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Identity and Icons: Conflict and Consequences
Surrounding the University of North Dakota's
"Fighting Sioux" Name and Logo

By

JoRelle Grover

Accepted in Partial Completion
Of the Requirements for the Degree
Master of Arts

Kathleen L. Kitto, Dean of the Graduate School

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MASTER'S THESIS

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JoRelle Grover

11/09/2012

**Identity and Icons: Conflict and Consequences
Surrounding the University of North Dakota's
"Fighting Sioux" Name and Logo**

A Thesis
Presented to
The Faculty of
Western Washington University

In Partial Fulfillment
Of the Requirements for the Degree
Master of Arts

By

JoRelle Grover
November 2012

ABSTRACT

Controversy surrounds the University of North Dakota's (UND) logo and nickname, *The Fighting Sioux*, generating a conflict with the neighboring American Indian tribe [Native American], the Standing Rock Sioux, dating back to the 1960's (Phillips and Rice 2010:511). Previous research done on this topic left a large discrepancy regarding the concept of cultural identity attached to the conflict, developments that have taken place since 2005, and more recent developments. The question I examine is why this issue incorporates such differing opinions. I examined the concept that the root of this controversy lies within cultural identities which are linked to the same idea, yet with diametrically opposed interpretations applied to it. I believe this issue is neither exclusively about ignorance nor intentional ethnic discrimination but about concepts grounded in identity, history, politics, financial motivations, and institutional difference.

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INTRODUCTION

American Indians [Native Americans] have had elements of their iconography misappropriated into designs created by non-Natives or had caricatures made of them and used in contexts that undermine complex understanding of Native people. This has caused racial tension and trauma, especially within the athletic arena. Historically, the University of North Dakota and North Dakota State University (NDSU) have been sporting and academic rivals. This made UND and their logo, The Fighting Sioux, subject to name-calling at athletic events and 'Sioux Sucks' banners were hung for years over the North Dakota State University campus when there were games played between NDSU and UND. This creates the primary contention of the Sioux tribes; the use of their name and symbols in this way dishonors them. They perceive the language and the symbolism attached to these types of events as negative and a misrepresentation of American Indians.

One aspect of the conflict involves the cultural identity of American Indians in North Dakota. The other side of this conflict came from the University of North Dakota and the state itself in their investment and cultural identity of the name, The Fighting Sioux. The Fighting Sioux at UND is currently the only state college hockey team in North Dakota. Therefore, many of the residents have a

connection to the team as a representation of the State, leading to confirmation of their cultural identity in relationship to the name, the Fighting Sioux.

Previous research on the Fighting Sioux name and logo has examined the university administrators, faculty, alums, and students reluctance to change the name, and stated there was an ethnic bias and ignorance on the part of universities and sports teams (Davis, 2002; Davis1993; King and Springwood, 2000; 1993; King and Springwood, 2000; Pewewardy, 2004; Phillips and Rice, 2010; Slowikowski, 1993; Trottier, 2002). Other research focused on the Native voice; the controversy and their anger that sacred symbols were being used in a secular context, the misrepresentation of tribal life and American Indians in general. Recent analysis has proposed that American Indians of many different tribes and not only the Sioux specifically underwent trauma due to the hostile environment, racism, and stereotypes perpetrated by Native mascots (LaRocque 2004, Annis 1999, Davis 1993, Huffman 1991).

There is much literature on the topic of Native mascots and their usage in sports, some concerning the Fighting Sioux, such as Amy Phillips and Dan Rice's article *The "Fighting Sioux" Conflict: Lessons on Social Justice for Higher Education* and C.D. Pewewardy's 2004 work *Playing Indian at halftime: The controversy over American Indian mascots, logos, and nicknames in school-related events* (Williams 2007:440).

Within the last few decades there has been a push to rename sports teams that do not use American Indian imagery, words, or identity (Pewewardy 2004:181). There were approximately 70 colleges or universities that used American Indian mascots or logos in the United States, but this number has decreased to approximately 30 by 2010. The numbers of professional sport teams with Native imagery or names remain at five (AISTM 2010). While research surrounding Native mascots and logos is plentiful, previous work has not addressed American Indian imagery use regarding cultural identities and conflict.

A bill was introduced by House Majority Leader, Al Carlson, to the North Dakota House of Representatives in January of 2011 and signed into law mid-March of the same year (House Bill No. 1263, 2011). The Law *required* the University of North Dakota to keep its American Indian logo name and specifically prevented UND and the North Dakota Board of Education from changing the existing name. This effectively halted any negotiations with the Standing Rock Sioux tribe regarding the conflict involving the name. In August of 2011 eight American Indian students attending UND sued the university for discrimination in conjunction with the Fighting Sioux name. In a meeting with the National Collegiate Athletic Association the following day, North Dakota State Legislature members agreed to repeal the new law. Spirit Lake Sioux members then began a petition to keep the law, as they feel honored by the name and logo, which stopped the repeal process until the issue could be placed in a general

primary election on June 12th of 2012. This statewide vote determined once and for all that UND must no longer lay claim to The Fighting Sioux logo and mascot. The vote was decided by sixty-eight percent of the voting public (ICTMN staff 2012). Published and analyzed literature is lacking in the formation and ramifications of the new law, petitions, repeal, and American Indian student lawsuits concerning discrimination toward UND. Furthermore, each action compounded significantly to the degree that the dynamic of the conflict changed.

I believe this case study has almost universal applications in the realm of conflict studies, as it is a conflict over an issue between two very different cultural identities and each group perceives the conflict differently. Arguments for the abolishment of the Fighting Sioux logo cite the impact of institutional racism and discrimination toward American Indian students and the Native community. Those in favor of retaining the logo and name believe they are honoring the local American Indians and continuing a rich tradition of collegiate and sports affiliation.

This thesis addresses a localized controversy with broad historic and current implications. The impact that visual symbols and icons have within a culture is pertinent when addressing conflicts and identity issues. Stereotypes and discrimination perpetuated by the Fighting Sioux logo and UND has had physical and mental effects detrimental to many individuals and to the American Indian cultures involved. With the prevalence of globalization, combating post-colonial

viewpoints is valuable in identity and conflict struggles. This thesis has implications for the field of applied anthropology and humanitarian efforts worldwide dedicated to curbing conflict and war.

I collected data on the controversy surrounding the University of North Dakota's logo and the nickname, The Fighting Sioux, and subsequently used several different analytical approaches. I used a comparative analysis framework to develop an understanding of these issues and their various aspects from various viewpoints. A large component of my data collection was current and archival research pertaining to the UND controversy, other American Indian mascot issues, legal documents, history of the tribes and UND, and NCAA policy literature. The theoretical literature reviews contributed to the structure of my approach to data analysis. A portion of my research consisted of analyzing the North Dakota State House Bill 1263, upon its passing into law, and the subsequent legal outcomes and implications. I analyzed motivating factors, economic incentives, opposition to the bill, and subsequent personal and institutional viewpoints that caused the bill to be created. Due to new changes placed in the education section of the North Dakota Century Code and their subsequent reversal, I explored other education and identity concerns along with possible ramifications.

Another component of my methods was a visual analysis of the past and current logo at UND and other Native mascots and commercial imagery. As this

controversy revolved around the use of an icon and logo, intertwined with the image of an American Indian, and iconography such as warpaint, feathers, and other sacred symbols, a relevant component of the thesis is the visual analysis.

Throughout the thesis I will use several terms, a few of which I explain here; others and their definition may be found in appendix 2. I will use American Indian and Native Peoples to refer to as “(a) any group or individual who can demonstrate blood quantum or ancestral lineage to any federal, state, or locally recognized tribe and/or (b) any person who becomes a member of such a tribe through ceremonial adoption and strives to live in a traditional Indian fashion” (McDonald et al. 1993:438). The term American Indian is used in this text reflecting the use of the preferred term in more recent publications from various tribes. I will also use the term Majority Culture for those Americans of European descent who represent the majority population at UND and in North Dakota (LaRocque 2004:xii).

UND Fighting Sioux History

The University of North Dakota was founded by the Dakota Territorial Assembly in 1883 (University of North Dakota 2012). Analysis of turn-of-the-20th-century yearbooks showed that American Indian imagery was prevalent even in the beginning years of the university (Vorland 2000:1). American Indians

participated with non-Natives in pageants and events related to the university. While these American Indians most likely were not enrolled at the University, as few American Indians were at any University at this time, being included in the yearbooks began an association with American Indian imagery and the University. The imagery association was not deemed controversial due to their involvement at events, but more so due to the Majority Cultures' view of American Indians as colonized peoples. At the same time, Native names were thus also being used to designate cities and locations. On a state level, American Indian imagery was even used as highway markers in the beginning of the century.

The formation of the Sioux nickname came into existence in 1930. Previously the University of North Dakota's mascot and logo was the Flickertail, a type of ground squirrel, or the team was generally referred to as the Nodaks. This word was derived from the combination of North and Dakota (Phillips and Rice 2010:513). The name change was inspired by a homecoming game against North Dakota State University, which at that time had a Bison for their mascot (Vorland 2000:2). Students at UND wanted to present a fiercer mascot. At that time many universities were incorporating Native American names for their athletic teams. There was no governing force in place to legitimize the new nickname, so it was decided upon by a group of students over a period of ten days (Phillips and Rice 2010:513-514). In 1937, the "Nickel Trophy" was created,

which depicted an American Indian head on one side and a bison head on the other. This trophy was given to the winner of the football game between UND and NDSU for campus display with the respective winning logo facing outward (Vorland 2000:3).

American Indian imagery at UND became prevalent in the 1950s and 1960s and was applied to even non-athletic apparel and events. During this time the ‘Sammy Sioux’ cartoon image (see *fig. 1*) was used as a UND logo. Prep club activities became centered on Indian motifs. “Cheerleaders wore buckskin dresses and feather headdresses during sports events. The atmosphere of the sports arena created by students, alumni, and administration and can foster inappropriate displays of behavior associated with the ‘Fighting Sioux’ logo” (Trottier 2002:5). This initially included the ‘Sammy Sioux’ image and logo as well as the name ‘Sioux’, which eventually came to include the subsequent logos as they changed over time. Throughout the course of the name usage, the male choir would begin concerts with yelling, which some ascribed to Native ‘war whooping’. This practice only ended in the 1990’s (Vorland 2000:3).

In the mid-1960s the term fighting was added to the Sioux name. Once again this was decided by the students with no official committee backing. ‘Fighting’ was slowly introduced until it became a staple at games and events, unlike the previous ten-day change. In 1968, some American Indians from the Standing Rock Sioux Tribe gave the current University of North Dakota

President, George Starcher, the title ‘Yankton Chief’, after the Yankton Sioux tribe in South Dakota, and authorized the use of the name Fighting Sioux by UND athletic teams (Vorland 2000:16). This title was bequeathed by “Chief” Bernard Standing Crow, who was at that time the coordinator of the Head Start program for the Standing Rock Sioux Tribe. It was his intention to give the president of UND a Native name and to formally give the university the right to use the Fighting Sioux label for athletic purposes. This event was reported by the *Grand Forks Herald* newspaper; however, UND had no documentation thereof, and the tribal council at Standing Rock did not appear to be involved in this decision. The Tribal Council was the official governing office of the tribe and in charge of decisions such as these. This is of note, as the Standing Rock Sioux have since been the most vocal in the outrage connected to the name Fighting Sioux.

In 1972, the fraternity Sigma Nu crafted an ice sculpture using a Sioux Indian image during the now- cancelled annual “King Kold Karnival” (Vorland 2000:3). This particular ice sculpture was regarded as vulgar and demeaning as it depicted a bare-chested Native woman whose breasts were painted brown. The words “Lick ‘em, Sioux” were engraved upon the base (Annis 1999). This particular incident sparked controversy that burned for decades (Vorland 2000:3).

One reason for the dearth of large protests against the usage of Native imagery was the lack of American Indian students attending UND in the mid-1960’s and 1970’s. The Civil Rights Movement was also taking effect

nationwide, and minorities were beginning to voice their right for equality and fair representation (Vorland 2000:4). As Native students enrolled as a result of increased programs and funding, some began to view UND's Native imagery and names as offensive. In 1968, the UND Indian Association was created to give leadership experience to Native students. Other programs and organizations began forming on campus, and racist and stereotyping issues began to be addressed (Vorland 2000:4). During the Clifford administration (1972-1992), UND president Thomas Clifford negotiated between disputing parties over the American Indian imagery and agreed to eliminate those that were "clearly demeaning or offensive". During this time, almost all American Indian imagery and symbols were discontinued, including the 'Sammy Sioux' cartoon logo (Vorland 2000:4). The university introduced a new logo in 1976 consisting of a geometric American Indian head (see *fig. 2*) as its official symbol. They did, however, retain the use of the Blackhawk logo for the hockey team.

President Clifford also instigated the practice of using Native imagery respectfully and took measures to inform students, fans, and those of UND's affiliates, concerning the new policy regarding American Indian symbols and images (Vorland 2000:5). Under his administration, many American Indian programs came into effect, and permanent funding from the state was allocated for said courses. He also encouraged the Chester Fritz Library to increase the Native documents and artifacts within its collection.

In 1987, a large publicized sit-in was organized by a group of Native traditionalist students at the university's Native American Center in protest over what they judged was lack of response to a number of issues concerning American Indian representation. This fostered tension between traditional students and the more assimilated students. The dispute was resolved through mediation, but served to emphasize that there were different factions of Native students (Vorland 2000:6). In March of 1991, Clifford made his last public statement over the logo issue during his presidency. "I just don't see the reason for changing it right now. The very leaders of the Sioux Nation supported that. When leaders of the Sioux Nation come and tell me they don't want it, I'll respect that" (Vorland 2000:7). This promise did not have a long-term effect, however, as his administration ended a year later.

In 1992, Majority Culture (see *appendix 2*) students aimed racial slurs and rude gestures at the American Indian students participating in a homecoming parade. This incident incited a renewed concern over the nickname (Vorland 2000:7). American Indian children on the parade float, dressed in traditional dance regalia, were also verbally attacked. This transpired during the Kendall Baker administration, which was from 1992-1999. After this occurrence, the Standing Rock Sioux Tribal Council asked UND to change the Fighting Sioux name. In 1993, following two University forums and visits to reservations, Baker decided to keep the name but drop the Black Hawk logo. A committee was

formed to oversee the respectful use of the team name. They issued a mandatory public announcement on respectful use of the logo before athletic events. Baker stated that UND would renew its commitment to cultural diversity and keep the debate over the team name open (Vorland 2000:7). Under the Baker presidency, a number of programs were initiated to promote diversity at the college, including those regarding American Indians. University funds were allocated toward these agendas and, in 1996 the Native American Center was relocated to a more accessible area. Academic and service curricula were instituted with a goal for American Indian students to excel in various fields. Reservation connected programs were also developed. One of UND's most remarkable programs, "Indians into Medicine" (INMED), focused on training Native physicians in America (Vorland 2000:11).

Five major developments ensued in connection to the logo during the Baker administration. New campus organizations, such as B.R.I.D.G.E.S (Building Roads Into Diverse Groups Empowering Students) and the Native Media Center, which continually highlighted the logo controversy, were formed initially (Vorland 2000:7-8). This increase in Native organizations was proportionate to the increase in Native enrollment from North Dakota and from other states. One major issue that grew entailed offensive cheering and displays by opposing teams at athletic events. Examples of such were usage of the term "Sioux Sucks" and clothing worn depicting vulgar American Indian images. In

1996, a third incident comprised a “hate crime” where an American Indian student’s life was threatened. This inspired a joint letter from Baker and Chancellor Larry Isaak to tribal leaders and officials, re-stating their commitment to diversity (Vorland 2000:8). The Cheyenne River Sioux Tribe and the Sisseton-Wahpeton Sioux Tribe both stated in 1997 that the UND Fighting Sioux logo was demeaning, insulting, and racially insensitive (Williams 2007:442). A fourth development was the submission by former hockey players to reinstate the Black Hawk Logo. This move was also supported by former alumnus, Ralph Engelstad. The last significant event regarding the logo during the Baker administration was an effort by the North Dakota state legislature in recommending the logo and name be changed. In 1999, the North Dakota House of Representatives called for votes suggesting that UND discontinue its use of the American Indian nickname. The vote outcome was decided 71-26 against. UND’s Student Senate approved a motion asking UND to drop the name, but the student president vetoed it (Forum Communications Co. 2010).

President Baker made a last public statement on the logo and name during a legislative hearing on February 5, 1999, stating:

A controversy over the use of the Sioux team name was among the first issues that faced me when I came to North Dakota in 1992. After much conversation and consultation, it was my conclusion that there was no consensus on this issue, not even among Native Americans. I decided, therefore, that the respectful use of the team name should continue and, indeed, that the appropriate use of the name could be a positive use influence in helping UND encourage respect and appreciation for diversity in all its forms. Although some individuals disagree with me, as they do today, this remains my position on the issue... In closing, let me be very clear; Although the approach UND regarding the team name was and is, an appropriate one, I've also stated in numerous public occasions that the issue remains on the agenda for dialogue, discussion, and learning. [Vorland 2000:8]

At this time Ralph Engelstad compounded the conflict. Engelstad was an alumnus of UND who made a fortune from his casinos in Nevada (Staurowsky, E. J. 2007:61). Engelstad was part of the booster club culture, who are typically of European descent and claim they are honoring American Indians through the use of the nickname (Phillips and Rice 2010:516). He had planned on donating a large sum to UND in 1988. His gesture was thwarted when the Nevada Gaming Commission contacted the university. They declared that Engelstad was notorious for hosting birthday parties in 1986 and 1988 for Adolf Hitler in his casino, The Imperial Palace (Dohrmann 2001). Engelstad was quoted that he despised Hitler, and the parties were a spoof. His actions proved contrary to his statements. These parties included Nazi themes and a Hitler birthday cake. At the Imperial Palace,

he also had what was known as a ‘war room’, which housed his extensive collection of Nazi memorabilia. Among the collection was a painting of Engelstad in a Nazi uniform. This and similar incidents brought charges of anti-Semitism by employees against Engelstad (Dohrmann 2001). UND sent a delegate to Nevada to scrutinize the allegations placed on him with the intent to determine whether accepting the donations would be proper and feasible (Phillips, and Rice 2010: 513). Upon a quick tour of the casino and a brief meeting, they rendered an assessment to UND that Engelstad’s Nazi elements were in “bad taste”, yet not offensive enough to deny the \$5 million donation. This, unfortunately, set a precedent on how UND would manage Engelstad’s philanthropy. Four months later, the Nevada Gaming Control Board conducted an inquiry and concluded that Engelstad was indeed honoring Hitler. They fined him \$1.5 million and placed restrictions on his gaming license for damaging Nevada’s image and reputation. He paid the fine and discontinued the parties.

In 1998, after UND President Baker’s resignation, Engelstad presented the University of North Dakota \$100 million to build a hockey arena and other projects (Dohrmann 2001). Fifty million was allocated for the arena, while the remaining \$50 million was apportioned for other unspecified projects. However, the new arena cost over \$100 million to build due to its extravagance. Therefore, the entire endowment went toward the arena alone. A condition that was later attached to the gift was that UND was required to retain its Fighting Sioux logo.

In a blunt letter to President Charles Kupchella in 2001, Engelstad stated that he would cease construction on the arena and pull all his funding should the logo be discontinued. The North Dakota State Board of Higher Education reacted by voting 8-0 to have the logo preserved. However, a new American Indian icon for the logo was commissioned in response of the new developments in the hope that the new logo was more acceptable to the general public and those against the name (Forum Communications Co. 2010). That same year, 2001, the U.S. Commission on Civil Rights called for an end to Native American nicknames at non-Native schools.

In October of 2001 the Ralph Engelstad Hockey Arena was dedicated. The Ralph Engelstad Arena cost \$100 million to construct and is self-proclaimed as “the finest facility of its kind in world” (Ralph Engelstad Arena). The arena was leased to UND for a dollar a year with a one-year renewable lease. Engelstad had pledged to transfer ownership of the arena “after two years or so;” however, Engelstad had passed away by 2002 (Dohrmann 2001). His death did not eliminate him as a factor within the conflict by any means (Phillips and Rice 2010:521). The Engelstad Family Foundation retained great influence with UND. They granted \$20 million to the University in 2007 and aided in funding UND’s lawsuits against the NCAA. The foundation also stressed their refusal in spending the \$1 million for the removal of the arena’s 2,400 Fighting Sioux logos, should the name be altered.

The new logo adopted for the Fighting Sioux depicted an American Indian head (see *fig 3*) symbol for the athletic teams (Vorland 2000:12). This provoked another controversy because “proponents of an eventual name change perceived that the University had changed its open-minded position about further discussion of the issue” (Vorland 2000:12). President Kupchella assured everyone in the spring semester that two of the issues slated for attention within the coming year would be to consider the context of the logo and to build on creating a more positive campus atmosphere. He was confident the new logo was respectful and positively contributed to existing athletic logos, even those with Native symbols used in conjunction with the Sioux name. He emphasized his pride in the advancement of the American Indian programs on campus that supported students. He felt that those who viewed the logo as negative were reacting to the nickname and not the new logo itself. Kupchella maintained that UND alumni have pride in a long tradition of being tied to the Fighting Sioux, and some were bewildered that the University’s intent would be seen as disrespectful. This proved to be a vital point in considering donations and contributions to the UND from alumni. Kupchella appointed a new commission to research and examine the logo dispute with intent to determine a potential name modification. The commission was to finalize the ultimate decision -- not the president. The State Board of Education overruled this commission and mandated that UND keep the name in 1999 (B.R.I.D.G.E.S. 1999).

LEGAL DEVELOPMENTS

2005 UND vs. NCAA Court Case

From 2005, the conflict developments stemmed from legal involvements as a reaction from the National Collegiate Athletic Association (NCAA) sanctions. The conflict therefore entered the realm of government and private litigation and subsequently gave the courts and legislature power to determine the outcome of the symbol, label, and name. A central aftermath of the court's participation is that it changed the dynamics of power. It created a discourse within the legal system using a range of strategies designed to justify arguments and legitimize claims. The court system demonstrated a lack of balance as it embodied the views of the predominant Majority Culture in North Dakota with few Native representatives. Having the decision of the emblem placed in the court system enabled the Majority Culture to influence and decide the fate of an issue affecting American Indians and their representative imagery.

The NCAA enacted a policy banning certain use of American Indian nicknames and imagery in universities and colleges participating in NCAA events, such as championships. In order to disallow its use, the Native iconography needed to be found 'abusive or hostile' (Williams 2007:438). This policy affected UND and seventeen other universities, prohibiting them from hosting any national tournament or championships. UND responded to the policy

by writing a fifty-page letter to the NCAA stressing its lack of intent in modifying the mascot and logo. The university appealed to the NCAA policy and a review committee was assigned to examine the issue. In 2006, the Indian Association at UND voted 26-2 in opposition to the nickname, stating that American Indian logos and nicknames in the athletic community were considered demeaning, regardless of any original intention (Forum Communications Co. 2010).

Significantly, the Standing Rock Sioux Tribe submitted a statement in response to the new NCAA policy, claiming that the tribe fully supported the decision (Borzi 2005). This was an indicator that the Standing Rock Sioux Tribe would deem the logo and nickname as hostile or abusive and cause the NCAA policy banning the use of the name and logo to be enacted. It also highlighted the opinion of the Standing Rock Sioux Tribe on the Fighting Sioux issue.

In October of the same year, the state of North Dakota sued the NCAA for perpetuating the Fighting Sioux appellation and emblem (Forum Communications Co. 2010). Attorney General Wayne Stenehjem claimed that the NCAA policy created a breach of contract and restrained trade in an illegal manner. He also outlined additional reasons why UND was filing against the NCAA. UND maintained it had met all contractual obligations prior to the NCAA's new mascot policy. UND considered the policy to be ambiguous as the phrase, 'abusive and hostile', was vague in its definition and intent. It was moreover argued that other universities' exemption under the Namesake Clause should be applicable to UND

(State of North Dakota Board of Higher Education and University of North Dakota v. National Collegiate Athletic Association, §46-55.3 [2006]). The Namesake Clause stated that the American Indian tribe, from which a university is thus identified, must grant the approval and support of said tribe for the use of its name (Williams 2007:438). Spirit Lake Sioux, as the closest Sioux nation to the university, granted its approval to UND.

A number of universities boasted practices and logos which could be deemed 'abusive and hostile' far more so than UND. However, the NCAA policy, while being scripted to be applicable to all ethnic mascots, had only been enforced on those of American Indian backgrounds. UND had gained approval from the Spirit Lake Sioux tribe to utilize the insignia; therefore, they should have been allowed to retain the name under the Namesake Clause. UND specified that the NCAA had been operating under the assumption that all American Indian names, logos, and imagery fell within the parameters of 'hostile and abusive,' although many American Indians supported Native logos. UND asserted the policy was degrading and would abolish the intellectual property interest with the name and logo. The NCAA mascot policy was said to violate anti-trust law and affect funding for athletic programs at UND. This was significant as they in turn were tied to hosting NCAA championships. Further repercussions would be manifested resulting from the NCAA's policy influence. Restrictions on participating in the NCAA championships could hurt UND's reputation of having

superior athletic programs. Substantial revenue would be lost to the University and the community should UND be unable to host championship games, owing to the influx of people and game-related sales. Enforcement of the policy would additionally inhibit UND's recruitment of athletes to programs if participation in championships was no longer open to them. The name and logo were reflections of valuable commercial property for UND and were expressions and symbols for the people of UND, North Dakota, and the United States. The legal document continued to emphasize that UND was not the only government institution in North Dakota to use American Indian imagery. It was noted that state and highway patrol emblems, as well as the state 'seal' of North Dakota, contained American Indian imagery.

A preliminary injunction was placed upon UND to keep the designation until the matter was resolved. The following year, the court case settled with the stipulation that UND discontinue the Fighting Sioux nickname and logo if it could not garner the approval of the North Dakota Standing Rock Sioux Tribe and the Spirit Lake Sioux Tribe within three years. The Spirit Lake Sioux rendered their agreement for UND to avail itself of the logo in April of 2009. However, the state board attached an addendum that UND was required to secure a thirty- year contract from the Sioux tribes for the rights of the logo by October 1, 2009 (Forum Communications Co. 2010). A supplemental lawsuit from the Spirit Lake Tribe versus the Board of Education in North Dakota pertaining to the timing of

the logo's retirement created a deadline of November 30, 2010 (Phillips and Rice 2010:513). This date was allocated to establish a concrete timeframe to secure both tribal agreements over the logo usage and to potentially initiate the transition process for a new nickname and insignia. On that date, only the Spirit Lake Sioux had given consent to use the logo, while the Standing Rock Sioux held fast in its opposition to UND's exploitation of such. As neither tribe reached an accord by the proposed deadline, the North Dakota State legislation commenced formulating a bill. The objective was to pass into law the furtherance of UND's tradition of upholding the logo and label. Two months after the time limit had expired, a new bill was introduced to the North Dakota House of Representatives designating the illegality of changing the UND name. This bill would serve to nullify all arguments used against the label change and would, in effect, usurp the governing authority of the NCAA.

2011 North Dakota State Law

In January of 2011, House Bill 1263 was introduced by representatives Al Carlson [North Dakota Legislation Branch, a], Mark A. Dosch [North Dakota Legislation Branch, c], RaeAnn G. Kelsch [North Dakota Legislation Branch, d], and Bob Skarphol [North Dakota Legislation Branch, b]; all were alumni of UND except Carlson. Their proposed purpose for instituting this bill was the historical significance of the UND Fighting Sioux name and the respect and honor it endowed to the Sioux Nations. This bill fell under the education section of the

North Dakota Century Code, Chapter 15-10. It passed the House on February 21, 2011, passed the Senate on March 11, and was signed into law by the governor on March 15. The completed law stated:

The intercollegiate athletic teams sponsored by the university of North Dakota shall be known as the university of North Dakota fighting Sioux. Neither the university of North Dakota nor the state board of higher education may take any action to discontinue the use of the fighting Sioux nickname or the fighting Sioux logo in use on January 1, 2011. Any actions taken by the state board of higher education and the university of North Dakota before the effective date of this Act to discontinue the use of the fighting Sioux nickname and logo are preempted by this Act. If the national collegiate athletic association takes any action to penalize the university of North Dakota for using the fighting Sioux nickname or logo, the attorney general shall consider filing a federal antitrust claim against that association. [House Bill No. 1263, 2011]

The immediate implications of this law was the undermining of authority of the NCAA policy, potential and contractual law infringements, and the removal of any former control of the decision away from the State Board of Education. In an address to the Senate when the house bill 1263 was read, Senator Dave Nething declared that he regarded the bill as hindrance to contract obligations. He further testified that he did not support the bill, and held that there was “no significant and legitimate public purposed served” (N.D. S.Doc. 2011). His remarks did not sway the Senate, and the bill passed into law. By usurping the NCAA policy in this law, it had the potential of generating a case study in which any university under NCAA contract and policy would be able to nullify said contracts.

This could, in effect, negate the university's responsibilities under membership of the NCAA. The implications could also carry over to other instances where laws could be enacted to change contractual policy. Such laws would be dire as they would be in opposition to the United States constitution as well as to the North Dakota constitution (*Amber Annis, Lisa Casarez, William Crawford, Sierra Davis, Robert Rainbow, Margaret Scott, Franklin Sage, Janie Schroeder v. Jack Dalrymple, Wayne Stenehjem, North Dakota Board of Higher Education, UND, and the State of North Dakota*, § 44.1- §44.4 [2011]). The legislators appeared to believe this law would ensure an end to the controversy and be the final authority on the matter. At the very least, it was an attempt to strong-arm the NCAA into compliance by keeping the logo.

August 15, 2011 was set as a target date for the 2007 court settlement between the NCAA and UND to garner support of the moniker from both the Standing Rock Sioux and the Spirit Lake Sioux Tribe (*Amber Annis, Lisa Casarez, William Crawford, Sierra Davis, Robert Rainbow, Margaret Scott, Franklin Sage, Janie Schroeder v. Jack Dalrymple, Wayne Stenehjem, North Dakota Board of Higher Education, UND, and the State of North Dakota*, § 20.1-20.7 [2011]). Only the Spirit Lake Sioux endorsed the use of the nickname. With the development of the new law, it no longer appeared necessary for both tribes to concur on

the subject. At the August 15 deadline, a meeting was to be convened between the NCAA and those legislative members who participated with the bill (Wetzel 2011).

UND Students' Lawsuit

A day prior to the time limit and the Indianapolis meeting, eight students from UND filed suit against the State of North Dakota, the North Dakota State Board of Higher Education, Governor Jack Dalrymple in his individual and official capacity, North Dakota Attorney General Wayne Stenehjem in his administrative position, and the University of North Dakota, for discrimination ensuing from Fighting Sioux logo and name (*Amber Annis, Lisa Casarez, William Crawford, Sierra Davis, Robert Rainbow, Margaret Scott, Franklin Sage, Janie Schroeder v. Jack Dalrymple, Wayne Stenehjem, North Dakota Board of Higher Education, UND, and the State of North Dakota, § Complaint [2011]*). The petitioning students in this lawsuit hoped to avert the imagery and emblem exploitation of the Fighting Sioux by UND, which they claimed "...has had and continues to have a discriminatory and profoundly negative impact on plaintiffs" (*Amber Annis, Lisa Casarez, William Crawford, Sierra Davis, Robert Rainbow, Margaret Scott, Franklin Sage, Janie Schroeder v. Jack Dalrymple, Wayne Stenehjem, North Dakota Board of Higher Education, UND, and the State of North Dakota, § Complaint .3-.4*

[2011]). This lawsuit arose from the formation of the law and Amendment 15-10-46 of the North Dakota Century Code, which mandated the use of the Fighting Sioux logo. The plaintiffs claimed that the law violated not only the Fourteenth Amendment of the United States Constitution but the constitution of the State of North Dakota as well. The students argued the relevance of the Fourteenth Amendment of the US Constitution in that the name and logo were:

...disparaging and harmful to Native Americans, and their use has created overt and implicit hostility to Native Americans on, *inter alia*, University of North Dakota campuses, resulting in Native Americans receiving a markedly different and inferior educational experience in this State-owned institution.[*Amber Annis, Lisa Casarez, William Crawford, Sierra Davis, Robert Rainbow, Margaret Scott, Franklin Sage, Janie Schroeder v. Jack Dalrymple, Wayne Stenehjem, North Dakota Board of Higher Education, UND, and the State of North Dakota*, § 2.9-2.12 [2011]]

The claimants felt the law had been passed despite the North Dakota Constitution imparting authority over such decisions exclusively to the State Board of Higher Education, not the legislature. They posited that the ruling also usurped the authority of the NCAA and the earlier court decision connected to the NCAA and UND case. It was furthermore suggested that the legislation infringed upon the North Dakota Human Rights Act. (*Amber Annis, Lisa Casarez, William Crawford, Sierra Davis, Robert Rainbow, Margaret Scott, Franklin Sage, Janie Schroeder v. Jack*

Dalrymple, Wayne Stenehjem, North Dakota Board of Higher Education, UND, and the State of North Dakota, § 2.12-2.013 [2011])

In the court documents, each student expressed personal negative experiences linked to the logo and image at UND. Consequential psychological, health, and/or social implications were recounted. The students represented various American Indian tribes, not just those of the Sioux Nations. This fact spoke to the adverse impact of a mascot logo affecting American Indians at UND irrespective of a Sioux Tribal affiliation. Other harmful elements of note comprise the overt hostility on campus, including the vandalism of a tipi erected outside the Student Union by Native American groups, other acts of vandalism, the chanting of slurs, and the posting of racial notes on public bulletin boards. (*Amber Annis, Lisa Casarez, William Crawford, Sierra Davis, Robert Rainbow, Margaret Scott, Franklin Sage, Janie Schroeder v. Jack Dalrymple, Wayne Stenehjem, North Dakota Board of Higher Education, UND, and the State of North Dakota, § 36.1-37.5 [2011]*) According to the plaintiffs, internet social media correspondingly played a role in discrimination. Many Facebook sites had anti-American Indian sentiments posted. Some students alleged to have received harassing phone calls directed at them because of their ethnicity and the school's logo. Much of this badgering was prompted by the prevailing presence of the logo and nickname. They

established an unequal environment for education and social experiences toward American Indians which tended to foster discrimination. The timing of this suit's filing seemed calculated to align with the August 15 meeting and the logo deadline.

The legislators were in Indianapolis when news of the students' lawsuit broke (Haga 2012). The representatives meanwhile were attempting to sway the NCAA on two fronts. They desired it to be more lenient on the mascot policy and to allow the sustained use of the Fighting Sioux logo devoid of any NCAA sanctions. The NCAA did not waver on its decision to enforce championship sanctions as the University of North Dakota failed to secure both tribal agreements as ordered in the 2005 court case. Given this outcome, coupled with the students' lawsuit, Governor Jack Dalrymple asked North Dakota lawmakers to repeal the law that was drafted eight months earlier. In a speech to the legislators the following week, Dalrymple declared, "I believe it was worth the effort to do everything we could to keep the university's proud nickname. But now, with the University of North Dakota facing harm to its student athletes, and to all students, it is time to move forward" (Wetzel 2011).

2011-2012 Repeal and Petition Action/Measure 4

A special legislative session was convened in November to repeal the law (Haga 2011). In the interim between the August meeting and the

November assembly, some Spirit Lake Sioux tribal members filed a lawsuit against the NCAA, claiming that the abolishment of the nickname was in violation of their rights. This instigated a petition to be circulated among the Spirit Lake Sioux and other residents in North Dakota. Its purpose was to put the issue into a general vote rather than place it solely into the hands of the lawmakers or the NCAA. The petition inevitably gathered enough signatures to cause a delay in the repeal process. This action essentially reinstated the law while the petition was being analyzed.

It was determined that a vote was necessary on a statewide level and was to be included in the general primary elections. The June 12, 2012 election would finalize whether the law would be retained or repealed (Haga 2012). This pronouncement suspended the UND students' litigation until the primary vote was cast. Should the vote prove not to be in their favor, they resolved to pursue their suit. On June 12, 2012, an overwhelming majority, 68 percent, of North Dakotans voted to rescind the law and abolish the nickname, which in turn initiated the transitional course of action (ICTMN staff 2012). A portion of this process required that UND could not select and adopt a new label or related image until January 1, 2015. It was reason that such a "cooling off" period was a necessity (Haga 2011). The Spirit Lake Sioux lawsuit brought against the NCAA was subsequently dismissed.

These outcomes seemingly resolved the fundamental conflicts surrounding the logo and nickname. As of the writing of this thesis, there exists a sizable transitional effort, and frustration among those who supported the bill and petitions remains high. However, all parties involved continue to be optimistic that any future epithets and emblems chosen by UND will prove to be ethnically and historically sensitive. The intense legal struggles and history surrounding the nickname and logo showcase just how greatly visual imagery and language can impact and affect people.

THEORY

Post-colonialism and Orientalism

Post-colonialism is a term first used in the 1980's, with growing popularity in the 1990's, and coined in response to the dissolution of the terms "third-world" or "non-Westernized" (Moore 2001:111). This heading can be slightly misleading as most populated places in the world have been conquered and colonized throughout history. The cultures falling under the category of Post-colonial characteristically desire autonomy and independence from their countries' controlling forces which extend or mimic strategize used in colonial

situations. This usually creates tension between the factions. Homi Bahaba stated that Post-colonialism is “a social criticism that bears witness to the unequal process of representation by which the historical experiences of the once colonized comes to be framed in the West” (Duran and Duran 1995:vii). Typically, Post-colonialism is used to refer to countries that have fallen under ‘Western’ rule (Moore 2001:113). Post-colonial theory therefore presents research of a colonized culture viewed through a Western lens. This viewpoint does not capture any kind of ‘truth’ of a culture as it is not seen through cultural relativism (Duran and Duran 1995:25).

A major theory within Post-colonialism is Orientalism, which accurately describes the influence of Western colonization. Orientalism is reflective of what many cultures dominated by western societies have under gone. “And this [Western superiority] was one of the implied messages of *Orientalism*, that any attempt to force cultures and peoples into separate and distinct breeds or essences exposes not only the misrepresentations and falsifications that ensue, but also the way in which understanding is complicit with the power to produce such things as the ‘Orient’ or the ‘West’” (Said 1978:347).

Said studied the theoretical concept regarding the Orient and Occident in an attempt to explain Western romantic ideals and misrepresentations contrary to literal fact. He coined the term Orientalism as a way to understand the Orient in relation to European-Western historical placement. “The Orient was almost a

European invention and had been a place of romance, exotic beings, haunting memories and landscapes, remarkable experiences” (Said 1978:1).

The Orient, in part, included some of Europe’s oldest and richest colonies. That these were also adjacent to Europe itself gave rise to recurring images of what Said called as the ‘other’ (Said 1978: 1). This concept of the Other, specifically the ‘exotic other’, encompassed the relationship with Western colonization dominance and foreign countries under European rule, primarily within Turkey, India, and Egypt. Orientalism is “...wonderfully synonymous with the exotic, the mysterious, the profound, the seminal...” (Said 1978:51). Said’s Orientalism contained several interdependent points to his theory. One is the scholarly pursuit of the history and research into the Orient. Another is the misrepresentation of the history and romanticism attached to the Orient without any cultural relativism applied to those foreign countries.

A large portion of his research studied the European-Western approach that believed it was more civilized and necessary to dominate, suppress, and sometimes forcefully imprint European cultures upon the Orient. Said offered a broader definition for the Orient in which “Orientalism is a style of thought, based upon an ontological and epistemological distinction made between ‘the Orient’ and (most of the time) ‘the Occident’” (Said 1978: 2). The reorganization and domination of the Orient defines Orientalism from a Western viewpoint (Said 1978: 3). [Orientalism] is rather a *distribution* of geopolitical awareness into aesthetic, scholarly, economic, sociological, historical, and philological text; it is an *elaboration* not only of a basic geographic location (the world is made up of two unequal halves, Orient and Occident) but also a whole series of ‘interests’ which, by such means as scholarly discovery, philosophical reconstruction, psychological analysis, landscape and sociological description, it not only creates but also maintains; it *is* rather than expresses, a certain *will* or *intention* to understand, in some places to control, manipulate, even to incorporate, what is a manifestly different (or alternative and novel) world; it is, above all, a discourse, that is by no means in direct, corresponding relationship with the political power in the raw, but rather is produced and exists in an uneven exchange with various kinds of power, shaped to a degree by the exchange with political power (as with a colonial or imperial establishment) power intellectual (as with reigning sciences like comparative linguistics or anatomy, or any of the modern policy sciences), power cultural (as with orthodoxies and canons of tastes, texts, values), power moral (as with ideas with what ‘we’ do and what ‘they’ cannot and do not understand ‘we’ do). [Said 1978:12]

Said himself recognized the various application of his theories beyond that area of the world that Westerners labeled the Orient. In the afterword of his 25th anniversary addition of *Orientalism*, he acknowledged others who have used his theory in such a manner and endorsed its applications (Said 1978:351). Edward Said's theory of Orientalism is highly applicable to the Fighting Sioux logo issue. While his theory clarified Western perceptions on Eastern countries and cultures, the idea of imperialism from a Western cultural perspective parallels those of similar nature found in United States' colonialism towards Native Americans. The concepts of hegemony, authority and domination, authenticity, exoticism, and stereotypes have multicultural applications. Cultural hegemony (Gramsci 1971), generally referring to the dominance of a powerful social class over other groups, deals with the in-out group concept of us-versus-them, which is an underlying force with the Fighting Sioux logo controversy and imperialism in general. Authority and domination have close ties with imperialism, colonization, and cultural rejection, and are indicative of a dominated society by Westerners. The history of American Indians and the United States is one characterized by five hundred years of systematic genocide and domination to which the effects are still felt (Duran and Duran 1995:6).

Authenticity is closely related to textual references of a subject wherein an idea is written and spoken so frequently that it achieves its own type of truth. Said offers examples of such within the literature and research conducted on the

Orient, but this is also apparent in the literature about American Indians, when misconceptions are perpetuated as truths and myths are instilled within a culture. Said's introduction of the 'exotic other' shows how logos became rooted in iconography about American Indians and allowed misrepresentations and stereotypes to fit Western ideas of a culture. "There is nothing especially controversial or reprehensible about such domestications of the exotic; they take place between all cultures, certainly, and between all men" (Said 1978:60). An example of misconception of truth is stereotypes of American Indians, there are those who are portrayed as good Natives (those who help the 'white man') and bad Natives (those who do not) (Trimble 1988:189). This is a direct correlation to the modern interpretation of Arabs. Said has exposed Western conceptions of Arabs; there are good Arabs, who do as they are told, and bad Arabs, who do not (Said 1978:306).

Said used Michel Foucault's notion of discourse to examine Orientalism. This was helpful due to the systematic and holistic nature in which Orientalism could be applied and discussed. Said spoke to the idea that the Orient was not a static, natural fact. Geographical concepts, such as the 'West' and the 'Orient', and other cultural notions were manmade and have a history. "Therefore as much as the West itself, the Orient is an idea that has a history and a tradition of thought, imagery, and vocabulary and has given it reality and presence in and for the West" (Said 1978:5). Said focused on how the West invented many cultural

components which were attributed to areas designated as the Orient, and were therefore necessary in the interaction between two posited, grossly oversimplified cultures, whether based on fact or not. He did qualify some of his statements by stating that, while he believed the model of the Orient to be Western-made, there were specific cultural ideals within specific countries under colonial power which could be attributed to each culture in an accurate manner. This disclaimer helped to bring an understanding of the complexity of his theory, yet also left room for further research without being too narrow in its encompassing application. Said never assumed that the Orient was merely a structure of lies and myths that would unravel when closely looked upon, but rather was more a discourse over dominance and power of European powers over subjugated societies. He stated that the Orient was not just European whimsy regarding a location but "...a created body of theory and practice in which, for many generations, there has been a considerable material investment" (Said 1978:6).

Said analyzed many literary works that had been written about the Orient; however, in all these works he found the Orient was filtered through a European perspective. A crucial aspect was the connection between Western culture and the Orient. "The relationship between the Orient and the Occident is a relationship of power, of domination, of varying degrees of complex hegemony... The Orient was Orientalized not only because it was discovered to be 'Oriental' in all those ways considered commonplace by the average 19th century European but also

because it *could be*—that is, submitted to being—*made* Oriental” (Said 1978:5-6). The concept of cultural hegemony was important in its implications for Orientalism. Cultural hegemony creates a sense of unity in a society that fosters a sense of ‘us’ versus ‘them’ —‘them’ being anyone outside of their social group, cultural values, and Westernization. It was this cultural hegemony that gave Orientalism durability throughout the centuries- “...the idea of European identity as a superior one in comparison to all non-European peoples and cultures” (Said 1978:7). This was vital to imperialistic Europe. It reassured Europeans of their supposed intellectual superiority but also supported their political positional superiority as well. This held true to the thoughts and practices which attach themselves to colonization and imperialism.

Along with all other peoples variously designated as backward, degenerate, uncivilized, and retarded, the Orientals were viewed in a framework constructed out of biological determinism and moral-political admonishment. The Oriental was linked thus to elements in Western society (delinquents, the insane, women, the poor) having in common an identity best described as lamentably alien. Orientals were rarely seen or looked at; they were seen through, analyzed not as citizens, or even as people, but as problems to be solved or confined or—as the colonial powers openly coveted their territory—taken over. The point is that the very designation of something as Oriental involved an already pronounced evaluative judgment, and in the case of the peoples inhabiting the decayed Ottoman Empire, an implicit program of action. Since the Oriental was a member of a subject race, he had to be subjected: it was that simple. [Said 1978:207]

The European domination of the Orient reinforced this idea of a European hierarchical status. Said discussed his fear of Oriental studies being distorted or inaccurate through this lens of Western domination and supremacy. He also believed that, under the heading of Oriental cultures, this construct would, and inevitably had become generalized without giving credit to individualism. “...Orientalism can also express the strength of the West and the Orient’s weakness—as seen by the West. Such strength and such weakness are as intrinsic to Orientalism as they are to any view that divides the world into large, general divisions, entities that coexist in a state of tension produced by what is believed to be radical difference” (Said 1978:25).

Said brought into question the distinction between kinds of knowledge: that of pure knowledge and political knowledge (Said 1978:9). He defined political knowledge as knowledge that affected everyday reality (usually detailing economics, politics, and society) in which large decisions impacted the working of a country. Pure knowledge, he believed, could not fully be attained as pure knowledge was knowledge without bias or external influence. This disagreed with John Locke’s theory of *tabula rasa*, where the mind is a blank slate and can only be informed upon experiences (McCormick 2001). Said considered that this worked in theory, but was not practical. He deemed that each situation and all knowledge gained were assessed through the lens of a particular culture or political viewpoint (Said 1978:9). In contrast to Locke’s ideas, Immanuel Kant

believed in *a priori*, in which knowledge can be attained without experiences, such as beliefs that experiences bring to mind (McCormick 2001). Said believed Kant's theory to have application to ideas on the perception of the Orient. One may have a feeling or belief about the Orient that has no basis in experience. This tied into his idea that the Orient had not been properly represented due to Western ideals of supremacy over the subjugated cultures. All information the Orient would be processed by Europeans with this perspective. "It is therefore correct that every European, in what he could say about the Orient, was consequently a racist, an imperialist, and almost totally ethnocentric" (Said 1978:204). Said stated that a Western scholar would always be aware of the empire, and this would bleed through all his or her writings.

He also noted a problem with research methods relating to studies of the Orient. He stated that, when one wrote about a subject, whether the information and viewpoints garnered was true or not, one became an authority upon it. These texts slowly developed into fact simply because they were written. In the case of Orientalism, the cultures became romanticized. A veneer of barbarism was also attached to these cultures due to mindsets of European superiority. Said opined that, when authority was attached to scholarly work, it could be used as a foundation for many different motivations (Said 1978:19). This authority created a discourse with the author's vision and relationship to his work that was not necessarily true, yet was still representative of his position. Said pointed out that

the treatment of cultures under the umbrella of Orientalism was similar within all of the cultures that were ascribed as 'Oriental', without considering any specifications of various cultural differences between nations. All Orientals were attributed to be the same (Said 1978:38). Said's analysis of the Orientalist text exposed a general trend in which each author's authority could be interrelated with another's. He focused on the structure of cultural domination and its imposition upon formally colonized peoples (Said 1978:25). "It seems a common human failing to prefer a schematic authority of a text to the disorientation of direct encounters with the human. But is this failing constantly present, or are there circumstances that, more than others, make the textual attitude likely to prevail?" (Said 1978:93). Travel books and encounters with indigenous populations which fall under Said's Orient idealized and skewed the reality of a culture or a location to the point where visitors constantly were expecting things to be true based upon the authority of the text, which were not represented in real situations. This can also be said to apply to American Indian cultures as well, where people have preconceived notions on their lives and environments from inaccurate texts.

Arab nations, which fall under Oriental purview, have been subjected to numerous stereotypes from the West, resulting from their domination by a foreign country. The idea of 'us versus them' and any superiority and ideology involved cast these nations in a negative light and generated adverse characteristics. These,

in turn, became viewed as fact, owing to the authority by Westerners held over the nations (Said 1978:38). “To say simply that modern Orientalism has been an aspect of both imperialism and colonialism is not to say anything very disputable” (Said 1978:123). Said felt that, in a postmodern world and in the electronic age, stereotypes continue to be reinforced upon the Orient by media and the flow of information into standardized models (Said 1978:26). This allowed the mystery and romanticism of the Orient to perpetuate to further generations outside of texts from the 19th century. Said stated that not only the Arab world was stereotyped and classified within modern media, but other cultures were as well (Said 1978:119). The ramifications associated with Orientalist practices showcase the various correlations Orientalism has with current dominant American attitudes and ideologies concerning American Indians. Said’s insights will therefore be applied to the Fighting Sioux logo controversy.

Social Identity Theory/ Identity Theory

Jan Stets and Peter Burke analyzed the distinction between identity theory and social identity theory within the context of social psychology where there was a need to understand the theory of self on both a macro and a micro level (Stets and Burke 2000:224). They argued that while there were differences between the two theories, they were only so “in emphasis than in kind,” and that by combining these theories, a more comprehensive view of the self was established (Stets and Burke 2000:224). Both social identity theory and identity theory address the

notion that the social self is constructed by society and is not independent or existant before society's influence (Hogg, et. al. 1995:255).

There are distinctive differences between the theories, however. The first dissimilarity is that social identity theory concerns itself with categories or groups, while identity theory focuses on roles. In addition, when identities become activated, they produce salience within both theories (Stets and Burke 2000:224). One of the primary variances between the two theories is determined by the field in which they are situated. Identity theory falls under sociology, while social identity theory is found in psychology. Both fields are perceived through their own emphases and disciplinary lenses when considering their respective theory (Hogg, et. al. 1995:257).

In social identity theory, "The self is reflexive in that it can take itself as an object and can categorize, classify, or name itself in particular ways in relation to other social categories or classifications" (Stets and Burke 2000:224). The process of classifying which category one experiences is how an identity is made. Within this theory, social identity becomes the knowledge that a person belongs to groups or categories on a social level. This social group consists of individuals who share common social identification or who view themselves within a same category. An in-group is thus created with those seen within the same social category. Subsequently, individuals who do not belong to this category are labeled with an out-group classification. This is a large component within social

identity theory as it produces a method of comparison between self-categorized groups. “The consequence of self-categories is an accentuation of the perceived similarities between the self and the other in-group members, and the accentuation of the perceived differences of the self and out-group members” (Stets and Burke 2000:225). It is the selected emphasis of the social comparison process in which self-identity becomes more discerning and enhanced. This is manifested in the self-esteem attached to in-groups and out-groups, where the in-group is in a positive aspect, while the out-group is weighed negatively.

Social identity theory concerns itself within the psychological framework of intergroup relations. Within this group association, concepts such as stereotypes, racism, discrimination, and prejudice are formed (Hogg, et. al. 1995: 259). Edward Said mentioned identity and association in *Orientalism*.

The construction of identity...involves the construction of opposites and ‘others’ whose actuality is always subject to the continuous interpretation and re-interpretation of their differences from ‘us.’ Each age and society re-creates its ‘Others.’ Far from a static thing then, identity of self or of ‘other’ is a much worked-over historical, social, intellectual, and political process that takes place as a contest involving individuals and institutions in all societies. [Said 1978:332]

Identity theorists believe that a person’s identity is constructed by a set of meanings that sustain the concept of self (Stets and Burke 2000:229). Identity theory places an emphasis on roles within a social structure where “...the core of

an identity of the categorization of the self as an occupant of a role, and the incorporation, into the self, of meanings and expectations associated with that role and its performance” (Stets and Burke 2000:225). Identity theory has a symbolic component within it when analyzing social interactions. Through these social interactions, role behaviors are created. A role is defined as “a set of expectations prescribing behaviors that is considered appropriate by others” (Hogg, et. al. 1995:257). The roles within a social milieu create a framework of expectations and meanings. A person’s identity becomes composed of various self-views within the reflexive activity among a social group or by the categorization resulting from performance or acting within a group or role (Stets and Burke 2000:225).

Where social identity theory concerns itself with belonging to a group and having a standpoint within that group, identity theory examines a specific role within a faction regarding its needs and the resulting expectations. “Herein lies an important distinction between group- and role-based identities: the basis of social identity is in the uniformity a perception and action among group members, while the basis of role identity resides in the differences in perceptions and actions that accompany a role as it relates to counterroles” (Stets and Burke 2000:226). In group-based identities, social stereotyping occurs due to the out-group component. A component of group-think also comes into play when members of a specific group agree upon decision-making and ideals. In role-based company, a

person's identity is formed by the adoption of one's roles in a set as it relates to other members. The expectations and meanings can vary within a group. Role-based group identities are seen as reciprocal and not parallel, contrary to group-based identities.

The idea of salience is used within both theories, which is a term meaning the activation of an identity in a situation. Within social identity theory, salient identity analyzes a decision of identity activation within a social category relating to an event. In effect, a person decides which identity fits best in a situation and at that moment the identity is activated. This is Salience. Situational activation allows the individual to achieve personal or social goals within the group (Stets and Burke 2000:230). "Identity salience is conceptualized (and operationalized) as a likelihood that the identity will be invoked in diverse situations" (Hogg, et. al. 1995:257). The role or identity is paramount in an individual's hierarchy of importance. A particular situation usually will activate this mandate. In the context of identity theory, there is more focus on understanding an individual's position within social order, social structure, and relationships between group members than on activation due to an event. Both theories agree that an identity has no effect within a group or a role without activation.

Stets and Burke (2000) postulate that a person can belong to a social category and a role at the same time, thus combining the two theories. They use the example that one can be a teacher and a wife at the same time; only the focus

within a moment of identification changes the theory that applies. By blending both theories, one can look at who one is and what one does as components creating self-identity of equal importance. It is this property of selective identification in which roles and group-belonging can coexist.

The two theories apply to the Fighting Sioux logo conflict. Identity theory showcases how people's roles affect their concepts of identity and decision-making. This is evident in legislative lawmakers who are also alumni of UND. Their salience becomes activated as either lawmakers, alumni, or other roles which define them in a particular situation. Social identity theory is significant due to the components of in-group and out-group categorization. These categorizations led to racism toward the American Indian out-groups by the Majority Culture that was considered by the perpetrators not to be racist but honoring American Indians by emphasizing their fighting spirit. There was also derogatory behavior from other universities toward UND at sporting events as John Gonzales' work *In-Group/ Out-Group Dynamics of Native American Mascot Endorsement (NAME)* on the Fighting Sioux logo and name documents. Such occasions also provided a forum for the bulk of criticism and conflict involved. The concept of identity is a critical aspect for all enmeshed in this prolonged debate. How a person identifies and attaches themselves to a category, role, or allegiance, places them directly within the dialogue.

Social dominance theory

Social dominance theory, unlike social identity theory, attempts to address the consequences of prejudice and the institutional and ideological foundations of oppression (Sidanius et al. 2004:846). This theory centers on both the structural and individual component's contribution to oppression. It sees all group-based oppression as an attempt to form and maintain group-based hierarchy (Sidanius et al. 2004:846). Rather than looking at why individuals create oppression, it examines why societies have a tendency to organize themselves into group-based orders. The focus of social dominance theory is on interactive systems and multiple forms of analysis instead of emphasizing a singular system. "Chronic group-based oppression is driven by systematic, institutional, and individual discrimination" (Sidanius et al. 2004:847). This is evident when individuals with power allocate favorable resources disproportionately among themselves, while distributing unfavorable resources to those with less power.

There are similarities between social dominance theory and social identity theory, with social identity theory influencing the former. Both analyze in-group favoritism and in-group/out-group distinctions along with institutional discrimination (Sidanius et al. 2004:864). Social dominance theory expands upon social identity theory concepts. They differ when social dominance theory attempts to understand the meanings and behavior in which dominant and subordinate members of a group legitimize their positions. Social dominance

theory is concentrated more on the asymmetry of positive and negative valued resource allotment and on intergroup hierarchy structures and identification.

In social dominance theory, individuals may accept ideologies that encourage or produce inequality in their desire for group-based dominance. This is called *social-dominance orientation*. “These desires for social dominance are expressed in individual acts of discrimination and participation in intergroup and institutional processes that produce better outcomes for dominance than subordinates” (Pratto et al. 2006:281). It is an attempt to gain upper mobility in a group chain of command. This element was obvious in the ‘booster culture’ contributions to retain the Fighting Sioux logo and use it as a platform to legitimize their position within legislature and alumni status.

Individuals who belong to dominant social groupings have a propensity to allocate disproportional resources in what is termed *positive social value* or “desirable material and symbolic resources such as political power, wealth, protection by force, plentiful and desirable food, access to good housing, health care, leisure, and education” (Pratto et al. 2006:272). Conversely, *negative social value* is the disproportionate distribution of substandard materials or resources to subordinate social groups (Pratto et al. 2006: 272). Social dominance theory emerged as a way of understanding group-based hierarchies and how they are formed and continually maintained. This theory

...assumes that we must understand the processes producing and maintaining prejudice and discrimination at *multiple* levels of analysis, including cultural ideologies and policies, institutional practices, relations of individuals to others inside and outside of their groups, the psychological predispositions of individuals and the interaction between the evolved psychologies of men and women. [Pratto et al. 2006:272]

The theory perceives societies as systems. Social dominance theory has three structures to analyze group-based hierarchy. One is the *age system*, where those older have greater influence over younger. The *gender system*, on which men typically have more power over women, provides the second method. The third classification is the *arbitrary-set system* in which groups are allocated resources on a constructed or arbitrary basis relating to social power and not biology, race, class, or religion (Pratto et al. 2006:273). This last system is applicable to the Fighting Sioux logo issue as it fits the criteria where ethnicity, class, and religion comprise a group system. An arbitrary-set system possesses a higher use of coercion and violence in maintaining the dominant hierarchy than the other two systems. It is the only system in which complete annihilation is acceptable (Pratto et al. 2006:274). Genocide upon a subordinate group in an effort to maintain dominance is an example of such eradication practices.

A mechanism used in group-based hierarchy is the legitimizing of myths, typically those which are hierarchy-enhancing (Pratto et al. 2006:275). This allows discrimination across levels of interactions, usually in favor of dominant

groups, using societal or consensual ideologies. These ideologies could be stereotypes, values, or beliefs (Pratto et al. 2006: 275). “Another consequence of societal consensus on legitimizing ideologies is that members of more powerful groups tend to behave in their own interest more than members of less powerful groups, a phenomenon we call behavioral asymmetry” (Sidanius et. 2004:848). Social dominance theory shows that “...the decisions and behaviors of individuals, the formations of new societal practices, and the operations of new institutions are shaped by legitimizing myths” (Pratto et al. 2006:275).

Concepts such as colonization, manifest destiny, and other hierarchy-enhancing substantiation of myths is important to acknowledge when looking at American Indian and United States relations. Social dominance theory holds that institutional discrimination is a key driving force of maintaining, creating, and recreating hierarchy that is group-based (Sidanius et al. 2004:847). This enables people to justify discrimination when following the ideologies of an institution. This gives rise in creating negative attitudes toward subordinate groups and can, in effect, institutionalize racism and other negative qualities. These characteristics promoted an underlying issue of continued domination and racial inequality among some with the Fighting Sioux conflict, as it has been argued that the University of North Dakota, by retaining the nickname, created institutionalized racism

Conflict

Mohamed Rabie wrote about conflict theory, focusing primarily on concepts and ideas which promote conflict resolution and negotiation frameworks. Many interpretations have been introduced in defining conflict in conflict theory and resolution. According to Rabie, conflict is unavoidable, and everyone interacts with it at some point. He believes it is necessary to understand the roots of conflict and how to manage or resolve it by “minimizing the pain while maximizing the promise” (Rabie 1994:vii). Dean Tjosvold claims conflict is comprised of “incompatible activities where people at least temporarily interfere with and obstruct each other’s behavior” (Rahim 1990:17). Dudley Weeks believes that conflict is not necessarily negative and can lead to new ideas and approaches in fostering the relationship between adversaries and conflict. He describes conflict as “an outgrowth of the diversity that characterizes our thoughts, our attitudes, our beliefs, our perceptions, and our social systems and structures” (Weeks 1994:7). He stresses that positive potential exists in all conflict as constructive behavior can be encouraged within its boundaries. Kamil Kozan also recognized that conflict as a whole is inevitable and in itself is not evil. Conflict is about power and resources. Power in itself denotes that, while being a limited resource, there are some who possess it when the majority does not. This in turn creates conflict (Avruch et. al 1991:86). This concept of power is contrary to Michel Foucault’s idea that power is pervasive; Kozan’s research does allow

for the majority of the population to have some power at times, just never as much as the minority in control (Rose 2007:143, Avruch et. al 1991:86). Kevin Avruch's research led to the idea that an individual concept of personhood is vital when addressing conflict, because each individual carries a personal definition of personhood. This speaks to how people relate to themselves, others, and the community at large. These fundamentals must be grasped in order to address the relevance of a conflict and the impact of negotiation (Avruch et. al 1991:4)

Rabie states there are two types of interactions coming into play while handling conflict. One is *cooperative interaction*, which aims to increase the position of all parties involved and incorporate them into one group. The other is *competitive interaction*, where each party seeks to enhance one's own position within the interface. Both processes challenge the current status-quo and change the dynamics within a conflict. Rabie says "conflict, therefore, is a normal product of diversity in beliefs and values, difference in attitudes and perceptions, and competing socio-economic and political interests among individuals, social classes, ethnic groups and states" (Rabie 1994:3). The Fighting Sioux conflict falls under competitive interaction as those who are involved try to increase their standing within the conflict itself. In a lesser manner, it reflects cooperative interactions due to the concessions the University of North Dakota gave to American Indian studies and programs on campus. Largely though, the concerned parties sought to dominate their opposition in order to enforce their agenda. As

their particular conflict was absolute since the question elicited a yes or no response (as in should the name stay or go) there was really no room for compromise.

Conversely, the concept of peace is a result of interactions on many levels that signify an agreed-upon, beneficial relationship. Peace is not an end result as much as it is a process. Rabie further states that neither conflict nor peace can exist without one another, and each is perpetually in a state of change. Conflict resolution occurs when a conflict reaches a critical level, and one or more parties agree that a change is mandated. Such resolution contains a variety of techniques, each targeted to “regulate diversity while preserving unity” (Rabie 1994:7).

Conflict is placed into two different categories: value-related and interest-related. Value-related conflict refers to disputes that are usually ethnic in origin, dealing with political and religious ideologies which are often seen as absolute. Interest-related conflict pertains to trade issues, security, territory, and boundaries. Such conflicts usually have an attached monetary element and are easier to define. “Thus, ‘struggles over identity, values, power, and scarce resources are at the heart of all conflicts.’ Conflict resolution is an art and a social process to transform by peaceful means hostile relationships into new ones more conducive to dialogue and socio-economic cooperation” (Rabie 1994:12). The Fighting Sioux logo conflict was difficult and is still on-going because it falls under both categories. It was value-related, because American Indians viewed it as

misappropriation of their symbols, cultures, and religion. Inclusive in this is also the issue revolving around ethnicity, identity, and representation. It is however, interest-related from the University of North Dakota's standpoint. The controversy has always infringed upon trade rights, monetary donations, funding for athletic departments, and numerous other economic considerations.

Conflicts can be managed, but very rarely can be resolved in their entirety. This phenomenon leads to the terms 'conflict management' and 'conflict resolution'. They are dissimilar concepts, with conflict management describing the process of controlling the struggles, and conflict resolution characterizing the manner of ending them (Rabie 1994:50). Each method usually involves a third party mediator to begin the process and facilitate both parties in reaching an agreement toward resolving the conflict. Rabie uses models of managing conflict, specifically ethnic conflict, which falls under the value-related interest category and is applicable to the UND conflict.

The standard he introduces is the consociational model. This is a power-sharing paradigm which views different ethnic and cultural groups as partners invested in overcoming the current conflict and dealing heavily with notions of compromise and negotiations. The model is flawed in that it assumes each group has a designated leader who has the consensus of the group it is representing. Not always will a clear leader emerge in a conflict and this may cause confusion as to a group expressing their needs. If a leader does emerge who does not have the

support of the group, internal conflict can occur. This model does pertain to the logo issue however, as it presents an avenue for each party to enable each other to seek out compromises and resolutions benefiting each other.

Rabie breaks the course for peace into four major components: political dialogue, negotiation, implementation, and mediation. The political dialogue embodies the initiation of peace. In this phase, communication is established between adversaries and a framework for the peace process is structured and objectives are laid out. Negotiation specifies the stage of discussion regarding issues in which conflict has risen and peace has been hindered. This creates a foundation that manifests possible resolutions by crafting and concluding settlements. The third phase is the implementation of the agreements, and involves previously agreed-upon resolution and negotiation tools are to be established. This is an essential step and often where conflict fractures and escalates if not diligently executed. Mediation is identified as a process carried throughout the conflict resolution, rather than its own distinct segment. This element ties the previous functions together to fashion a running dialogue between all parties involved.

Dean Tjosvold examines conflict management in social service organizations emphasizing concepts of goal independence (Rahim 1990:15). Tjosvold recognizes that communication is imperative when analyzing conflict resolution. One must scrutinize the context of each conflict occurrence. When

analyzing the interdependence approach used in this research, an attempt to ascertain general concepts and communication patterns in conflict studies is noted. He pinpoints two principal rudiments of interdependence goals: cooperative and competitive. In cooperative interdependence, there is a shared mission, vision, and mutual goal with the realization that facilitating each other in various roles also aids in attaining an ultimate group goal. Competition promotes an atmosphere of win/lose and mistrust. Moreover, individual goals interact negatively. Tjosvold's research observes that cooperative goals, unlike competitive ones, contribute to the productivity of conflict management and furthers resolution. "Results confirm that cooperative goals are powerful antecedents of skillful communication and productive conflict" (Rahim 1990:22). However, competitive goals can likewise be applicable, depending on specific situations in exploring solutions toward resolution. Practical implications of this research indicate that conflict management can transpire before conflict ensues when working in a cooperative situation where people are dedicated toward a group goal. It was critical that the Fighting Sioux issue become a situation where cooperative goals were utilized over competitive ones.

Weeks developed a view on conflict resolution titled the *Conflict Partnership Approach*. It is an eight-step approach pertaining to resolving conflicts in an effective and sustainable way. "The conflict partnership approach focuses on both the immediate conflict and the overall relationship, of which a

particular conflict is but one part, providing skills that are not only conflict resolution skills but also relationship-building skills” (Weeks 1994:10). It involves addressing individual and shared needs, mutual benefits, and the strengthening of relationships. He writes that there are cornerstone concepts crucial to understanding conflict. How a person comprehends the conflict is directly related to how a person grasps conflict resolution. Conflict needs to be considered as an outgrowth of differences and diversity, yet is not always negative. It can be used to clarify situations and develop new opportunities and relationships. Conflict does not always encompass issues involving interests and desires. Other key concepts are comprised within conflict, such as needs, powers, emotions, feelings, principles, etc. Recognizing these concepts aid in identifying particular components of a conflict (Weeks 1994:61).

The fifth step in Weeks’ approach entails looking to the future, then learning from the past. It is easy to view the past as a benchmark of blame and consequently apply it to a specific conflict. While the present conflict may or may not have stemmed from past events, learning from them, however, is vital in not allowing them to define behaviors, roles, and perceptions. Should this happen, it is challenging to appreciate positive future benefits with the conflict partner. There is a tendency for people to cling to a behavior or demand made in the past, although it may no longer be relevant. An inclination also exists to lean upon the familiar and do things the same way they always have been done. While learning

from the past provides clues on how to perceive the future, being grounded in the present is imperative to any successful accomplishment.

Weeks suggests tracing relationships back to where the conflict first emerged in order to identify and understand the present conflict. He coins the term 'present-future.' This is his way of demonstrating how the present and the future are inseparably linked. Everything happening in the present has an immediate and/or long-term effect and needs to be taken into consideration. While the past is of consequence as a road map to where the conflict will end, the present-future is even more significant in fathoming the present conflict and future relationships.

One complexity comprising the notion of present-future with the Fighting Sioux logo is demonstrated when looking toward past relationships. Western imperialism, diaspora, genocide, and breaking of treaties have created an uneasy association between American Indians and the Majority Culture. The actions and controversy that took place recently and in past years concerning the logo had a potential for setting the tone for future Native relations within academia, specifically between UND and American Indians in North Dakota.

Visual Analysis

Discourse

Visual images can be symbols with multi-faceted meanings in a given context. Institutions which craft images allow for dialogue within the framework of visual meanings and modes of production. This enables knowledge, and subsequently power, to be fashioned, thereby influencing cultures, institutions, and perceptions. By coupling Michel Foucault's method of discourse with Gillian Rose's analysis and interpretation of visual images, a comprehensive approach to understanding visual application and image usage can become be applied to an analysis of the logo.

Michel Foucault formed the idea of discourse as a way of analyzing human behavior and utilizing it as a core component for his theoretical and methodological approaches (Rose 2007:142). Discourse is a structure of written or spoken statements and terminology aiding in identifying the context in which a subject is comprehended. It is "...a particular knowledge about the world which shapes how the world is understood and how things are done in it" (Rose 2007:142). Visual discourse refers to how an image can convey various attached concepts. It embodies its own terminology and can be used in a variety of contexts for comparison analysis. Discourse cannot be viewed in isolation (Nead 1988:4). Intertextuality is a large element residing within visual discourse. The

significance of one icon or text is derived by the juxtaposition of other adjacent images or by groupings in which it is placed (Rose 2007:142).

Foucault coined the term, *discursive formation* to designate a mode of linking various connotations for debate. He perceived discursive formation as a system of dispersion comprising relationships among the different aspects of the discourse (Foucault 1972:38). Foucault considered discourses to be forms of discipline relating to his work on knowledge and power. Discourse obtains power through the rearranging of the world into groups and categories which were not initially juxtaposed. Foucault's work revolves around the key concept that power does not necessarily function in hierarchical terms, from the top tier to the bottom. It rather exists everywhere and filters through assorted systems. Since power is present universally, it can be extrapolated is omnipresent (Rose 2007:143). Through such communications between a discourse and power, knowledge is produced and sifted through structures of power which can in turn lead to an idea of truth.

We should admit... that power produced knowledge (and not simply by encouraging it because it serves power or by applying it because it is useful); that power and knowledge directly imply one or another; that there is no power relation without the correlative construction of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations. [Foucault 1977:27]

Foucault theorizes that, by analyzing a subject in a different category with other comparative subjects, a new form of understanding is shaped and resultant

knowledge ensues. By examining the interconnectivity of discourse, new structures of power become apparent and even created.

Rose disagrees with the facet of Foucault's research dealing with his unwillingness to psychoanalyze meanings derived from discourse. Concerning visual discourse, Rose's methodology uses content analysis, semiology, and psychoanalysis to flesh out meaning behind images. These can also relate to power constructs produced by images (Rose 2007:144). Rose's philosophies enhance Foucault's studies while providing a more comprehensive symbolic knowledge. Rose regards content analysis to be focused upon methodology (Rose 2007:59). It embodies a system of coding in which viable and replicable data can be garnered. This method selects text or images referenced to larger cultural contexts and meanings. A central aspect of content analysis requires gathering representations relevant to the subject being researched. When constructing coding sets, three criteria must be achieved to craft a descriptive or interpretive breakdown of an image. They must be exhaustive, exclusive, and enlightening (Rose 2007:65). Content analysis allows for a substantial number of icons to be scrutinized systematically. This process can generate data valuable for inferring cultural meanings (Rose 2007:71).

Semiology confronts the process of how images develop significance; besides supplying a descriptive element, it looks toward potential interpretations and connotations within a cultural paradigm (Rose 2007:74). Semiology in

essence is a study of signs and concerns itself with ideology reflective of power structures. A sign is simply a unit of meaning able to produce complex configurations within that meaning (Rose 2007:79). Codes are avenues of building substance and language within a specific group. Codes allow the inference of signs to be arranged into an order of meaning possessing cultural applications. “The meanings of signs, therefore, are extraordinarily complex. This means that their meanings are multiple and this multiplicity is referred as polysemy. A sign is polysemic when it has more than one meaning” (Rose 2007:98). Semiology is an indispensable tool when analyzing how images affect and reflect cultural conditions. It concerns itself with social differences which become apparent through signs and their social modality (Rose 2007:103).

Psychoanalysis relates to subjectivity and the unconscious, while considering the image itself and the audience who observe the image (Rose 2007:109). Rather than employing the term ‘identity’, which relies upon the viewer’s cultural relativism and objectivity, Rose finds that ‘subjectivity’, which distinguishes the watcher’s characteristics, to be more appropriate (Rose 2007:110). Subjectivity addresses the problem of the viewer drawing upon individual cultural biases and emotional states while regarding or evaluating an image. The unconscious stems from Sigmund Freud’s research targeted at a person’s inability to be readily aware of any biases applied to a particular subject; such biases are not easily assessable or understood. The result of this bias is

seemingly irrational perceptions on a subject. In the case of the Fighting Sioux conflict is the reaction to an image, logo, or name. Psychoanalysis is beneficial in imparting awareness of an individual's perception and reaction to an image.

When fashioning a discourse, such as this particular visual study on the Fighting Sioux logo, it is imperative to comprehend and locate the components by which a subject is grouped to better form an effective discourse. Rose believes that iconography, coupled with psychoanalysis, becomes an essential tool in discourse analysis. Erwin Panofsky states that iconography relative to art history concerns itself with the subject matter and meanings supporting the imagery, rather than any literal form (Panofsky 1957:26). The substance underlying the images is explained with a series of symbols and signs culturally and historically relevant to the times the representations were manufactured. This process facilitates in deriving meanings and intertextuality between symbols and culture, knowledge and power (Rose 2007:156). A key consideration in iconography and psychoanalysis of symbols within images is to disregard all preconceptions and view the discourse through cultural relativism and cultural significance.

When encoding an image, meaning is internalized and understood. "The process of encoding' ...'is when a particular code becomes part of a semiotic structure of an image" (Rose 2007:199). A code that is applied so frequently grows to be so socially recognizable that it changes the meaning of the sign to one culturally constructed and universally accepted. These meanings create hegemony

and cultural norms vital when addressing the power and modality of an image. Codes attach themselves to images when seen and resultant values are ascribed to those likenesses. The spectator's role is to offer a specific cultural background and awareness to the interpretations of an image. Rose's approach to discourse analysis is pertinent when trying to recognize the assorted meanings coding brings to imagery.

Rose divides discourse into two types. *Discourse analysis I* terms the methodology attributed to visible images and verbal texts relating to visual discourse. Discourse analysis I distills image analysis within the framework of production, sites, audiences, and an icon's social modality (Rose 2007:176). This discourse emphasizes cultural components, significant aspects within an image, and how illustration is used. An image can therefore potentially represent a particular facet within a culture and contain substantial cultural symbolism and consequence. . Rose's second method, *discourse analysis II*, incorporates the previously mentioned modes while specifically addressing issues of power, truth, institutions, and technologies (Rose 2007:146). Discourse analysis II focuses less on the image itself and more upon the institutions that design them (Rose 2007:176). Discourse analysis I and II are both concerned with the representations themselves, as well as their social construction and effect (Rose 2007: 147). By highlighting intuitions in discourse analysis II, Rose is able to build upon Foucault's work by addressing both institutions and the modality of an image.

American Indian Imagery Use

Visual discourse can assist in gathering socially constructed meanings attributed to an image. It also promotes valuable understanding of power structures and knowledge. By using these techniques, along with discourse analysis, a broader and more comprehensive study of cultural implications stemming from images is achieved. The central discourse under which the Fighting Sioux logo falls is that of American Indian mascot use and its associated images, along with other commercial usage of native iconography. Another applicable discourse involves the image itself within an artistic context. Each of these categories changes the connotation placed upon the Fighting Sioux logo. As UND's logo, it represents athletic and educational institutions' misunderstandings and misrepresentations of American Indian culture. Moreover, it serves as a medium that can dehumanize said culture, while encouraging potential hostility in a competitive atmosphere. Commercial image practices are also misrepresentations of the American Indian culture and hold a large advertising and economically-driven insensitivity towards product association with perceived American Indian culture. These images communicate a false sense of history and are usually caricatures of American Indians.

American Indian symbols and imagery are commonly used as logos, nicknames, mascots, trademarks, and geographic locations (Hemmer 2008:121). Numerous institutions, ranging from primary schools to state government, avail

themselves of such semblances. Throughout the past few decades, a push has been in effect to eliminate this manner of exploitation; however, there are still copious native symbols utilized commercially. As of 2008, American Indian names and mascots have been extensively represented in high schools around the United States.

...The states with the largest number of symbols are Illinois (266), Ohio (228), Texas (197), California (184), Indiana (178), ...[in the state of] Wisconsin 43 high schools use such terms: Indians (15), Warriors (7), Chiefs (4), Black Hawks (4), Raiders (3), Chieftains (3), Redman (2), Red Raiders (1), Hatchets (1), Warhawks (19), Braves, (1), and Apaches (1). [Hemmer 200:122]

Also in Wisconsin, Chieftain head logos were used by 18 schools. In 1999, the United States Justice Department was brought into play in North Carolina as complaints that the civil rights of American Indians were being violated by the creation of a “racially hostile environment” (Hemmer 2008:122). This action transpired because athletic teams were using the terms, Warriors and Squaw, for boys’ and girls’ teams respectively. Squaw, in some American Indian languages, means ‘prostitute’ or can be a reference to female genitalia and is therefore considered to be highly offensive. The name, Squaw was eventually dropped by the North Carolina school, yet the school retained the name, Warriors, for the boys. Viewing American Indian iconography and names in this light manifests a severe lack of respect and awareness of American Indian culture. An even greater

offense to Native tribes would have been demonstrated if the word, Squaw, had been adopted with full knowledge of its meaning. A dearth of education pertaining to how local tribes and their customs are represented by the Majority Culture is showcased when a term's etymology is not researched.

Both professional athletics and secondary schools incorporate Native logos. Professional examples include the Atlanta Braves, Cleveland Indians, Kansas City Chiefs, Washington Redskins, and Chicago Black Hawks (Hemmer 2008:123). University of North Dakota's Fighting Sioux logo falls under this discourse as an emblem of an athletic and educational institution. Professional athletic teams display more visibility of their logos to a broader audience due to high-end sponsors and media support than non-professionals or scholastic teams; however, within collegiate competitions, the UND logo is also viewed by a sizeable demographic within the educational and athletic communities. During the 1990's, as Native mascot controversy gained momentum within the public media, the UND Fighting Sioux logo entered into the discourse on a national scale, thereby attaching negative media connotations upon the UND logo (Vorland 2000:59-60).

As of 2001, many federally registered trademarks made use of American Indian words, tribal names, or images. This included appropriated names, words, and images from American Indian culture as well as created images inferred as belonging to American Indian culture, yet did not have any bases with a particular

tribe, only perceptions applied to Natives. Some of these included the Navajo (59 times), Cherokee (154), Sioux, Dakota, or Lakota (481)(Hemmer 2008:123).

Other labels appear on products such as Redman Tobacco, Land O' Lakes Butter (featuring a stereotypical Native woman), and Crazy Horse Malt Liquor, among others. The Crazy Horse Malt Liquor moniker fuels much contention among descendants of Chief Crazy Horse, as he is revered as a spiritual and military leader who discouraged the use of alcohol. His beliefs have furthermore been symbolized with his name and image by American Indian programs aimed at combating drug and alcohol use. The exploitation of the Chief's identifiers to promote liquor by an American brewing company is contrary to the original history and current Native ideology. This highlights how American Indian images are misused in a commercial and public context.

Geographic locations and state parks have historically and presently been given Native names and imagery. As of 2008, the word Squaw was noted "...to identify thirteen creeks, eleven lakes, three bays, one island, one mound, and one water fowl area in the state of Wisconsin" (Hemmer 2008:124). Many of these have been changed or are slated to be addressed due to increasing pressure from American Indian programs. In North Dakota, the state highways previously displayed an American Indian head profile logo on their signs (Vorland 2000:1). State and national government manipulation and endorsement of American Indian imagery and terms could act as a legitimizing force within Majority Culture.

Since the same government was responsible for the subjugation of American Indians, a perception of continued historical oppression could be extrapolated.

F. Neussel (1994:109) looked at American Indian nicknames and words and found that the “traditional image of American Indians in print and non-print media depicts the indigenous population as brutal, savage, inhuman, and uncivilized”. This written representation of American Indians promotes them as aggressors rather than as individuals. Neither are they regarded as belonging to a victimized culture. This creates a skewed sense of history and does not acknowledge American Indians having contemporary cultures (LaRocque 2004:26). The portrayal of past American Indians throughout history can produce what S.S Slowikowski calls “imperialistic nostalgia”. This denotes the majority culture rewriting its place in history and/or its longing for a sense of past domination (LaRocque 2004:26). Many depictions of American Indians demonstrate a slightly antiquated view contrasting the modern day realities of their culture and based upon historical media interpretations (Gonzalez 2005: 17). Historical inaccuracies are fed to the majority of Americans through media and commercialism, fostering continued ignorance of American Indian current and historical contexts. How an image is viewed or placed within an argument shifts its impact and clarity. Images of American Indians created by members of Majority Culture too often convey negative assessments and are indicative of gross misunderstanding.

UND Logo Image

Visual analysis of American Indian imagery in mascot, commercial, and government discourse illustrates an overarching misrepresentation of American Indian culture and disrespect for its context. The most recent Fighting Sioux logo and its past manifestations fall into this category and discourse. While the latest logo depicted an American Indian warrior's head and profile, it also contained pictures of warpaint and feathers and other culturally significant icons to American Indians. Employing this image as a logo or in a commercial manner altered the meaning of such elements as warpaint and feathers for American Indians and conveyed, instead, a discourse revelatory of the Majority Culture's narrow concept of American Indians.

While the name, The Fighting Sioux, had its own controversial connotations, the image itself associated with the name held its own discourse and interpretation. The latest logo was designed and unveiled in 1999 and was the third UND insignia depicting an American Indian profile. The newest logo was designed by Bennett Brien, an American Indian artist from the Turtle Mountain band of Chippewa, one of the American Indian tribes that called for the abolishment of the Fighting Sioux nickname (Longie 2012). He hailed from North Dakota and was a UND alumnus. His selection as an artist may have been strategic for more than his artistic abilities and as a way to garner support of an image from American Indians. When devising the emblem, Brien conscientiously

incorporated symbolism. According to his artist's statement, each element signified positive symbolism reflecting both UND and American Indians.

The feathers symbolize the outstanding rewards that students, faculty, staff, and alumni will achieve for academic, athletic and lifelong excellence. The determined look in the eyes symbolizes fortitude and never giving up and the focus necessary for sustained academic, athletic and lifelong achievement. The paint on the cheekbone symbolizes that life can be a battle and we have daily struggles. The color green symbolizes the development of young people and their growth at the University of North Dakota. The color yellow symbolizes the sun which provides humanity, light and warmth in order for life to continue. The color red symbolizes the lifeblood that has been poured out to make our state and people great. [Brien]

This explanation revealed an overlay of American Indian and Majority Culture values. Many have viewed Brien's account as straightforward and positive, while others applied negative connotations to the image. Frequently, when an image is offered upon the public sector, it is interpreted without consideration of the artist's intent. Some felt that the logo image was not inherently offensive, but offended only as a negative representation for the name itself. The controversy being, in the case, the name Fighting Sioux name continuing to be kept and not in response the specific image Brien created of representation of an American Indian man (Vorland 2000:12).

Oftentimes, controversy is exacerbated when a logo is used out of context by opposing athletic teams. This is prevalent in athletic events, where opposing

teams exhibit derogatory images of American Indians or banners displaying the emblem surrounded by negative wording. This, according to iconography, transforms the discourse and the meaning of the image according to its context and usage.

University and sport mascots and logos are visible icons reflecting their parent institutions. The images' attached symbolism and can mirror cultural ideas and reinforce stereotypes in connection with Native Americans. Language and symbolism attached to athletic genres are judged by many to be negative and a misrepresentation of Native Americans. The Fighting Sioux nickname and logo traditionally generated a hostile environment toward American Indians and UND had a history of racial incidents.

In 2004, Angela LaRocque conducted a study comparing UND American Indian and Majority Culture students' reactions to two different slideshow presentations containing images and representations of the Fighting Sioux nickname and logo (LaRocque 2004:xxi). One slideshow comprised what she labeled 'neutral images', while the other included 'controversial images' regarding the logo controversy. Following the presentations, she analyzed emotional reactions and stress indicators from both student categories. Her data indicated that American Indian students responded negatively to both logo presentations. Conversely, the Majority Culture students' opinions on the logo did not change after viewing the neutral slideshow, but did after observing the

controversial one to an opinion less in favor of the logo and were willing to concede that there are negative connotations to the logo and name

LaRocque's findings demonstrate that the American Indian students in her study experienced higher negative psychological effects, or *negative affect (sic)*, than students from the Majority Culture experienced upon viewing the neutral slideshow (LaRocque 2004:81). The two different ethnic groups had "significantly different levels of negative affect" resulting from both visual presentations (LaRocque 2004:81). Their levels of psychological distress also differed in reaction to the Fighting Sioux logo. Her study suggested that traditional and assimilated, LaRocque's terms for those students who have been more acculturated to American influences, American Indians did not differ significantly in their responses to the slideshows. It was established that the longer a student was involved and enrolled at UND, the stronger the opinion toward the logo issue became manifested, even beyond the slideshow study. Majority Culture students revealed a more positive cultural identification regarding the logo while American Indian students reacted in a more distressed manner. This relationship suggests that the older the students are and the more time invested at UND, the more distress is experienced from the 'Fighting Sioux' nickname and logo" (LaRocque 2004:83).

LaRocque was able to validate her hypothesis that American Indian participants in her study would suffer more negative effects upon viewing the

neutral images than the Majority Culture would (LaRocque 2004:86). Majority Culture students experienced a range of moderate upset concerning the controversial slideshow, while the American Indians were reported to have undergone significant distress pertaining to the same presentation (LaRocque 2004:87). The Majority Culture's distress was elevated when watching the controversial slideshow after the neutral one. When considering depression as a side-effect of viewing the films, both groups fell into the average range before the experiment. However, the American Indian group was reported to be more depressed after the controversial slideshow, while the majority group remained unaffected in terms of depression and hostility toward the other group. Within the hostility spectrum, the American Indian group was found to have a pronounced increase of hostility following both the neutral and the controversial slideshows; yet, the Majority Culture's hostility significantly rose only after the controversial presentation (LaRocque 2004:89).

The order in which the slideshows were viewed is noteworthy. Those of the Majority Culture who watched the controversial slides first were discovered to have decreased hostility levels after looking at the neutral ones. The opposite proved true when the neutral slideshow was seen first, where there was an increase in hostility while viewing the controversial slides after the natural ones (LaRocque 2004:92). Overall, American Indian participants exhibited significantly higher scores of psychological distress than those of the Majority

Culture (LaRocque 2004:90). LaRocque proposed that American Indian students at UND suffered higher levels of psychological distress from the frequent visual bombardment of the Fighting Sioux logo on campus (LaRocque 2004:93).

LaRocque's study is revealed the power inherent within images. Dependent upon one's cultural relativism and experiences with an image, any symbolism and iconography behind said image assume different connotations. When fashioning the most recent Fighting Sioux logo, the artist's intent may have been positive and in support of American imagery; however, the discourse of the controversy surrounding the logo's attached name created its own meaning. This is a vital consideration when analyzing future mascot logo issues and the imagery ascribed to them.

TRAUMA and RACISM

The University of North Dakota has a history of racist occurrences. In the past, students placed banners (see *fig. 4 and 5*) in Merrifield Hall, which housed the Philosophy and English departments and is near the Indian Studies building, that proclaimed "If the name has to go, so should your funding" and "go back to the Rez, or work at the casino PRAIRIE NIGGA" (B.R.I.D.G.E.S. 2003). Predictably, this conduct and other comparable examples fostered a hostile

environment toward American Indian students at the University of North Dakota. A fundamental factor requiring attention concerns the side effects of stereotyping and racism, expressly relating to resultant trauma. Racism is more than just inequality in an ideological realm. It also can result in negative physical consequences. Potential physical violence can ensue when people act on racist ideas; however, abuse can also become internalized without any external evidence of inflicted physical harm.

A. A. Zakhar stated that “after 400 years of betrayals and excuses, Indians recognize the new fashion in racism, which is to pretend that the real Indians are all gone” (Zakhar 1987:25). American Indians tend to be stereotyped in a multidimensional sense. In context, this “refer(s) to an array of characterizations of Native Americans regarding their culture, history, physical appearance, status and role, psychological makeup, motivation, and capabilities” (Hansen and Rouse 1987:33). Over time, these stereotypes have been perpetuated through a variety of modes. In 1970, the American Indian Historical Society analyzed over 300 books used in schools that dealt with history and culture. They learned that not even one book should be judged as a viable, accurate, or reliable source (Hansen and Rouse 1987; Trimble 1988). The diversity within American Indian tribes has not been fully represented in literature or in the media. In addition, substantial typecasting is threaded throughout many public school books. Joseph Trimble’s study of textbooks in 1988 found that American Indians were identified as noble savages

when aiding white people, yet conversely characterized as treacherous and filthy when in conflict against them (Trimble 1988:189). These books propagated negative American Indian stereotypes and imparted a warped view to history (LaRocque 2001:9).

John Gonzalez cites several reasons for this ethnic inequality. European Americans imposed genocide upon American Indians by continually dishonoring treaties. American Indians were also forced into situations where they lost land and rights (Gonzalez 2005:4). It has been suggested by Robert F. Berkhofer (1979) that the governmental and social conditions facing the first Americans created an environment where American Indians could not protest the stereotypes placed upon them (Gonzalez 2005:6). Manifest Destiny and the forceful removal of homeland, coupled with genocide, placed European Americans in a position of power over Natives. With competition over land and resources, European Americans villainized indigenous cultures and encouraged an atmosphere of conflict. Due to accompanying controversial history, the eradication of typecasting and hostilities has not yet come to pass. Through media portrayal of American Indians, specifically Westerns and sporting events, the European American stereotypes of American Indians have continued. Some stereotypes, such as the 'blood-thirsty savage' or alternately, the 'noble savage', were popular in the early 1900s (Trimble 1988). Early films of the Western genre did not

accurately portray American Indian culture, nor did they even employ Natives to act in the role of the “Indian” (Gonzalez 2005:8).

Many studies involving American Indians fail to compensate for the inherent diversity within the array of cultures represented by Native tribes. The amount of acculturation or assimilation within Majority Culture and concepts of traditionalism become grouped into a homogenous culture (LaRocque 2004:13). The inaccurate depiction of American Indians within this context presents them as aggressors rather than individuals. Neither are they members of cultures victimized by aggression.

In sports and current popular media, a warrior image is attached to Natives. However, persistent cultural stereotypes also render them as people who are defeated, lazy, or alcoholics (Trimble 1988:189). Neussel’s study in 1994 illustrated that American Indians were traditionally regarded negatively or as savages (Neussel 1994:109). A false sense of history is thereby promoted since American Indians are represented as lacking contemporary cultures (LaRocque 2004:26).

Within the past decades, momentum has escalated to rename sports teams who exploit American Indian imagery, words, or identity (Pewewardy 2004:181). However, many teams utilizing American Indian iconography as logos or for mascots do not believe they are offensive or playing into racial stereotypes. Supporters of American Indian mascots have drawn analogies to other mascots

representing ethnic groups, such Norwegian and Irish, which are not deemed derogative by their associated cultures. This argument is formulated to emphasize that American Indian symbols are inoffensive and are justified in that the mascots honor native cultures (LaRocque 2004:27). Because Irish and Norwegian descendants participated in naming their mascots, while American Indians did not, much of this reasoning does not apply (Hofmann 2005:169).

As Natives are a minority and often live on reservations, close contact with indigenous cultures by mainstream Americans is not widespread. Combating negative typecasting is difficult when faced with ignorance and infrequent contact. A series of studies conducted in the 1970s by Trimble proved that the stereotypes of American Indians evolved over time (LaRocque 2004:10). As cultures changed, so did the perceptions, thereby creating altered stereotypes. These studies examined various words on a list. Natives and non-Natives alike were asked to decide if these adjectives were characteristic of American Indians or not. It was shown that, while certain stereotypes did change, a few remained resilient. These enduring stereotypes attributed to American Indians were “artistic, defeated, drunkards, lazy, mistreated, and shy” (Gonzalez 2005:11).

Stereotypes and racism, especially those dealing with ethnic minorities, create countless negative effects. “The clash in cultures has been noted to produce a unique sort of stress, accumulative stress that is accompanied physiological discomfort as one moves across cultures” (LaRocque 2001:13). Mental health

organizations have supported the elimination of American Indian logos. They state that these logos are psychologically devastating to American Indian children and that the attached discrimination and racial prejudice can dehumanize those within the American Indian culture (LaRocque 2004:30). This discrimination and stereotyping has physical as well as mental effects. Unfortunately, a significant number of psychological issues can transform into physical ones. T.E. Huffman conducted a study on the perceptions of Northern Plains students and discovered that most racism was expressed in forms of verbal attacks (LaRocque 2001: 15). A large number of these verbal attacks comprised modes of name-calling and racial slurs, which again fostered a hostile environment. This in turn can raise stress levels and can cause psychological and physiological harm. Students at UND who appeared to be more fully-assimilated into mainstream culture seemed to experience the least amount of racism and stereotyping.

Stereotypes can be perpetuated by the choice of college mascots or logos representing American Indians and/or their culture. L.R. Davis asserts that, “according to some of the activists, recognizing and understanding the lives of present-day Native Americans both challenges the stereotypes and in some ways provides evidence of past oppression” (Davis 1993:13). He argues that mascot usage has an adverse effect upon the self-esteem and identity of American Indian children.

Sporting events have a tendency to propagate racial tensions, whether intended or not. People can be entangled in the fervor of competition without realizing the deeper meaning and offensive nature of their actions. Traditions can develop from a time when ethnic slurs were not considered culturally insensitive. Though many of these behaviors may not have originated in contemporary American society, they become part of a sporting purview, thereby encouraging the fans' use of negative American Indian attributes. These can be expressed through verbal and non-verbal conduct and abused by both teams and fans. American Indian war calls are often shouted during sporting events to encourage or dissuade teams. Paraphernalia marketed at sporting events can range from fake tomahawks to war bonnets. "Many Native American tribes and individuals find such items and behavior offensive. The plastic toys and inappropriate gestures, mock-ceremonial objects and spiritual rituals many people hold in respect" (Gonzales 2005:16). At UND hockey events, "Sioux-venirs" and other commercial Sioux items were sold (Phillips and Rice 2010:520). A major reason specified against American Indian mascot usage is the perpetuation of stereotypes promoting racism. "Behavior such as rooting for a team, booing the opposition, dressing in team apparel, and bonding with other fans became common" (Trottier 2002:2).

Sporting events influence societies and cultures across the world; and yet, this impact changes according to the culture and sport. Fan identification and

sports culture has been documented since the eighth century B.C. upon the advent of the Olympic Games. Similar behavior remains present today. There are those who attend games whose team mascots and logos convey American Indians. These fans dress in unauthentic Native outfits and use references to other perceived American Indian motifs. Others yell war calls and perform a 'tomahawk chop.' Variances exist regarding ethnic and sport identification. This is dictated by the nature of the sport as well as its supporting culture (Trottier 2002:7)

Tami Trottier conducted a study to measure the level of spectator identification along with the motivations of athletic fans among UND students (Trottier 2002:ix). In order to examine identification levels, Trottier thought it was crucial to grasp why fans are so immersed in a sport in which they themselves are not participating. "Sport spectators become passionate about their favorite team and identify with every aspect of that team, including the original nickname/logo that was present when the team became their favorite" (Trottier 2002:1).

Socialization can determine the sport by which one chooses to be identified. An enduring factor when one becomes a fan is signified by a marked level of commitment to sports culture and to a specific team. Trottier referred to D. L. Wann's study relating to motives for sports attendance. He opted to use it as a scale to gauge these incentives, which feature: "group affiliation, family,

aesthetic, self-esteem, economic, eustress, escape, and entertainment” (Trottier 2002:8). The enjoyment of sports as a spectator, in combination with mixing with other onlookers, may cultivate group affiliation. W. Gants and L.A. Wenner (1995) maintain that a person motivated by group affiliation frequents or watches sporting events as a means of socializing with other people. “Individuals observing sports together, in an environment where sharing rituals, language, beliefs, and values about a specific team flows freely, may lead to emotional bonding” (Trottier 2002:8). Athletic fans may believe they belong to a group. Such an idea can subsequently give rise to a culture of fandom where each other’s behavior is bolstered in support of a particular sport or team.

Research conducted in 1995 by Wann and Branscombe showed “that the level of identification with a sports team was an important moderator of the spectator’s behavior,... and cognitive reactions to all the events that were associated with their team” (Trottier 2002:14). For those individuals possessing an elevated degree of identification with a team, a correlation was drawn with this level of involvement being central to identity. These high-level identification fans also displayed more emotional responses during an event than those who experienced lower identification with the team. “Sports provide an opportunity for spectators to vent the full range of their emotions with little consideration of retribution. As a result of the drama, rituals, and excitement associated with athletic competition, fans are motivated to demonstrate free to expression of their

feelings” (Trottier 2002:18). Some sports fans can identify with a specific team to such an extreme that any behavior exhibited by said team or regarding its associated logo would be considered appropriate (Trottier 2002:19).

A strong fandom motivator revolves around a potential forum for family members to spend time together and bond over an event. An athletic occasion allows for the enjoyment of a common activity and provides for further discussion after the activity. In Trottier’s particular study, this usually occurs within families who are married and have children. The family aspect proves to be a primary motivator in becoming a fan. On a smaller, more personal plane, this is similar to the group affiliation component. Some sports fans are attracted to the aesthetic beauty of the athleticism involved. Most athletic sports necessitate an increased measure of physicality, which hones abilities and sculpts the body. The talent required to facilitate the skills involved in fashioning aesthetic graces inspires an appreciation from the spectators (Trottier 2002:9). Some fans are influenced by self-esteem and relate a team’s accomplishment to themselves in aiding a team toward a win. A person therefore has a vested interest in the team as the fan’s participation is linked to a favorable outcome. In this manner, the glory is shared and self-esteem is elevated. A more positive self-image is gained in turn from the accomplishments of their supported team. For sports fans, economic factors also play a part. As an example, a large contingency of people may place monetary bets on a particular outcome. Some spectators attend sporting events to experience

stimulation and euphoric emotions connected to the eustress motivation (Trottier 2002:10). They feel arousal, coupled with mental and physical stimulation, at a level not attainable in an everyday setting. Another impetus is rooted in the drive to escape everyday experiences and become immersed in the moment. The atmosphere surrounding these events distracts from the stressors of life. Fans also may use sports as a form of entertainment. The excitement of the crowd and the performance of the team members are found to be recreational and enjoyable for viewing (Trottier 2002: 11).

Trottier's research revealed that American Indian students and Majority Culture students measured very differently pertaining to identification levels and opinions associated with the University of North Dakota's fighting Sioux logo (Trottier 2002:47). The two groups felt dissimilar intensities among the eight characteristics included on Wann's fan motivation scale. Majority Culture students at UND reported a higher level of sports involvement and identification with the UND Fighting Sioux logo than did the American Indian students. "This may be because Caucasian students do not feel discriminated against at sporting events, whereas American Indian students report feelings of discrimination and tension as a result of UND's 'Fighting Sioux' nickname and logo than would American Indians students" (Trottier 2002:50). Trottier suggested that, even given all the attention and protests concerning changing the name and the education on American Indian culture rights, most Majority Culture students remained resistant

to altering the Fighting Sioux logo. Majority Culture students seemed to possess a greater investment in the athletic teams at UND, which correlated into these teams providing a main component of their identity (Trottier 2002:52). Conversely, American Indian students sustained a low level of identification with UND teams and logo. This diminished connection did not translate into a sense of personal identification with the athletic teams. Some claimed they were sports fans, yet were discouraged from viewing sporting events due to the logo. Most American Indian students expressed that attending sports functions at UND failed to promote either self-esteem or any bonding between friends and families. Trottier's report aided in delineating the various motivations between different cultures for fan and logo/team affiliation. American Indian students at UND held less personal identification and commitment than Majority Culture students, while most Majority Culture students held a sense of identity intertwined with the Fighting Sioux logo.

John Gonzalez posed the question, "Does opposition to Native American team names and mascots place Native people at greater risk of prejudice and discrimination?" (Gonzalez 2005:2). His inquiry resulted in structure identification of in-group and out-group dynamics. Additional findings implied that prejudice and discrimination persists toward American Indians, specifically in connection to the University of North Dakota's Fighting Sioux logo.

Stereotypes and hostile environments expand the divide between majority and ethnic minority groups, resulting in in-group/out-group dynamics. “The in-group bias refers to the tendency for groups to show favoritism toward members of their own social group over other groups” (Gonzalez 2005:25). This follows the concept that people are motivated by increased positive self-esteem. They subsequently perpetuate it by forming groups that keep it alive. These in-groups evaluate those within the group in a more positive light than those outside its group influence. There have been studies (Allen and Wilder 1995, and Mullen et al. 1992) revealing that those within the in-group weigh and reward members of the same group more than the out-groups to whom it also attributes negative qualities.

“Out-group homogeneity refers to the tendency for group members to see their own group as more diverse and variable than members of other groups” (Gonzales 2005:26). Out-group phenomenon studies show that in-groups perceive out-group’s members in relation to their projected stereotypes, thus propagating in-group homogeneity by isolating out-groups (Park and Judd 1990:173). This is evident at sporting events where an in-group will support its team while ridiculing the competition. An out-group develops in turn that is reduced to its base stereotype.

In addition to already established in and out groups of fan supporting their respective teams, in the case of the Fighting Sioux logo, in-groups and out-groups

arose from the support of pro-mascot versus anti-mascot and Native versus non-Native ideas (Gonzales 2005: 26). Gonzales implemented a series of surveys with UND students to test his hypothesis that racism occurred on campus and that in-group and out-group dynamics played a large part in advancing perceptions and continued ideology. Gonzales noted that the Fighting Sioux logo fell into the category of social dominance, indicating that the Majority Culture group supported the logo while exercising power over the minority. His data illuminated a foremost and significant effect of race upon the prejudice ratings: American Indian students at UND had come to expect prejudice despite any relation to the Fighting Sioux logo. There were, however, facts suggesting that Natives in support of the logo were considered to be friendlier, more attractive, and more likable. These were distinguished as traits of a 'good Indian' where pro-logo Majority Culture students were labeled as 'average Joes' by the mainstream Majority Culture (Gonzales 2005:45-46). A data profile also put forward social import where the Native who was pro-logo enjoyed better social standing and opportunity than the American Indian who was anti-logo. "An interesting trend indicated that Whites who openly oppose the Fighting Sioux name/logo may be placing themselves in a socially disadvantaged position" (Gonzales 2005:50). Gonzales' findings further implied that those in favor of retaining the Fighting Sioux emblem tended to support the protraction of inequality and institutional and personal discrimination among ethnic groups (Gonzales 2005:51). Gonzales

asserted that using the Fighting Sioux logo as a form of social dominance encouraged institutional racism and created a culture where discrimination endured (Gonzales 2005:51). This assertion is demonstrated within the in-group/out-group relationships which developed among American Indians or European Americans supporting the UND Fighting Sioux logo. With both American Indian and the Majority Culture groups supporting the logo, members experienced more favoritism and social relevance than members of either group advocating for a mascot and logo change.

Limitations in Gonzales' analysis included the small student demographic he was able to gather and their accompanying characteristics. The only students selected were those who saw a flyer that Gonzalez placed in the philosophy department which advertised surveys and offered extra credit. Moreover, he learned that students in their first two years of study at UND demonstrated increased racial prejudices and reaction to the UND logo compared with those who matriculated longer. Supplemental research would need to incorporate a wider student populace comprising freshmen through graduates in the data set.

LaRocque explored the trauma and perceptions UND's American Indian students underwent with respect to the Fighting Sioux logo. She conducted a study comparing their attitudes and beliefs about the effect of cultural affiliation associated with the Fighting Sioux logo conflict (LaRocque 2001:x). For this, she tested UND students, both Northern Plains American Indians and non-American

Indians (or Majority Culture). She was able to ascertain that “American Indian students had significantly different attitudes, beliefs, and reactions to the use of the ‘Fighting Sioux’ nickname and its related issues than non-Indians” (LaRocque 2001:xi). These Native dissimilarities, on average, focused upon a perception of negativity toward the logo. There were even variances among the attitudes of different American Indian tribes and whether or not they lived on reservations (LaRocque 2002:23). Some individuals were more bicultural and enmeshed with the Majority Culture as well as having a tribal identity. A discrepancy was noted between the Natives perceptions of offensive iconography and mainstream Majority Culture students. Feelings of discrimination due to racism appeared to correlate to mental abuse and trauma suffered.

LaRocque’s study established that American Indians and European American students at UND possessed a range of attitudes and beliefs in relation to the UND insignia. She was surprised to discover a sizable inconsistency regarding this topic between assimilated and non-assimilated American Indians. The more assimilated a student was, the more his/her attitudes lined up with those of the Majority Culture (LaRocque 2001:49). Assimilated American Indian students remained opposed to the nickname although not as vehemently (LaRocque 2001: 53). Students at UND who were not American Indian viewed the controversy quite differently than those who were. Most Majority Culture students supported the continued use of the Fighting Sioux logo. Many commented on positive

experiences in connection to the logo and emphasized that the logo was displayed in a respectful fashion (LaRocque 2002:55). The relationship between age and attendance suggested that the older the students were and the more years of college they attended, the more engaged they were at UND. This facilitated a greater identity attachment to the symbol and intensified preoccupation with the controversy: the more involved with UND, the more supportive of the logo one became.

Some American Indians' beliefs, attitudes, and reactions were diametrically opposed to mainstream students on the logo issue. LaRouque groups these different groups as traditional and assimilated. Traditional American Indians deemed it offensive and wished to abolish the image, while mainstream and more culturally integrated American Indians seemed to support the logo. Reasons for the traditional American Indians' logo opposition were cited in LaRocque's study.

(1) American Indians did not feel the nickname honored the University of North Dakota or the Lakota/Dakota/Nakota; (2) American Indians felt that the nickname was used in a disrespectful manner; (3) they felt that the nickname should be changed if it offended some American Indians; (4) they felt that historically and recently there has been an atmosphere at UND that promotes discrimination against American Indians; (5) they felt that UND should abide by the Lakota/Dakota/Nakota councils' requests and change the athletic team nickname; (6) they felt that dropping the name would have an overall positive effect on how UND is perceived nationally; (7) they felt that the nickname perpetuated discrimination against American Indians; (8) they revealed that they have experienced discrimination because of their cultural affiliation; (9) they revealed that they did not attend athletic events because of the 'Fight Sioux' nickname and other related issues; (10) they revealed that their personal safety is threatened at UND due to their cultural affiliation and the nickname controversy; (11) they believed that cultural clashes resulting from the nickname controversy have resulted in an atmosphere of tension in their classes at UND; (12) and that they have experienced greater levels of stress/tension resulting from the nickname issue because of their cultural affiliation. [LaRocque, 2001:52]

Both the American Indian and Majority Culture students established some common ground in the study. They equally acknowledged that UND had achieved great strides by successfully instituting policies and practices supporting American Indian programs. They concurred that the nickname issue and the name selection of the UND athletic team were consequential. They also agreed the matter should be decided without factoring in the economic gains or losses from

alumni donations and that, should the epithet be changed, some American Indians would respond negatively (LaRocque 2001:53). Ultimately the UND logo issue's resolution perpetuated ill feelings because the two groups of American Indian students held opposing viewpoints and opinions (LaRocque 2001:57). Studies such as these can be indicative of the larger cultural atmosphere. The same in-group and out-group populations are represented, only on a larger, statewide biases. The logo not only effected students, but also created tension between varying generations of tribal members and some residents of North Dakota and American Indians over the Fighting Sioux name.

LaRocque's study presented one drawback regarding the Fighting Sioux logo; she failed to represent a larger segment of the Lakota, Dakota and Sioux tribes within her sample study (LaRocque 2001:50). LaRocque's work did clarify that there are emotional responses elicited by the Fighting Sioux logo and that feelings of hostility exist between American Indian and Majority Culture students over the logo.

One side effect of discrimination and prejudice presents as emotional and physical stress. C.A. Walker proposed that high stress levels led to depression and anxiety, which were already prominently evidenced among the American Indian communities. These characteristics could be caused by a combination of on-going prejudice, discrimination, and historical trauma. LaRocque found that American Indians who tended to be more biculturated (those who were engaged with and

self-identified with American Indians as well as the mainstream culture) suffered less stress than traditional (those who hold a more customary cultural view) cultural Natives, specifically those living on reservations (LaRocque 2004:12). Conversely, American Indians who abandoned Native culture were more likely to be inflicted with stress at a level even higher than those who abandoned their culture and still lived on reservations.

Krycia Mossakowski performed an analysis which studied ethnic identity as a means of coping with stress resultant from racial discrimination. She examined other ethnic groups, yet specifically targeted Filipino-Americans. Mossakowski cited literature which demonstrated perceived discrimination as a stressor relating to poor physical and mental health (LaRocque 2004:26). “Ethnic identification involves a sense of ethnic pride, involvement in ethnic practices, and cultural commitment to one’s racial/ethnic group” (Mossakowski 2003:318). Michael Marmot discussed in his book, *The Status Syndrome*, a direct link among stressors, chronic stress, and poor health. He also discovered a social gradient that was enacted with poor health and stress: the lower one’s status lay within a social hierarchy, the worse one’s health became (Marmot 2004). Research into ethnic minorities proved that perceived discrimination correlated with increased psychological depression and distress (Mossakowski 2003:321). Mossakowski’s concluded that ethnic identity lent itself to fewer depressive symptoms and acted as a coping mechanism toward apparent discrimination (Mossakowski 2003:325).

Having a salient ethnic identity involves being very committed to one's racial/ethnic group by learning about one's cultural heritage, being proud of it, and maintaining a strong sense of belonging to the ethnic community by participating in cultural practices, such as preparing and eating special food, playing ethnicity-specific music, or doing other customs. [Mossakowski 2003:326]

Mossakowski remarked that further studies on ethnic comparisons with health necessitate more research focusing on the diversities within and between groups. As her study centered on Filipino-Americans and referred to other ethnic groups who were not American Indian, this report may not be wholly applicable. It is argued that ethnic identity could trigger additional stressors as it widens the gap with the ethnic majority, thereby fostering an atmosphere of potential discrimination. However, Mossakowski's work has value in expanding the literature on recovery and coping skills with perceived discrimination among ethnic identity ties.

Conclusions and Implications

My thesis utilized a comparative analysis framework and provided a system for processing data research and collecting a holistic viewpoint on existing material. Through the analysis of legal implications and the interests and motivations of invested parties, a better understanding of the complex

relationships within the Fighting Sioux name and logo conflict and its development can be reached. The theoretical structure taken was key to placing this controversy within identity and conflict theory. Use of the theoretical framework enabled analysis of the in-group/out-group dynamics which facilitated the perpetuation of the Fighting Sioux nickname and subsequent controversy. Visual analysis decoded the misappropriation of American Indian iconography and imparted the importance of semiology. In turn this has illuminated the mental and physical distress and trauma inflicted upon American Indian students at UND. Institutionalized racism is subtle, yet still pervasive. My argument adds to the literature of American Indian logos and reactions at universities and provides further clarification to other works, e.g., Mark Connolly's study of the Fighting Illini, the Redskins at Miami University, and the Hurons of Eastern Michigan University. Connolly's study focused on nickname formation, the iconography used, and American Indian perceptions of racism attached to the names and iconography; the present case study expanded on those concepts and added elements of conflict and identity (Connolly 2000:517).

Future programs designed to integrate diversity could benefit from my analysis by perceiving conflicts based on value and interest. Examining the identity of a subject with opposing interpretations is indispensable to cross-cultural studies, and valuable instruments for working toward a resolution of human rights efforts. Realizing a bias one may have due to media and text

misrepresentations provides the opportunity for critical approaches in re-evaluating circumstances.

My research has implications for the field of conflict. Third-party interests over ethnic affiliation can escalate or resolve an issue. This is apparent in the Fighting Sioux controversy when, at the escalation stage of the conflict, the third party was the NCAA. Their association forced the logo issue to be dealt with on a specific timeline with accompanying ramifications. At another stage within the dispute, the 'interfering' parties were the residents of North Dakota, as they voted to abandon the logo. Sumantra Bose argued that third-party involvement is necessary for a peaceful conflict resolution; "Without some kind of third-party engagement the bitterness and distrust between the parties in conflict will combine with the vested interest of spoilers hostile to settlement to overwhelm prospects of peace" (Bose 2007:3). In international conflicts, these actions usually transpire with the United Nation's influence or by interested parties stepping in to mediate or enforce peace. Bose had studied contested lands, primarily due to ethnic identity and perceived entitlement to said territory. While third-party involvement does not necessitate a peaceful outcome, it is deemed to be a wise choice between seemingly intractable parties.

... (The) peace process will not emerge and peace settlements will not materialize in ethnonational sovereignty disputes without external, third-party engagement. Third-party engagement is in itself no guarantee of a successful outcome, but in its absence the chances of bridging the gulf that separates sworn antagonists are virtually nonexistent. [Bose 2007:299-300]

Many conflict participants fail to see beyond their own interests, thereby exacerbating conflict. A third party who is not embroiled in the conflict is often beneficial as a lens to analyze the situation. While the NCAA and the North Dakotan residents claimed a vested interest in the controversy, their contributions seemed to prioritize the timing of the conflict and generate a series of definitive decisions leading to its conclusion.

While exposure to various cultures, ethnicities, or traditional practices can enrich one's life, it may also become a breeding ground for discrimination and conflict. This has been a predominant theme throughout history, specifically from colonized regions in the world. The Fighting Sioux identity issue is reflective of many American Indian concerns linked with allegiance and identity in today's society.

Racism is not limited to individuals, corporations, governments, and cultural practices can also institutionalize racism. The Fighting Sioux controversy implicated governmental, corporate, and cultural institutions. The North Dakota legislation and subsequent court cases added another layer of legal institutional

involvement to this conflict. The interest-related values of the NCAA, UND, and ensuing civil court cases fell under a corporate umbrella. The Majority Culture's booster club and sense that it honored the Sioux and American Indians with culturally offensive nicknames and iconography shows the component of institutional racism that lay within. Each of these groups developed cultural practices advancing each other's agenda, bolstering their beliefs, and reinforcing their perception of themselves as a villainized out-group.

Racism and prejudice is still prevalent at The University of North Dakota and was evident throughout the Fighting Sioux logo controversy. The effects of racism are varied, yet always negative. They range from the psychological to the physiological, perpetuating symbolic violence, trauma, and de facto segregation against individuals and groups. The most logical step taken to avoid discrimination and racism in reference to the UND Fighting Sioux logo was to discontinue its use. While this will not eliminate racism toward American Indian students at UND, it will decrease instances of racist behavior, especially at athletic events.

The Fighting Sioux conflict has the potential of setting precedence when addressing American Indian or other mascot or logo issues. There are many American Indian names exploited for athletic and commercial purposes and many Natives feel offended by this misappropriation of their culture. Other states are addressing the Native mascot issue in the wake of the UND controversy and

NCAA policies. As of September 26, 2012, the Washington State Board of Education has recognized the psychological effects that Native mascots have and has passed a resolution recommending the discontinuation of their use (Wyatt 2012). As this case study encompassed state court levels and primary election decisions, it could become a template for other universities and schools deemed offensive by the NCAA, contractual law, and constitutional and First Amendment rights.

Implications for future research are applicable from this case study as it not only applies to a singular issue; the comparative study in issues of life and death conflict, the basic principles of in-group/out-group dynamics, self-identification, and misunderstanding of cultural values all remain pertinent. The aforementioned points are relevant to any conflict involving identity association. With the infusion of various ethnic backgrounds resulting from globalization, many people claim a multicultural identity. Multicultural identity often consists of two cultural groups opposing one another due to rape, intermarriage, or immigration. Some opposition is even composed of more traditional identities over current modern practices. This can cause confusion and conflict leading to difficulty in finding an in-group identity. Those having ethnic and identity ties to one or more groups may feel conflicted about which identity bears more salience in their lives.

In the twenty-first century, globalization has become an inescapable part of society as more cultures interact. Technology advances this interconnectivity throughout the world. Inevitably, misrepresentations and disputes over ideologies can spark conflicts that are value-related and interest-related. Said's documentation concerning Europeans' perceptions of the Orient demonstrated modern misunderstandings of other cultures still exist, especially in the current geo-political realm.

Modern ideas of Islam and the Middle East have been dictated by the radical actions of fundamental factions following the events of September 11, 2001 and the wars in Iraq and Afghanistan, triggering stereotyping and discrimination. These wars were fought in a value-related manner owing to the involvement of religion and ethnicity (McCutcheon 2006:12). The interest-related component was reflected in the participation of oil resources and military interests. This perpetuates the Orientalist foundation of the West versus Other, where the United Nations and America represent the West, and where the Muslim Middle-Easterners characterize the Other (McCutcheon 2006:20). As demonstrated by the Fighting Sioux Conflict, in-group/out-group dynamics, such as us versus them, can create exacerbated and on-going conflict.

A residual effect of globalization is post-colonization. Once a country has conquered another and set up its own cultural institutions, ethnic perceptions and a sense of 'other', aggravated by accelerating tensions, produces a potentially

hostile environment. Colonialism that incorporates genocide carries its own connotations. The atrocity of genocide firmly changes the relational dynamics between the colonizing and colonized cultures. When vast numbers of a people die, a gap in the understanding and history of a populace forms, with the surviving generation looking back with sorrow and blame. Continued relations between factions may take years to heal the wounds inflicted upon the people, assuming these kinds of wounds can be healed.

Other cultures besides American Indians were affected by post-colonization and suffered from genocide enacted against them. They too still dwell within their occupied country, as those oppressed living among their aggressors. An example of this is mirrored in Bosnia-Herzegovina which was polarized and segregated by ethnic and religious affiliations (Bose 2007:107). Ultimately, the war in the early 1990's was delineated by these ties. After the genocide and war, the ethnic enclaves are still present. This understandably has instilled an atmosphere of unease when those who perpetuated harm live closely among the victimized. While this last conflict is relatively recent, there is a correlation between this situational tension and that of the American Indians in the United States. This prolonged interaction between former oppressors and the oppressed, is similar to American Indian interactions with Americans immediately following genocidal practices. All these conflicts sustain lingering effects and have applications and implications to the global theater of conflict.

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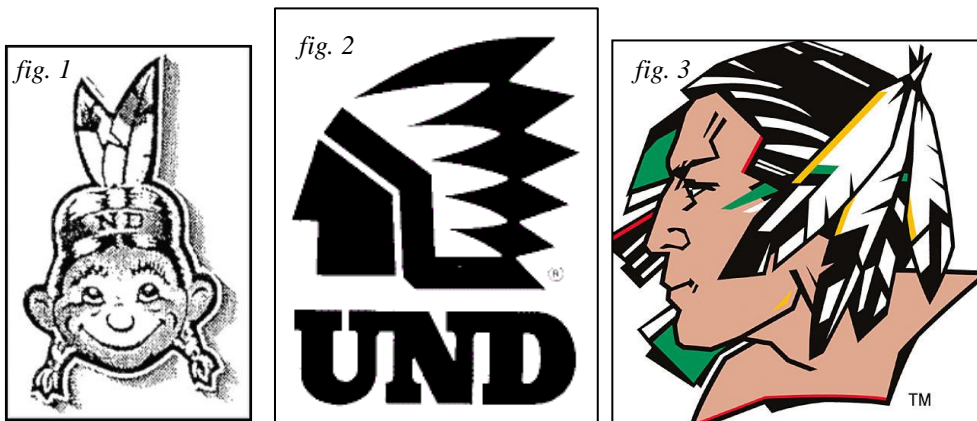
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APPENDIX 1



Left to right: Figure 1. Sammy Sioux” logo circa1950 (Fletcher 2011).

Figure 2. Geometric American Indian Head from 1976 (Blue Corn Comics 2007)

Figure 3. Bennett Brien logo from 1999 (Kolpack 2011)

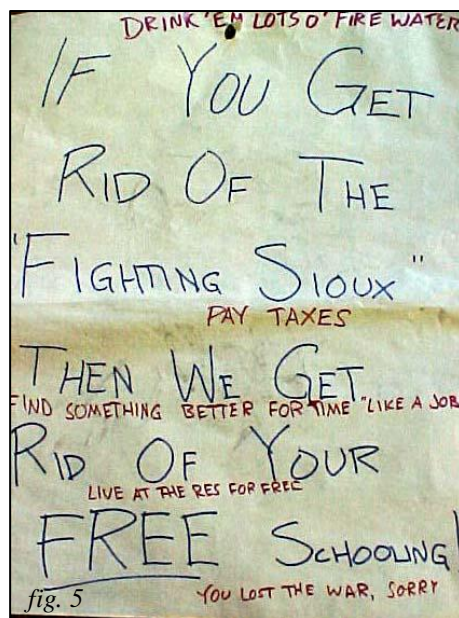
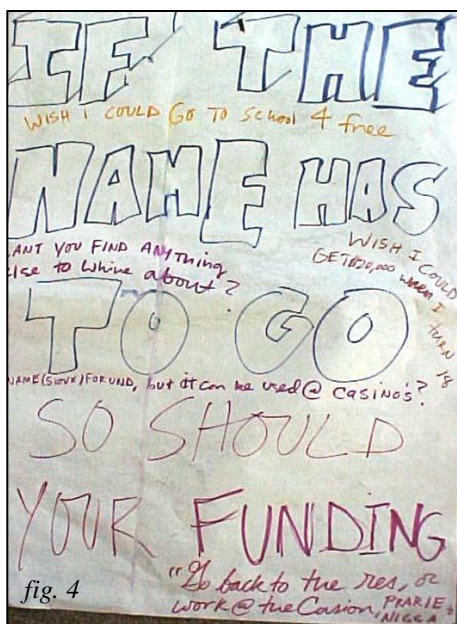
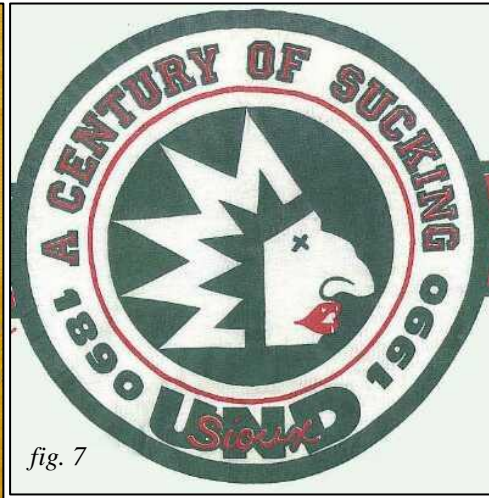
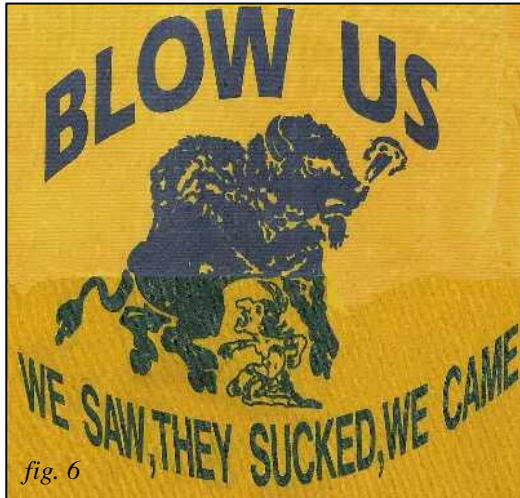


Figure 4 & 5: Two posters found hanging in Merrifield Hall in early March 2001 (B.R.I.D.G.E.S. www.und.edu/org/bridges/index2.html)

T-Shirt Examples:



Top: Figure 6 and 7. T-shirts from opposing teams.

Bottom: Figure 8. T-shirt from UND toward opposition

(B.R.I.D.G.E.S. www.und.edu/org/bridges/index2.html; Fletcher 2011)

APPENDIX 2

Key Terms

Booster Club

The term “booster club” references individuals who are usually alumni or are attending the University of North Dakota and who also support the continuation of the Fighting Sioux nickname.

Nickname or Moniker

Both of these terms are used to define linguistic designations, commonly used for a sports team (Nuessel 1993:102).

Logo

This is a “graphic, two-dimensional” image used to depict an athletic nickname (Nuessel 1993:102).

Mascot

A mascot is a designation given to a three-dimensional representation of a team’s nickname or logo, it can be a person or animal as well (Nuessel 1993:102).

Prejudice

Prejudice is expressed as “a positive or negative attitude, judgment, or feeling about a person that is generalized from attitudes or beliefs held about the group to which the person belongs” (Jones 1997:10).

Racism

The term racism “centers on the belief that, given the simple fact some individuals were born into a certain out-group, those individuals are inferior on such dimensions as intelligence, morals, and an ability to interact in decent society” (Jones 1997:14).

Stereotype

This relates to “generalizations about a group or class of people that do not allow for individual differences” (Brislin 2000:36).

Discrimination

Discrimination is “the behavioral manifestation of prejudice –those actions designed to maintain own-group characteristics and favored position at the expense of members of the comparison group” (Jones 1997:10).