 56). Locating that authentic Native voice, however, or even recognizing it when it is asserted, is problematic because of the “ways in which people who are not ‘ethnically Indian’ have strategically claimed Indianness in favor of Native American mascots” (Springwood, 2004, p. 56).

When considered in this light, one of the harms of Native American sport team imagery is the day-to-day, easily accessible instruction it provides in how to inappropriately claim symbolic American Indian identity without thought to the individual and collective consequences of doing so. As a tool of social control, non-American Indians become adept at misappropriating without conscience or consideration while creating mass confusion as to who is an Indian.

In this sense, Native American mascots serve as primers of White privilege, where taking without asking or regard is not socially impolite, morally corrupt, educationally harmful, or legally criminal but an acceptable mode of behavior for masses of Americans educated in schools believed to possess, according to Hoftstadter (1963), the moral conscience of the society. As a result, the facially shallow imagery of American Indians that resides in the recesses of the American subconscious exempts the populace from accountability for genocide and makes possible the naive belief that a meaningful answer as to whether these images are objectionable can be ascertained from forced choice opinion polls alone. When examined objectively, the problematic of the “we are all Indians” mascot mentality as incorporated into college and university identity and transmitted through athletic departments violates the fundamental core of the academy and the right of American Indian students to access an education free from the limitations and pressures imposed by the racialized stereotypes that far outnumber them in the higher education landscape.

If Florida State Can Be Seminoles, Why Can't North Dakota Be Sioux?

Although the debate continues, the NCAA's appeal process has provided an avenue for 5 of the 19 institutions affected by the policy to retain their Native American mascots and fully compete in NCAA championships (for a listing of all affected schools and their status relative to the NCAA policy as of this writing, see Table 1). The standard of review in the appeal process was based on a recognition that “some Native American groups support the use of mascots and imagery and some do not” and that

Table 1
How the NCAA's Mascot Ruling Has Affected 19 Colleges

College	Nickname	Postseason Eligibility
Alcorn State University	Braves	Ineligible unless it changes its nickname.
Arkansas State University	Indians	Ineligible unless it changes its nickname.
Bradley University	Braves	Eligible after dropping its American Indian mascot and logos more than a decade ago (it uses its moniker generically), but placed on a watch list for 5 years.
Carthage College	Red Men	Eligible after changing name from Red Men.
Catawba College	Indians	Ineligible while appeal is pending to keep its nickname.
Central Michigan University	Chippewas	Eligible after receiving support from eponymous tribe.
Chowan University	Braves	Changing its nickname to become eligible.
College of William and Mary	The Tribe	Ineligible while appeal is pending to keep its nickname.
Florida State University	Seminoles	Eligible after receiving support from eponymous tribe.
Indiana University of Pennsylvania	Indians	Ineligible after losing appeal to keep its nickname.
McMurry University	Indians	Ineligible while appeal is pending to keep its nickname.
Midwestern State University	Mustangs	Eligible after changing its nickname from Indians.
Mississippi College	Choctaws	Eligible after receiving support from eponymous tribe.
Newberry College	Indians	Ineligible while appeal is pending to keep its nickname.
Southeastern Oklahoma State University	Savage Storm	Eligible after changing name from Savages.
University of Illinois at Urbana-Champaign	Illini	Won appeal to keep using Illini and Fighting Illini nicknames but lost appeal to bring Chief Illiniwek mascot to tournament games. Ineligible unless it does not bring its mascot. Considering lawsuit against NCAA to keep mascot.
University of Louisiana at Monroe	Warhawks	Eligible after changing its nickname from Indians.
University of North Dakota	Fighting Sioux	Ineligible after losing appeal. Suing association to keep its nickname and logo.
University of Utah	Utes	Eligible after receiving support from eponymous tribe.

Note: In August, 2005, the NCAA ruled that 19 colleges would be ineligible to participate in or play host to NCAA postseason events unless the colleges dropped their American Indian mascots and team nicknames. This table provides an update on the status of those colleges.

each review would consider the “unique aspects and circumstances as it relates to the specific use and practice at that college or university” (Christianson, 2005, p. 1). As a consequence, a school such as FSU received an exemption to the policy because of the public support of the Seminole Tribe of Florida, whereas UND, unable to receive tribal support from 3 of the 4 Sioux tribes in the state for their use of Fighting Sioux, is subject to the provisions of the policy (Lederman, 2005).

After two failed attempts to appeal the NCAA’s mascot policy, UND President Kupchella (2006) released a letter to the NCAA in June 2006 under the racially alliterative headline “Why the ‘Sioux’ May Have To Sue.” Finding fault with the NCAA process and expressing an aversion to what Kupchella described as a “corruption in logic” that led to the NCAA’s mascot policy, he wrote,

The NCAA leaves us no recourse but to consider litigation to make the point that the policy you have instituted is illegitimate and that it has been applied to the UND in an unfair, arbitrary, capricious, fundamentally irrational, and harmful manner.

The university’s issue with the NCAA regarding process warrants some attention. According to Kupchella (2006),

We [UND] certainly do *not* believe that we agreed by our membership that—as a condition of full membership privileges—a small committee would have the authority to change the architecture of sports facilities that we do not own or cause us to modify our very history.

The NCAA’s policy does not require those things. It does not threaten to expel members who retain these images. It merely requires that when these schools appear at events run by the NCAA, those institutions either leave the imagery at home or cover it over.

With a membership of more than 1,200 colleges, universities, and athletic conferences, decision making within the NCAA occurs in a variety of ways. As the association has become more federated over time, an increasing amount of decision making is streamlined and contained within committee structures (Crowley, 2006; Falla, 1981; Sack & Staurowsky, 1998). Germane to this particular case, UND’s stance that they were surprised that this policy was not voted on by the membership belies the 4 years of study devoted to the issue by the NCAA, the outreach effort made to include the entire membership in the discussion in the spring 2002 when it issued an association wide call for comment, and the distribution of the Minority Opportunities and Interests Committee’s (MOIC) recommendations in fall 2002, wherein the policy eventually adopted was listed, which would have been available to those members who were interested. Contrary to UND’s assertion that the NCAA is telling the university what to do, in point of fact the NCAA has not done this. Rather, the NCAA has attempted to clarify where it stands as an association on this issue.

UND's argument with the NCAA goes beyond process and differing views on the association's limits of authority to include the substance of their review as well. In support of the university's position that the NCAA erred in its decision making, Kupchella (2006) argued that

the fundamental irrationality of calling what we do hostile and abusive on the basis of no basis at all and then saying that a white guy in war paint, carrying a flaming spear while riding a horse into a stadium, leading fans in a tomahawk chop while singing an Indian chant is okay should be obvious to any jury.

The comparison of the Fighting Sioux logo, a rendering of an American Indian warrior by a Native artist, with the racialized spectacle at Florida State resonates as, arguably, potentially valid.

From a contextual point of view, there are aspects of the imagery that distinguish them, one from the other. The Fighting Sioux image is a static one, featuring a stylized American Indian head. Chief Osceola, on the other hand, enacts a story, an American Indian rider on horseback charging into the arena to thunderous applause, ending the performance with a spear being thrown into the ground. Of course, the two images are exactly the same from the standpoint that the institutions presenting them each make an effort to connect the image to an American Indian interest, one tribal, the other individual. FSU makes clear that the Seminole Tribe is involved in the representation of Chief Osceola. In turn, UND is careful to provide the background on the Native artist who drew the image of their Fighting Sioux warrior.

Thus, to what purpose has the comparison been made? Is President Kupchella suggesting that FSU is the real racial culprit undeserving of an exemption or that neither institution is culpable? UND's argument hinges on the notion that if FSU, with its egregious behavior and lack of demonstrable commitment to American Indian students, is permitted to "get away with" representing Indians in this way, then UND, which is more respectful and has far more American Indian students and programs on its campus (400 students, 32 Indian-related programs and organizations, more than 2,500 American Indian alumni; University Relations, 2006a),² has been wrongly accused. Thus, UND puts forward a counter accusation that the NCAA arrived at its decision not just through an "illegitimate process" but in the absence of any evidence. But did the NCAA really have no basis on which to determine that the Fighting Sioux logo and imagery contributes to a racially hostile or abusive atmosphere on the UND campus?

To address that question, an awareness of the myths of universality and invisibility that have formed the ideological underpinnings of White supremacy as described by scholar Michael Eric Dyson is helpful here (cited in McDonald, 2005). In challenging the NCAA's authority to limit the use of the Fighting Sioux imagery, Kupchella wrote, "How far does the NCAA think its jurisdiction goes? Does it extend into history?" Reworking the query in a way that places the spotlight on

UND, how superficial is its claim of honoring the Sioux, and how much denial do they engage in regarding their own history? According to Raul Tovares (2002), UND has focused on the positive while airbrushing from sight the White supremacist view of Native Americans that influenced the evolution of the university over time.

According to the history posted on the university Web site, "UND officially adopted the name Fighting Sioux in honor of the first inhabitants of the region and some of the American Indian tribes of the state" (University Relations, 2006b). Determining that the story the university tells about the origin of the name is a mix of fact and speculation, Tovares (2002) consulted with UND archivists, who could find no proof to back up the university's claim that the intention to honor the Sioux was the motive behind the adoption of the name.

Tracing the mission of the university in its early years following the Civil War, military training was included as a course of study, along with courses that prepared students in agricultural and mechanic arts (Geiger, 1958, p. 14, cited in Tovares, 2002). The significance of military training in the curriculum was connected to the "Indian problem" in the region. "Thus, from its inception, UND was seen by some as a way to continue intimidating, harassing, and killing Native Americans" (Tovares, 2002, p. 83). By 1930, a student journalist advocated for the adoption of the Sioux name, pointing out that the Sioux were expert as exterminators of bison (a reference to the mascot of rival school, North Dakota State University), that they were warlike, that they had a fine physique, and that the word *Sioux* would lend itself to the cadence of chants and cheers. With evidence "that many people of the time equated Native Americans with animals," Tovares (2002) concluded "in the same way that NDSU took an animal, the buffalo, as its mascot, UND took the Sioux as its mascot" (p. 84).

The pattern of denial regarding the hostility toward Indians at UND is perpetuated in Kupchella's characterization that the Fighting Sioux imagery does not produce a racially hostile environment on the UND campus. Criticizing the NCAA for "unfairly and illogically equating resolutions of opposition with an objective finding of pervasive hostility and abuse," Kupchella (2006) acknowledges that there was an "incident" in the early 1990s that happened before his arrival, but his representation of what currently happens on campus is veiled and hazy.³

Part of UND's objection to the NCAA finding stems from the university's position that the NCAA did not rely on evidence but on hearsay that a racially hostile environment exists. The minimization of the racial dynamics surrounding the Fighting Sioux mascot seems to run counter to a growing body of testimony that the imagery has not inspired the level of regard and respect portrayed by the university (Tovares, 2002). The tendency to point to specific incidents and to isolate those ignores the overall pattern of conduct directed toward American Indians both within and outside of the university. If the images promoted such good feeling, why would the university require a plan for confiscating T-shirts, banners, and other materials that fans would otherwise wear at sporting events that disparage and demean American Indians? If these images were inherently possessed of the ability to foster

good will toward American Indians, why is there a necessity for the student booster Web site to post an announcement that asks “that you cheer your team to victory and exhibit good sportsmanship, as well as respect for the American Indians and their rich culture and heritage” (“Sioux Crew,” 2006)?

In an interview with a reporter for U.S. College Hockey Online (Miller, 2006), Kupchella was asked about his views on the university being turned down in their appeal to the NCAA, in part, on grounds that the nickname and logo contribute to the creation of hostile and abusive climates on other campuses. Kupchella stated,

We can't control what people do after they've had a couple of beers or if they're really not that bright to begin with. . . . Our responsibility is to deal with that whenever we encounter it. . . . The American Indians who have been here have a very mature view of this.⁴

Within this construction, there is an implicit expectation that American Indian students attending the university should anticipate being harassed, rather than honored, as a result of institutionally sanctioned and supported imagery.

The manipulation of the university's relationship with American Indian constituencies on campus is salient here as well. Although the official position of the university reinforces whenever possible that they have a relatively high number of American Indian students on their campus and there is an impressive array of academic and student life programs available to them, it is in the minority report submitted to the NCAA by the UND American Indian Student Services and the Campus Committee on Human Rights that dissent from American Indians on campus is revealed (“Minority Report,” 2005). In 2000, President Kupchella received a statement from 21 of the 32 American Indian programs on the UND campus expressing their “full and unanimous support of discontinuing the use of the ‘Fighting Sioux’ nickname and ‘Indian Head’ logo(s)” (“UND Indian Related Programs, 2000”).⁵ Numerous faculty bodies at the university have voiced opposition to the imagery, most recently the UND Faculty Senate in January 2006 (Dodds, 2006).

The White supremacist specter at the center of recent debates has been UND benefactor Englestad, whose more than \$35 million in contributions made possible the new athletic arena on campus and the university's move up to Division I in all of their sports programs (Johnson, 2006).⁶ With an estimated 3,000 American Indian images in the building, support for the mascot imagery at UND is fueled by the condition that the Englestad contribution was tied to the retention of the Fighting Sioux name, a decision that was ultimately taken out of the hands of President Kupchella and handled by the North Dakota State Board of Higher Education. The university's decision to move its entire athletic program to Division I (only men's and women's hockey had been so designated before that decision) by the 2007-2008 academic year coincides with UND's decision to sue the NCAA over the mascot policy.⁷ When viewed from this perspective, UND encumbered an even greater financial responsibility in upgrading its athletic programs at a time when it is embarking on a costly

litigation process with the NCAA having committed the institution to retaining the mascot when it forged its liaison with Englestad.

Kupchella's letter to the NCAA imparts a palpable impression that UND is looking toward the FSU resolution as a way of finding the loophole they need to retain the Fighting Sioux imagery, emphasizing that FSU had the support of the Seminole Tribe of Florida while UND also has a tribe supporting them. Kupchella queried, "If a Native American tribe is a 'distinct political community', why it is that the continuing resolution by the Spirit Lake Nation that allows UND to use the Sioux name is—in the NCAA's words—"not persuasive"?" In effect, UND is mapping out an argument that suggests that "all you need is one," hoping that others will ignore the fact the Standing Rock Sioux, Cheyenne River Sioux, Crow Creek Sioux, Oglala Sioux, Sisseton-Wahpeton, Rosebud, and Yankton tribes have gone on record as opposing the image as well (some of these are located in North Dakota and others in South Dakota).⁸ Much like the penchant the UND Fighting Sioux Club has for gratuitously and indiscriminately using the heads of Indians to visually convey "value" of membership "privileges" depending on levels of giving, so too does the university reach to find that Indian entity that will confer the freedom they need to continue to use the imagery unimpeded by the limitations imposed by the NCAA policy (see Table 2 for illustration)(UND Fighting Sioux Club, 2006).

Recognizing Indian sovereignty, within this political dynamic, becomes less an exercise of respect for nations of equivalent stature and more about White power structures seeking ways to maintain or advance their own interests. Thus, as long as schools are exempted from the mascot policy, no matter how legitimate the support coming from a namesake tribe may be, there will be other schools that have the imagery but do not have the support who will seek ways to exploit the "exception." Thus, a consequence of the implementation of the NCAA policy is the creation of a sustainable continuum of "acceptable" racist imagery that becomes a portal for resisters seeking ways to justify racist practices.

The ongoing legacy of the university's actions during the span of its history, anchored in a racial hierarchy whose touchstone is White supremacy, informs its future directions. Thus, the university and the state of North Dakota have been strategic in pursuing a legal course of action against the NCAA that relies on the resources of the North Dakota Attorney General's Office while funding the suit from private donations (Bergland, 2006). To that end, the UND Foundation, authorized by the North Dakota State Board of Higher Education, has initiated the NCAA Litigation Fund (UND Alumni Association, 2006), which to date has reportedly raised \$100,000 in money and in-kind services.

Conclusion

In 1831, Chief Justice John Marshall, writing for the majority in the case of *Cherokee Nation v. Georgia*, described the relationship between American Indians

and the United States as being “perhaps unlike that of any other people” (as quoted in Baca, 2005). At a legal level, American Indians are unlike any other group of people in the United States. In addition to being the only race of people mentioned in the Declaration of Independence and recognized as sovereign nations within the U.S. Constitution, laws pertaining to American Indians require a separate volume in the U.S. Code.

The relationship is indeed unlike that of any other people in America. As a result, it makes ultimate sense that the United States Commission on Civil Rights (2000) cautioned that the stereotyping of American Indians through the use of mascots by schools dispensed lessons that did not serve a diverse society. Recognizing that, where is the rationale to distill such a complex of relationships into sport team logos and mascots?

The NCAA’s implementation of the policy, with its case-by-case determinations, has been seen as arbitrary, illogical, and unfair. When viewed from another perspective, however, the imperfections of the NCAA process that fail to satisfy the desire for neat, clean resolutions speak to the fact that the legacy of these images make such a final outcome nearly impossible to achieve. Part of the cultural power of Native American mascots is that they dress racism in a benign guise. Although the policy has effectively prompted some schools to change, others will continue to complicate the landscape as “exemptions.”

The NCAA is not above suspicion, however, in its motives to move forward in regard to Native American mascots and imagery. As Kupchella (2006) noted in his June letter, the NCAA has offered a less than exemplary style of leadership by taking a position that these images should be discontinued while accepting corporate sponsorship from Pontiac. In addition, in May 2006, the NCAA announced that they had chosen Mutual of Omaha, a company that has an Indian head logo, as the insurer for a new basic accident medical program (Copeland, 2006). If the NCAA is to have credibility on this issue, it will have to apply the policy to its own behavior. The NCAA’s vulnerability on this front speaks to the tremendous difficulties of disentangling these images from the racialized system of power, money, media, and education into which they are woven.

Within a long history of opposition to these images, the NCAA mascot policy has taken us a few steps farther along in defusing the mythology that “we are all Indians.” Perhaps the most compelling argument for the destructiveness of this imagery in allowing masses of Americans to believe that they care about American Indians is found in the public response to the “other” issue that was going on at the same time the NCAA mascot furor was unfolding in the fall 2005, that being the ongoing case of *Cobell v. Norton*, which has been in the courts for a decade (Native American Rights Fund, 2006; Reynolds, 2006).

At issue is the U.S. government’s mismanagement of billions of dollars of trust fund accounts for 300,000 Indian beneficiaries (Native American Rights Fund, 2006). Although mascot supporters expressed outrage at the notion that their imagery might be taken away, there was not, and has not been, any outrage on the part of the U.S.

populace about the U.S. government failing in their trustee responsibilities. The fact that there is no outrage or even an understanding that the government has mismanaged and continues to mismanage billions of dollars during the span of more than 100 years, affecting millions of Native Americans, should give those in higher education pause about the effectiveness of sport team mascots to produce awareness or sensitivity regarding Native Americans. If we truly were all Indians, we would not tolerate the hardships Native Americans have suffered as a result of this mismanagement, and the trust funds would have been managed properly years ago.

Notes

1. According to the Institute on Money in State Politics (Moore, 2006),

Although non-white populations across the country continue to grow, the minority presence in many state legislatures is not representative of the diversity of state populations. . . . Fifty Native American legislators were elected in 12 of the 48 states that held elections in the 2004 election cycle. (p. 8)

More generally, 13% of those who won election belonged to a minority group. In consulting the list of Native Americans in state legislatures, there are none in the state of Florida (<http://www.ncsl.org/programs/statetribes/2006tribl.htm>).

2. Kupchella mentions this information in several exchanges with the NCAA and in his interview with U.S. College Hockey Online.

3. The incident that occurred in the 1990s occurred at homecoming, when a group of Native Americans riding on a float in the parade were derided by fraternity and sorority members, reportedly subjected to verbal abuse, such as "go back to the reservation," "dirty Indians," "tell your parents to get off welfare," accompanied by war whoops (Tovares, 2002).

4. The university has expressed concern that views of the racial climate at the University of North Dakota (UND) have been based on hearsay (see Braine, 2004).

5. Kupchella (2005) reports that American Indian programs on campus have been funded by \$12 million in support, all but \$400,000 of it coming from federal sources and tribes. Although Kupchella uses this information to suggest that funders would not entrust the university with the funding if there was a racially hostile environment, one could question whether the university could get more funding if it dropped the Fighting Sioux name.

6. According to reports in the *Las Vegas Weekly* and *Sports Illustrated*, Englstad hosted parties on two occasions in the 1990s displaying his collection of Adolph Hitler memorabilia. Although Englstad denied being a supporter of Hitler's, his Imperial Casino was the source of publishing bumper stickers that read "Hitler was right." The Nevada Gaming Control Board fined Englstad \$1.5 million and placed restrictions on his gaming license (Dorhmann, 2001; Hodge, 2003; for reference to the \$35 million figure, see B.R.I.D.G.E.S., n.d.).

7. Three events occurred around the same window of time on the UND campus in June 2006. The lawsuit against the NCAA was announced, the decision to move to Division I was announced, and a new Sioux Scholarship Endowment was announced. The convergence of these three things created an impression on the part of some that the new scholarship program was intended as a bribe to quiet dissent. As Jesse Taken Alive, A Standing Rock Council member said, "It sounds like extortion when dealing with communities that are impoverished" ("Kupchella: Scholarship," 2006). The university denied that this was the motive.

8. In September 2005, the Standing Rock Sioux passed another resolution opposing the use of the Fighting Sioux nickname. See letter from Ron His Horse is Thunder, Chairman, Standing Rock Sioux Tribe to Bernard Franklin, National Collegiate Athletic Association. This was Resolution No. 438-05.

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