

Native Indians and Sport



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In this case study analysis paper, I shall argue that it is morally acceptable for the University of North Dakota to use the “Fighting Sioux” name and logo. This case includes the topic of Native Americans and sport in general. It is portrayed around the United States and most notably on athletic fields to serve as symbolism of the treacherous battle that takes place between two teams. Unfortunately, North Dakota is receiving threats from the NCAA to discontinue the use of the logo, and even collegiate schools have refused to compete in competition with the school because of the usage of the logo. For the most part the North Dakota board faced with making the tough decisions have been following protocol from the NCAA, but it is the backlash that the school is receiving from its own students as well as the own tribe that the Native Indian mark comes from is putting the school at risk. These topics will be covered in length as well as their relevance when it comes to moral standards and those who support, as well as disagree, the judgment that the University of North Dakota be able to use the “Fighting Sioux” name and logo.

The reasons and evidence that support this moral judgment are as follows. According to utilitarianism, an action is morally correct if the sum total of benefits produced by that action is greater than the sum total of benefits produced by any other action that could have been performed in its place. The action of allowing the University of North Dakota logo to continue to represent the Fighting Sioux’s athletics brings with it social benefits to members of various Indian American heritage by receiving grants and scholarships to obtain an education at the school. The usage of the logo also gives an exclusive Sioux tribe, Spirit Lake Nation, the honor and recognition that they enjoy having which they believe is beneficial to informing outsiders about their culture. According to rights theory, an action is morally correct if it respects the natural rights of human beings. The action is consistent with natural rights when considering the right to culture of the Native American tribe is being honored through the portrayal by North

Dakota and with this the beliefs of the tribe get recognized. The right of religion is also consistent in the action by allowing the freedom of public practice for the Fighting Sioux tribes. The action is also consistent in the right of property since the Spirit Lake Nation tribe has given North Dakota the right to use the logo and name and claim that it would be disrespectful if they removed it. According to justice theory, an action is morally correct if it involves treating similarly individuals who are similar in relevant respects, and dissimilarly individuals who are dissimilar in relevant respects, in proportion to their dissimilarity. The action in which people are treated with justice is reciprocated by the fact that American Indian education is supported by the University of North Dakota and has many programs that help allow American Indians to attend school there. Other schools around the country, most notably Florida State University, have also been in a similar situation of justice and been able to keep honoring their nickname and logo of the Seminole tribe which should give reason to treat North Dakota similarly. According to care theory, an action is morally correct if it takes into account the closest concrete relationships of the person doing the action and those people are vulnerable and dependent on his/her care. The school, with the permission of the Spirit Lake Nation tribe, is using the name and logo in their honor and to place a moniker on the way they perform competitive activities while representing the university. According to Catholic Social Teaching, an action is morally correct if it is respect of, and guided by, the fact that human beings are communal and have a transcendent end, have a fundamental dignity and worth, have certain natural rights, achieve a common good, and should be treated with justice. The action is consistent with the five core principles of Catholic Social Teaching due to its public attraction to have continued existence outside the created world, respects the worth of the American Indians, who are made in God's image and continue to educate those who have forgotten where our country and values stem from. Allowing the logo to stay around

achieves a common good of allowing the Fighting Sioux to get recognition based on their tradition and with this tradition and honor the tribes are able to reflect on their storied histories.

On the other hand, the reasons and evidence that support the opposite of my moral judgment of the usage of for the University of North Dakota to use the “Fighting Sioux” name and logo are as follows. According to utilitarianism, the action of allowing the University of North Dakota logo and symbolism is going against the rules set by the NCAA and maximizing social injuries by inflicting sanctions brought upon by the NCAA if they continue using the logo. The Standing Rock tribe believes the logo and moniker is hostile and abusive towards their respect. According to rights theory, The action is not consistent with the right of property and culture because the NCAA has the right to govern its own bodies of college athletics and the rights they feel are being ignored do not hold any standing. According to justice theory, the action is not consistent with treatment of justice because the honor and respect of the logo and symbol are not reciprocated by the casual fan, who does not understand the full meaning behind the moniker. According to care theory, People who are of American Indian heritage also are susceptible to offensive remarks by uneducated people who feel like they are at fault for the situation at hand. According to Catholic Social Teaching, the action does not follow the five core principles of Catholic Social Teaching due to the lack of fundamental dignity and worth in the eyes of people who abuse the logo during athletic competition and deface the honor of the tribes, the common good is not achievable since their social living is called into question which the way they are portrayed to the public, and there is no justice in the way they are treated.

In the final analysis, the reasons and evidence which support my moral judgment that it is morally acceptable for the University of North Dakota to use the “Fighting Sioux” name and logo far outweigh the opposite of my moral judgment. Under the standard of utilitarianism, the

social benefits seen from North Dakota using the logo and moniker are reciprocated in the way of education benefits to American Indians. The American Indian education is a \$12 million enterprise at UND. Much of the total is provided by the tribes themselves, by the students and their families, and by the federal government. None of this would happen, if the environment there was in any way hostile and abusive. The University annually provides about \$400,000 mostly in the form of waivers of tuition specifically for underrepresented groups. Nearly all of this goes to American Indians. The school has more than 30 separate programs in support of American Indian education, where they are taught by a staff of seven American Indians. Most of the programs are based in a new American Indian Center funded by the University and by generous donors. These programs include a thirty-year-old Indians-Into-Medicine program which has educated about one-fifth of all enrolled American Indian physicians in the U.S. These entire benefits tie into what utilitarianism is in search of when it looks for the best possible total amount of benefits and that is what North Dakota is paying back to the people of American Indian descent as an honor. These types of program benefits also tie into the justice standard in treating those similar in relevant aspects and in this case it is assisting all American Indians in enhancing their education. Those opposed on this issue under utilitarianism, could point out the scrutiny that the NCAA was under and pressured into making rules to make the athletics they govern free from issues, and it is an interesting point to understand with how the state of North Dakota fits into it. The NCAA issued a ban using Native American mascots, nicknames, and logos in post-season playoff games on August 5, 2005. The reason the NCAA made this decision was on the grounds that the use of such symbolism is derogatory, hostile, and abusive to Native Americans. With the NCAA being the governing body of collegiate athletics this issuance marked the first stance and groundwork for the people who have been trying to bring the issue of

Native Indian to the forefront for over decades. One school that saw immediate affects following the rules is the University of Illinois and its creation and usage of its mascot known as ‘Chief Illiniwek.’ Following the consequences being laid down by the NCCA the University of Illinois began marking its 2007 season as its final season before ‘retiring’ the mascot that had graced its school for more than 80 years. The ‘Fighting Illini,’ as the school’s moniker goes, knew they would have a harder time presenting a case to the NCAA to keep their representation of Chief Illiniwek because the famous chief never existed in reality. With this relevant information known it should be understood that other schools that portrays Indians, like North Dakota, should follow in the steps of Illinois and eliminate the American Indian nature. That is what those who opposed to using the logo would say, but where is the justice standard in allowing Florida State University to keep their “offensive and hostile” logo and moniker, but force North Dakota to cease theirs?

When the NCAA instituted its line to start forcing teams to make changes to race-neutral teams, the governing body in some sense took a step backward and softened its stance. The NCAA made a change and determined that if schools could support its case for continued use of American Indian mascots, they would be removed from the ban list that prevented post-season games and continue with their tradition of ‘honoring’ the Native Indians. One school that was successful in this venture was Florida State University and its usage of the nickname, Seminoles. The decision of the NCAA to allow appeals may seem to undermine the goal that was set forth to be rid of ‘hostile and abusive’ monikers, but the development of the policy appears to focus on the sole factor that if the school has the support of the local Native American tribe that is used in their symbolism, the school can be free of further punishment. An action is morally correct if it involves treating similarly individuals who are similar in relevant respects, so if one collegiate

athletic school under the NCAA governing body was able to get permission from local Native American tribes, then another school also under the NCAA governing body should be able to continue their usage if they receive permission from tribes that carry the “Fighting Sioux” moniker. Some of the schools got permission from namesake tribes and were allowed to keep the nickname. UND received approval from Spirit Lake Nation, but Standing Rock refused to hold a vote on the issue. The Spirit Lake reservation is located entirely within the state of North Dakota, whereas the Standing Rock reservation straddles the border between North Dakota and South Dakota, with its tribal headquarters in Fort Yates, N.D., but most of its members living in South Dakota. To put that into some perspective there are eleven tribes in Michigan (5 of which are Chippewa), but only the Saginaw Chippewa Tribes support was needed for Central Michigan Chippewa to retain its name and moniker, but North Dakota has to adhere to different rules. A 1969 Sacred Ceremony performed by Standing Rock and Spirit Lake, Elders, Spiritual leaders, Tribal leaders and judicial leaders in which the name was given to North Dakota to use for eternity in their athletics and message. It cannot be taken back without first rejecting the sacred beliefs of Native Americans. The United States Government recognizes those beliefs, but the governing body of the NCAA does not respect them.

Under the standard of rights theory, the Spirit Lake Nation tribe’s right of culture, right to religion, and property of the logo and name all deserve some answers despite the NCAA’s stance on the issue. Right of culture is defined as the total range of activities and ideas of a group of people with shared traditions which are transmitted and reinforced by members of a group or the artistic and social pursuits, expression, and tastes valued by a society or class, as in the arts, manners, and dress. This includes a variety of components: right to take part in cultural life and right of individual to benefit from the protection of the moral and material interests resulting

from any scientific, literary or artistic production of which he is the author. In some ways the right of culture coincides with utilitarianism because of the benefits that a group receives through their material interests, but that is just the case when discussing their rights because the SLN, the only tribe fully in North Dakota, gave UND permission to use the marks and want them to use them, even going as far as the courts to have their opinion heard. During the sixties, American Indian students from four reservations in North Dakota participated in a Head Start Career Development Program at the University of North Dakota. The program was designed for tribal members to take college level courses to earn their Associate of Arts Degree in Early Childhood Development or a four year Bachelor of Arts Degree. On July 18, 1969 the American Indian students hosted a ritual celebration to show appreciation for the education they received from the University. The right of religion is a principle that supports the freedom of an individual or community, in public or private, to manifest religion or belief in teaching, practice, worship, and observance. A few stipulations that accompany that right is that every person has the right to determine his or her own faith and creed according to conscience and every person has the right to the privacy of his belief, to express his religious beliefs in worship, teaching, and practice, and to proclaim the implications of his beliefs for relationships in a social or political community. This symbol represents the people of the Sioux Nation, their race, creed, color of their skin, their culture, and their religious freedoms. For a team or school to not engage in athletic competition with UND because of the Symbol that UND bears on their chests are discrimination against the Sioux Tribes as people. It is fair to call into question the judgment and motives of those who are canceling events, resisting scheduling competition, and openly stating that they will not compete against UND because they are the Fighting Sioux.

The justice theory moral standard relevant information was discussed with the utilitarianism moral standpoint, but those who oppose the moral judgment that it is morally acceptable for the University of North Dakota to use the “Fighting Sioux” name and logo believe the action is not consistent with treatment of justice because the honor and respect of the logo and symbol are not reciprocated by the casual fan who make signs and deface the logo in competition. It is hard to see the honor and the respect that is being proven in using the marks of the Sioux tribes, if students and fan who are uneducated about the history of the American Indians are putting offensive and off-mark statements that accompany the logo or the Indian.

Under the care theory standard, taking in the closes concrete relationship of the school and the Sioux tribes that are dependent of the way the symbol and logo get portrayed is why it is important to know how much Spirit Lake wants the logo to stay around and sees the honor and respect it has, despite a few misguided students who offend the mark. As it has been mentioned earlier, the school takes care of the American Indians in helping them gain an education with grants and scholarships which is shown by the 400 hundred American Indian students that attend UND, many of who are fine with the nickname and none that would attend the school if the environment was hostile and abusive. The Spirit Lake Nation has been in agreement with UND for 80 years by the past leaders and students who have embraced their gift, and built a tradition on a public platform that are recognized nationwide, and there is no issue that has shown that agreement is tarnished. Those who oppose the care theory believe that those of American Indian heritage also are susceptible to offensive remarks by uneducated people who feel that these students of the Sioux descent are at fault for the situation at hand, while they should be getting recognized for the honor and respect bestowed by the university. The Sports Illustrated survey that was taken in 2002 found that 81% of Native Americans do not want names and logos to go

away, and 67% of Native Americans that live on reservations do not want Native American names and logos to be eliminated. Also, any incidents mentioned of offensive nature towards students have been isolated incidents and none have risen in over twenty years, which has led to even government officials getting involved and agreeing that no serious harm has been done at North Dakota. The office of Civil Rights of the U.S. Department of Education spent a week at UND investigating “hostile environment” charges made by a local nickname opposition group, and made no such findings meaning the nickname is in no way hostile and abusive.

Under the Catholic Social Teaching standard, most of the five core principals have been covered in this material regarding natural rights, common good, and justice. However, communal beings who have transcendent end and fundamental dignity and worth still loom as major points of issue. But, North Dakota have opened up the world to the history of the Sioux tribes, and through official forms respected and honor the tribes in athletics and proudly displaying the logo everywhere, even hundreds of times in their hockey arena, to show the worth of the tribe. On the opposing side, issues can only be brought up about abuse that goes into the logo and defacing the tribe’s worth. There would be standing there if the Spirit Lake Nation was not positive in keeping the marks, compared to a tribe like Standing Rock who are outside of North Dakota and feel it tedious to agree and let North Dakota keep the name.

The defense of the Spirit Lake Nation in keeping the moniker and logo on North Dakota campuses is on tradition, honor, respect and pride of what is right. The tribe and schools biggest opponent, the NCAA, believe in promoting point to cultural diversity, civility, tolerance, and acceptance, but apparently it does not apply when dealing with issue in North Dakota, just like different rules were applied to North Dakota then were applied to Florida State University, who do not have the permission from Seminole tribes outside of Florida to use the name. In the end,

North Dakota and Spirit Lake Nation should have been heard based on the moral standards of utilitarianism, natural rights theory, justice theory, care theory, and catholic social teaching. An action is morally correct in allowing North Dakota to use the Fighting Sioux name and brings out benefits to uneducated people who are lost of the history of those who founded the land we are on today, the Native Indians, and benefits to those of Indian heritage in allowing them achieve college education through programs enlisted by the school. North Dakota saw their symbols, monikers, and mascots as the pride and strength that made its schools relevant in the sports world while at the same time honoring what they thought was the respect and life of the Indians that once and still impact the world in other ways. Although the progress made may not be to the liking of many people out there, progress has been resulted due to the lines put out by the NCAA and many other organizations. Compared to where the college scene was a decade ago the fight and groundwork of norms and regulations regarding the use of Indian likeness to represent a school's athletic prowess is one that is pointing in the direction of ceasing all things related to Indians. This is not the favorable hopes of the Indians who bestow the name and likeness on to the college, it was the act of a governing body succumbing to pressures, but entrenching in a fight because the state of North Dakota and the tribe felt disrespected.

Rough Draft**Right to Culture –**

Defined as the total range of activities and ideas of a group of people with shared traditions which are transmitted and reinforced by members of a group or the artistic and social pursuits, expression, and tastes valued by a society or class, as in the arts, manners, dress etc.

This includes a variety of components:

- right to take part in cultural life
- right of individual to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

- **Understand that the Fighting Sioux name has been given to the school to be used by the Spirit Lake Nation out of respect, honor, and pride; and that it has demonstrated these traits under which the name was given for over 80 years.**
- **Understand that SLN defend their rights and culture which have been heralded by UND for 80 years by the past leaders and students who have embraced their gift, and built a tradition on a public platform that is recognized nationwide.**

“This attack on the Fighting Sioux name is what creates the divisional force dividing the citizens of North Dakota and your campus. This attack is destroying what has been built by the people of North Dakota. We see the blatant disregard for our rights, as well as the will to bring forth a vote by the people for the people, by those who are not in elected positions. All people of North Dakota need to take heed in these actions against our rights, for our rights are your rights.” – Spirit Lake Nation

- **The NCAA, as an opponent, uses tactics and words that are meant to mislead and deceive in an attempt to expunge the Fighting Sioux Symbol from UND and eliminate the will of the people to carry a voice. The very policies of the NCAA and its members which they promote point to cultural diversity, civility, tolerance, and acceptance; but appear to be just words. It is the action of men that matter more than letters on paper. Our defense is on tradition, honor, respect and pride of what is right.**

Right to freedom of Religion –

a principle that supports the freedom of an individual or community, in public or private, to manifest religion or belief in teaching, practice, worship, and observance

- Every person has the right to determine his or her own faith and creed according to conscience.
- Every person has the right to the privacy of his belief, to express his religious beliefs in worship, teaching, and practice, and to proclaim the implications of his beliefs for relationships in a social or political community.

- Every person has the right to associate with others and to organize with them for religious purposes.

- **Understand that this Symbol represents the people of the Sioux Nation - Their race, creed, color of their skin, their culture, and their religious freedoms. For a team or school to not engage in athletic competition with UND because of the Symbol that UND bears on their chests are discrimination against the Sioux Tribes as people. It is fair to call into question the judgment and motives of those who are canceling events, resisting scheduling competition, and openly stating that they will not compete against UND because they are the Fighting Sioux.**

“This attack has tested our resolve and our will not only as Sioux, but also as a people of North Dakota. We defend our gift to UND which was given by our forefathers for what that gift represents. We honor that gift and the 1969 Sacred Pipe Ceremony as our word to UND to be known as the Fighting Sioux. Our Sacred Ceremony is on par with your baptism if you are of a Christian faith, and is recognized as such by the Federal Government. Thus, our rights are your rights.” – Spirit Lake Nation

Justice theory:

University of North Dakota is doing full justice to the all parties involved, but regardless of the percentage of people that attend the school and have Indian heritage that claim the nickname and symbol to be hostile and abusive, they possibly may not be fully educated on matters at hand.

On Side A you have the NCAA, who has banned the use of all Native American imagery for their member schools in tournament play – which includes the Fighting Sioux.

On Side B you have the Government of the State of North Dakota who has enacted a law stating the University of North Dakota MUST retain the Fighting Sioux name.

American Indian education is a \$12 million enterprise at UND. Much of the total is provided by the tribes themselves, by the students and their families, and by the federal government. None of this would happen, if the environment here were in any way hostile and abusive. The University annually provides about \$400,000 mostly in the form of waivers of tuition specifically for underrepresented groups. Nearly all of this goes to American Indians.

The school has more than 30 separate programs in support of American Indian education. Most of these are administered by staff of seven American Indians. Most of the programs are based in a new American Indian Center funded by the University and by generous donors. These programs include a thirty-year-old Indians-Into-Medicine program which has educated about one-fifth of all enrolled American Indian physicians in the US.

- There are 400 hundred American Indian students that attend UND, many who are fine with the nickname and none that would attend the school if the environment was hostile and abusive.
- Office of Civil Rights of the U.S. Department of Education spent a week at UND investigating earlier “hostile environment” charges made by the local nickname opposition group, and made no such findings meaning the nickname is in no way hostile and abusive.

Opinion

They are correct in reference to the NCAA's power; they have become hostile and abusive to Native People in general not just the Sioux Tribes. If use of Native American nicknames and logos are offensive to Native Americans then all Native American nicknames and mascots are offensive not just the Fighting Sioux. The NCAA is abusing its power, is oppressive and has created a hostile and uncomfortable environment. Not the use of the Fighting Sioux Nickname as they would like everyone to believe.

I hate to see the University of North Dakota and the athletic teams suffer, lose opportunities, but the rights and tradition of the Sioux Tribes should be considered, respected and honored. If UND does follow the Sioux Tribes wishes hopefully the NCAA will see the light.

The NCAA isn't going to see the light. They didn't see the light when UND filed a lawsuit. They didn't see the light when Spirit Lake changed their mind and gave approval. They didn't change their mind when North Dakota created a law. They aren't going to change their mind. They are going to point to the settlement agreement. And if pushed they are going to say that every other Sioux tribe in the country has officially come out against the nickname, which they have. The NCAA changing their mind is just a fantasy.