In 2005 the National Collegiate Athletic Association (NCAA) brought the use of American Indian symbols such as mascots, nicknames, and imagery in intercollegiate athletics to national attention by announcing a policy banning “universities from displaying hostile and abusive racial/
ethnic/national origin mascots, nicknames or imagery” at NCAA postsea-
son sporting events. While controversies over collegiate American Indian
mascots and symbols have held a consistent ebb and flow in public dis-
course, what is unique about the NCAA controversy is that permission from
eponymous American Indian nations emerged as a focal point of the debate.
Citing permission from affected American Indian nations, the University of
Utah (Utes), Central Michigan University (Chippewas), Mississippi College
(Choctaws), and Florida State University (Seminoles) won appeals to con-
tinue using their symbols. Further, the NCAA denied the University of
North Dakota’s appeal to retain its “Fighting Sioux” nickname in part
because the university did not demonstrate permission from the Sioux
nations of North Dakota. Although it was not the only factor, permission
from eponymous American Indian nations was a significant factor in
NCAA appeal decisions.

On face, the permission argument seems to be straightforward. Ameri-
can Indian nations are sovereign, defined as the authority of a nation-state
to self-govern, self-identify, and make decisions about its representation.
Hence, sovereign American Indian nations are empowered to give permis-
sion for others to use their nation’s name or other cultural symbols. NCAA
vice president Bernard Franklin followed this reasoning, “The decision of a
namesake sovereign tribe, regarding when and how its name and imagery
can be used, must be respected even when others may not agree.” Under
this logic, permission from an eponymous American Indian nation trumps
the NCAA policy because permission is an expression of sovereignty. More-
over, the claim that mascots are hostile and abusive is diminished because
permission implies that the particular mascot under consideration is an
acceptable and nonexploitative form of cultural appropriation—the use of
one culture’s symbols by another culture. Using this reasoning, if those
who own the name say it is okay, it must be okay.

Yet, controversy over permitted mascots has continued despite the
NCAA’s decision. Collectively, American Indian people are not univocal in
their response to the NCAA policy; there are a variety of stances on permit-
ted mascots ranging from approval to disapproval. On one hand, Ameri-
can Indian proponents of permitted mascots argue that as long as they are
used in an honorific and respectful way, the mascots are some of the only
positive references to American Indians in dominant society. According to
Frank Cloutier (Saginaw Chippewas), “Our position is that if it’s [an Amer-
ican Indian mascot] not derogatory and it’s being used appropriately, with an opportunity to share or cross-share our culture, then it’s fine.” On the other hand, American Indian opponents of permitted mascots contend that mascots are stereotypical, racist, and harmful to American Indians regardless of whether a nation has given permission. Charlene Teters (Spokane) of the American Indian Movement’s (AIM’s) National Coalition on Racism in Sports and Media argues, “Using our names, likeness, and religious symbols to excite the crowd does not feel like honor or respect, it is harmful and confusing to our young people. . . . An educational institution’s mission is to educate, not mis-educate, and to alleviate the ignorance behind racist stereotypes, not perpetuate them.” Opponents dispute the idea that having permission removes the harm to American Indians (whether part of the eponymous nation or not) and argue that permission represents complicity with colonization. Given these perspectives, choosing a stance on permitted mascots is not easy for American Indians. Examining the permission argument and responses to it reveals the complexity of American Indian discourse about mascots.

The focus of this essay is an examination of the permission argument in the case of the University of Utah Utes. Rather than answering the philosophical or legal question of who gets to grant permission, I am more interested in assessing the rhetorical consequences of Northern Ute permission for our understanding of the complexity of the mascot controversy and for how colonization works. Drawing from the lens of rhetorical colonialism—a set of material/discursive practices that uphold the hegemonic position of the United States—I reveal how Northern Ute permission allows for a better understanding of internal division within American Indian peoples and forms of resistance and complicity to colonialism.

Further, I argue that permission raises a seemingly significant double-bind, or argumentative challenge, for the primarily non-Ute American Indian opponents of the Utes nickname and associated symbolism. On one hand, arguing against the sovereign decision of the Northern Ute government to allow permission could be interpreted as an affront to the struggle for American Indian self-determination and self-identification that many American Indians fight for on a daily basis. On the other hand, the Utes nickname and associated symbols can be interpreted as perpetuating systems such as racism, colonialism, and cultural imperialism that harm Amer-
ican Indians regardless of their national affiliation and that many American Indians fight against on a daily basis.

This raises an important tension. How can an advocate of American Indian rights (in the form of eradicating harmful mascots) advocate against the decision of a sovereign American Indian nation? The answer to this question goes beyond simply disagreeing with the Northern Ute government’s decision, which may not seem to be a double-bind. Rather, the question involves examining the competing priorities of American Indian resistance and asking whether supporting sovereignty or supporting the elimination of racist stereotypes better serves American Indians and upholds decolonization efforts.

In the remainder of the essay, I justify my focus on the permission argument by situating it within scholarship on American Indian mascots. I then flesh out the lens of rhetorical colonialism and use it to examine the case of the University of Utah Utes. I trace the rhetorical history of the University of Utah Utes, including the arguments made by the university, the Northern Utes in support of the Utes nickname, and American Indian opponents of the Utes mascot. I conclude the essay by highlighting the implications of this case for further thinking about mascots, rhetorical colonialism, and division within American Indian protest.

THE PERMISSION ARGUMENT

While there is much interdisciplinary scholarship on collegiate and professional American Indian mascots, American Indian permission has received insufficient attention. In a meta-analysis of scholarship of American Indian mascots, C. Richard King found three themes: 1) analysis that uncovers racist stereotypes; 2) examination of historical conditions—institutional racism and colonialism—that make the continued use of mascots possible; and 3) investigation of the arguments used by fans, educational institutions, and professional franchises to support their mascots. This body of scholarship primarily critiques the continued use of mascots because of their negative implications, such as perpetuating racism and colonialism, harming American Indian identity, and enacting cultural appropriation and commodification of American Indian cultural symbols.
Within rhetoric scholarship specifically, Jason Edward Black, Raúl Tovares, and Jackson Miller have pointed out the rhetorical workings of collegiate and professional American Indian mascots, revealing the hegemonic, mythic, and performative aspects of these symbols. For example, Black argues, “the mascotting of American Indian culture further perpetuates white hegemony. Universities exert this control by constructing Indigenous peoples as generic, reducing them to appropriated commodities, and blending their culture with assimilation-minded universities.”

This scholarship tends to characterize the controversy over mascots as a struggle between dominant non–American Indian society and Americans Indians over white hegemony. Although some scholarship does note that some American Indians support mascots, there is yet to be a sustained examination specifically focused on the implications of American Indian permission.

The permission argument is unique to collegiate mascots because professional mascots use more general monikers, such as “Braves” or “Chiefs,” that are not specifically linked to an American Indian nation like the “Utes,” “Seminoles,” or “Fighting Sioux.” An emphasis on permission shifts focus to two underdiscussed facets of the controversy over mascots. First, the permission argument highlights how American Indian supporters of mascots fit into our understanding of the controversy and more broadly into the practices of institutionalized racism and colonialism that give rise to American Indian mascots. As King notes, scholarship on American Indian mascots overlooks “the tactics employed by supporters and their implications for the place of Native Americans in American society.” Examining these tactics and their implications, he argues, is necessary if we are to gain a full understanding of the mascot issue.

Focusing on Northern Ute permission breaks down the binary that characterizes the struggle over mascots as one between American Indians and non–American Indians. Instead, American Indian permission reveals an internal struggle within heterogeneous American Indian discourse.

Second, a focus on permission allows for an analysis of forms of resistance and complicity within a hegemonic colonial system. While previous research critiques mascots as a symptom of white hegemony and colonialism, the focus on American Indian permission allows for consideration of how institutionalized colonialism becomes internalized into American Indian rhetoric.
or an act of complicity within a colonial system? There is no easy answer to this question. However, engaging with this question is an important part of better understanding the rhetorical workings of colonization.

**Rhetorical Colonialism of American Indians**

Although American Indian peoples are indigenous to North America, European invasion involved the conquest of American Indians, their lands, and their freedom. Starting with Columbus’s “discovery” of the continent that we now know as North America, indigenous civilizations faced an overt effort by Europeans and the nation-states that resulted from their conquest to colonize indigenous lands and peoples. Yet despite the popular belief that colonization of American Indians is a thing of the past and that American Indians have been assimilated into the United States as a racial/ethnic group, colonialism is an ever-present contemporary reality. The belief that colonialism can be safely relegated either to distant locations or the distant past is wrong,” note Mary Stuckey and John Murphy. They continue, “The violent conquest of North America,” and associated ways of thinking and acting, “are embedded in the culture of the contemporary United States.”

Within this complex system of colonialism came “the accompanying dispossession of Native lands, cultures, and resources.” As tribal critical race theorist Bryan McKinley Jones Brayboy notes, “colonization is endemic” for the over 500 distinct American Indian nations in the United States. Despite the realities of colonization, American Indians are not passive victims; they have engaged in various forms of resistance to colonization since first contact with Europeans.

**Rhetorical Colonialism**

Rhetorical colonialism refers to the often hidden discursive practices that perpetuate the also often hidden contemporary colonization of American Indian nations in the United States. Rhetorical colonialism can be extended beyond the experiences of American Indians in the United States, as evidenced by the work of postcolonial, neocolonial, and decolonial critics such as Raka Shome, Dereck Buescher and Kent Ono, and Darrel Wanzer. However, I primarily situate my essay within literature from scholars of
American Indian rhetoric such as Black, Casey Kelly, Stuckey, Randall Lake, and others who seek to highlight the rhetorics of control and resistance that affect American Indians.30

Analyses of rhetorical colonialism focus on the ways that dominant non–American Indian discourse perpetuates and justifies a racist, hegemonic, and colonial mindset. Stuckey and Murphy introduced the term “rhetorical colonialism,” stating, “As an instrumental force, rhetorical colonialism undermines the political and cultural influence of Native Americans and asserts control over their lands and resources.”31 This concept has been taken up by numerous scholars to highlight the varying strategies of rhetorical colonialism over time from the eighteenth century to the present.32 In addition to analysis of dominant discursive practices, other scholars turn their focus to forms of American Indian resistance to practices of rhetorical colonialism.33 While these studies look at rhetorical colonization and resistance to it through the lens of a struggle between American Indians (in many instances of a specific nation) and dominant white hegemony, there is a lack of analysis of how colonialism and its discourse can be internalized by American Indians and perpetuated in their discourse such that they employ rhetorical strategies that, regardless of intent, reify institutionalized colonialism.34

One of the goals of colonization is to embed the framework within the minds and actions of the colonized.35 Putting this in the context of American Indian experiences, Brayboy notes,

the colonization has been so complete that even many American Indians fail to recognize that we are taking up coloniser ideas when we fail to express ourselves in ways that may challenge dominant society’s ideas about who and what we are supposed to be, how we are supposed to behave, and what we are supposed to be within the larger population.36

This describes the process of internalized oppression within a hegemonic system that Frantz Fanon, Paulo Freire, and others discuss.37 According to Caskey Russell, “vast justification systems have been set up to keep colonizers from feeling guilty and to keep the colonized quietly obedient, willing to give up rights and resources and even willing to die in defense of a system of exploitation and oppression. Without these justification systems, exploitation would be unattainable.”38 These justification systems promote inter-
nalized oppression, and in some cases the discourse used by American Indians sustains colonialism. Of course, assimilating could be an intentional strategy of resistance, wherein American Indians are playing by the rules to gain agency and ultimately resist colonization. Indeed, Black reveals how American Indians appropriate language of the oppressors in acts of resistance that “[reveal] the presence and agency of Native discourses.” Yet, as Ono and John Sloop argue, vernacular discourses of marginalized groups are not guaranteed to be counterhegemonic. My intent is not to prove definitively that American Indian permission is an intentional act of rhetorical self-colonization or that American Indian supporters of mascots are merely duped. Rather, as I will show in the analysis, American Indian permission can unintentionally perpetuate colonialism, which American Indian opponents of permitted mascots point out in their arguments.

Looking at Northern Ute permission for the Utes nickname from this lens reveals a new layer to scholarship on rhetorical colonialism by contributing to understanding rhetorical strategies of self-colonization. American Indian opponents of the Utes symbols have chosen to continue to oppose it not only because they believe fighting what they see as stereotypical racist depictions is more important than upholding the sovereign decision of the Northern Utes but also because they argue that the act of permission upholds colonialism. Making a choice between upholding sovereignty and resisting racist stereotypes is a difficult double-bind. While using a rhetorical colonialism lens does not necessarily tell us which choice is right, it further clarifies what the choice is really between or about and how American Indians negotiate this choice.

**The University of Utah Utes**

According to historian Barry Pritzker, “The Utes and their ancestors have been in the Great Basin for as many as 10,000 years.” Ute oral history suggests that Sinauf, a half-wolf half-man deity, carried the Nunt’z (Ute) peoples to the Great Basin region in a magical bag. Nunt’z people lived in roughly 12 autonomous bands in most of the present-day state of Utah and parts of Colorado. Historian Ned Blackhawk argues that interaction in the Great Basin between indigenous people—Ute, Paiute, and Shoshone—and European traders, explorers, and settlers has been violent and painful for all parties, including conflict between Europeans and indigenous peoples and
interindigenous conflict. After the U.S. government established Fort Massachusetts in Ute territory in 1852, there were several decades of ongoing tension between colonization attempts and resistance to those attempts in the interaction between the United States and the Ute bands. A series of confrontations, treaties (some not ratified), land cessions, removals, and settlements occurred between the United States and the Utes from 1852 to 1953, revealing a complex history of resistance, conciliation, and survival that resulted in the current political organization and land base of the Utes. There are now three federally registered Ute nations: the Southern Ute Indian Tribe/Reservation in Southwest Colorado, the Northern Ute or the Ute Indian Tribe of the Uinta-Ouray Reservation in Northeast Utah, and the Ute Mountain Tribe/Reservation (including the White Mesa Ute Tribe) in the Four Corners region (specifically Utah, New Mexico, and Colorado). The Northern Ute nation grants permission to the University of Utah to use the Utes nickname.

**The Road to Permission**

In the history of the University of Utah’s use of American Indian symbols, there is a progression in naming and imagery toward more respectful symbols and more responsiveness to American Indians on campus as well as the Northern Ute nation. The University and Northern Ute nation use this rhetorical progression as evidence for their continued use of the Utes nickname. Although the Utes nickname has become indelibly associated with the University of Utah, it is not the first nickname the university used. In 1892, the university approved crimson and silver as the school colors, and until the mid-1920s, athletic teams and students were mainly referred to as “the Crimson,” such as this 1916 headline in the *Utah Chronicle*: “Utah Wins National Basketball Championship: Crimson Proves Superior to Best of World’s Teams.” The shift to the “Utes” symbols associated with the Northern Ute nation developed in an ad hoc way through a series of campus traditions over about 80 years.

The first usage of American Indian symbols by the university emerged in the mid- to late 1920s, as seen in the archives of the *Daily Utah Chronicle*—the student-run newspaper previously known as the *Utah Chronicle*—and *The Utonian*—the student-run yearbook. The terms “Indians,” “Utes,”
“Redskins,” and “Redskin braves” are used interchangeably to refer to athletic teams and students. By the 1930s these nicknames were quite common among students, reporters, and alumni. For example, the 1931 *Utonian*, in describing a football rally, states,

> The discordant crash of a hastily mustered band, a howl—“Yoo-o Redskins”—, the harangue of yell leaders and the hiccoughing of Bacchanally-disturbed youths, and the Utes were all set to win another football game.49

Imagery began to emerge in this time period as well, such as stereotypical caricature cartoons in the 1933 *Utonian* (see fig. 1).50 In the 1940s, images of an American Indian child began to appear in relation to the university. In 1947, this “I’il Ute mascot” was officially named Ho-Yo, based on a naming
The nicknames and imagery used during this time were not officially sanctioned by any of the three Ute nations. This type of symbolism is typical of what other colleges and universities with American Indian mascots used in this time period, deriving from the complex historical "practices of playing Indian" tied to whiteness, memorializing the Indian Wars, and the ongoing colonization of American Indians.52

Starting in the late 1960s there was a change in attitudes about the university’s nickname and mascots, and it was during this period that the university officially adopted the Utes nickname with the permission of the Northern Ute nation. Pan–American Indian students, faculty, staff, and
alumni of the University of Utah raised concerns about the stereotypical and harmful implications of the nicknames and imagery along with calls for greater representation of American Indians on campus. Contextually, national American Indian political protest was also raising societal awareness about mascots, sovereignty, and other issues. On campus, American Indians and allies pushed the university to create and support Indian Awareness Week, a Native American Affairs Advisor, and an Inter Tribal Student Association (ITSA). Within this context, in 1972, the University retired Ho-Yo and the “Redskins” nickname and adopted the “Utes” nickname, with the approval of the Northern Utes.

The university went without a mascot until 1985, when the university introduced the “Crimson Warrior,” a student dressed in supposedly authentic Ute garb who rode a horse leading the football team onto the field before kickoff. According to Ted Capener, the vice president for University Relations, the Crimson Warrior was done in an “appropriate and dignified way responsible to Native Americans.” While the Crimson Warrior had support from the Northern Ute nation, the ITSA called it “discriminatory and sacrilegious.” In 1993, the University retired the Crimson Warrior mascot and in 1996 adopted Swoop—a red-tailed hawk—as the official mascot. Even in the earliest manifestations of Northern Ute permission in the 1970s and 1980s and continuing through the 1990s, American Indians on campus had mixed reactions to Utes symbols. Indeed, depending on its leadership, the ITSA alternated between support and opposition to the Utes nickname and affiliated symbols.

Currently, the University officially uses the licensed nicknames Utes, Utah Utes, and Runnin’ Utes; has a drum and feather logo (Circle and Feather); and uses the mascot Swoop. The Northern Ute nation has granted permission to use the Utes nickname. It is debatable as to whether the drum and feather logo is associated with the Northern Utes or is a more general American Indian symbol. There are also rituals and symbols that tie into the connection with the Northern Utes and American Indians more generally but are not subject to official permission. A fan ritual is the “U of U Chop, which occurs every time the band plays a specific percussion song and involves MUSS [Mighty Utah Student Section] members forming a U with their hands and ‘chopping’ to the beat of the music.” In addition, a statue of a “Ute Brave” is prominently placed outside the student union (see fig. 3), and the streets in the Research Park area of campus are named after
Fig. 3. The Ute Brave Statue outside the Student Union building. The placard reads: “Ute Brave by Avard Fairbanks Gift of the Classes of 1946, 1947 and 1951.” Photo used by permission from James A. Fisher.
Ute chiefs such as Wakara. This contemporary symbolism along with the university’s relationship with the Northern Ute nation is more positive and respectful than the Redskins nickname and Ho-Yo mascot, which were more explicitly stereotypical and derogatory. The university and Northern Ute nation draw on this historical progression and permission to construct arguments justifying continued use of Utes symbols, particularly during the NCAA controversy.

**Centering Permission**

It is within this larger rhetorical history that the NCAA’s policy banning hostile and abusive American Indian mascots, nicknames, and imagery emerged, thus raising Northern Ute permission as a focal argument in the controversy over the University of Utah Utes. The university, with the support of the Northern Ute nation, successfully appealed the NCAA decision, retaining the ability to use the Utes nickname without facing NCAA sanctions. The university’s appeal was based on three interrelated forms of support: 1) the honorific use of the Utes nickname; 2) progressive modification of the symbols over the years; and 3) permission from the Northern Ute nation. The first two are consistent with a larger trend in mascot usage where most institutions have either abandoned their mascots or have modified them to be more respectful. However, Carol Spindel contends that even respectful depictions still act out a problematic myth of the “conquest as we wish it had been—a respectful and gracious meeting” giving non–American Indians “the absolution for which they long.” Yet, even if the Utes nickname and associated symbols act out a colonial myth, opposing the nickname is complicated when the Northern Ute government gives permission and views it as honorific.

The university leverages its long-standing permission from the Northern Ute nation as the main reason to allow it to keep the nickname and associated symbols. Former university president Michael Young’s appeal letter states,

The University has proudly used the “Ute” name and imagery through the years with the permission of the [Northern Ute] Tribe, and the Tribe has derived significant pride and benefit from the University’s use of its tribal name. The University has the current support of the Tribe for its continued
use of the Ute and imagery. Under these circumstances, and as demonstrated by the recent NCAA decision concerning Florida State, the University of Utah clearly should not be included [in the NCAA list of violator schools]. . . . Most critical to this appeal, is the University’s unique relationship with the Northern Ute Indian Tribe and the Tribe’s support for this appeal.68

Northern Ute permission becomes the most significant justification for the appeal. To bolster this, Young’s letter includes a copy of a 2003 memorandum of understanding between the University of Utah and the Northern Ute, a letter to the NCAA from (former) Northern Ute chairperson Maxine Natchees, and Northern Ute Resolution 05-281 that affirms support for the use of the Utes nickname.69 By citing official Northern Ute government documents, permission is presented as a sovereign act. From the perspective of the university and the NCAA, permission is an untouchable argument because it derives from Northern Ute sovereignty. Hence, a double-bind emerges for opponents. While it could be argued that the more respectful Utes symbols still reify a racist and colonial imaginary, it could also be argued that opposing the decision of the Northern Ute government reifies a colonial imaginary.

The arguments of the Northern Ute government in favor of the Utes nickname rely heavily on pride in the nickname but ultimately center permission as the ultimate decision-making criterion. In a letter to the NCAA, Natchees wrote,

The Ute Indian Tribe has formally approved the University of Utah’s use of the Ute name and supports the University’s continued use of it. The Tribe requests that the NCAA action, insofar as directed at the University of Utah, be reversed.70

The letter goes on to state that the Northern Utes have “benefitted from the many ways the University has helped preserve the Ute culture,” and that the members of the Ute Tribe are “proud of the Ute name.”71 The letter includes a copy of Resolution 05-281 from the Northern Ute government, stating that it does not believe the “University’s use of the Ute name is ‘hostile or abusive.’”72 The letter also references the 2003 memorandum of understanding between the university and Northern Utes that grants permission
and establishes “cooperative education programs and initiatives for the mutual benefit of the Ute Indian Tribe and the University of Utah.”

While centering permission, these documents also highlight that permission hinges on a perceived mutual benefit to the university and the Northern Ute nation. According to current Northern Ute chairperson Gordon Howell, “The Tribe applauds the University’s commitment to respecting the Ute name and culture and to using the name in a manner that accounts for and promotes the interests of the Tribe.” Although the university and the Northern Utes do not have a monetary compensation agreement, the Northern Ute government documents make it clear that increased visibility and assistance for Northern Ute students to attend the university is the perceived benefit. However, at several times Northern Utes have called into question the university’s commitment to Northern Ute students. During the NCAA controversy, Forrest Cuch (Northern Ute), noted: “They really do need to offer some scholarships to students from the Ute Tribe... Frankly, in all due respect, this is the business world and that’s the way it works.” In 2006 and 2013, the Northern Ute nation approached the university seeking scholarships and tuition waivers for Northern Ute students. The 2013 request resulted in the university and the Northern Ute negotiating a new memorandum of understanding, in which, “The Ute Indian Tribe reaffirms its permission for the University to continue its respectful use of the Ute name as a representative symbol of its athletics organizations” and the university promises to create a scholarship category specifically for Northern Ute students from merchandise sales, private donors, or other financial sources. This highlights that permission is a strategic stance that the Northern Ute nation sees as beneficial for its citizens. Permitting a respectful and honorific usage of their name and culture can be seen as a nonexploitative form of cultural appropriation because it is based on permission and benefits. With an understanding of the reasoning behind Northern Ute permission, I now turn to a discussion of American Indian opposition to Northern Ute permission.

**Opposition to Northern Ute Permission**

Despite permission from the Northern Ute government, a contingent of pan–American Indian students, faculty, and staff on campus; American Indians from various nations who oppose mascots; and the AIM’s National
Coalition on Racism in Sports and Media oppose the continued use of the Utes nickname and the drum and feather logo. I mainly draw textual examples from American Indians on campus because they are the most vocal and directly affected by the Utes nickname. These opponents highlight their personal experiences with the Utes nickname and related symbols. Sadie Tsosie (Navajo) wrote in an email to President Young, “I being a Native American woman don’t want my Indianness portrayed as a whooping hollering war dancing cartoon character. I see no honor in portraying my people in this light. Finally, we are: PEOPLE NOT MASCOTS.”81 Similarly, Amie Hammond (Ute Mountain Tribe/Reservation) states, “I’m almost scared to say anything about that [Ute trademark], because I could offend people. But it’s like seeing your culture used as a cartoon.”82 Finally, a January 2014 petition circulated by Samantha Eldridge (Navajo) of the Indigenous Students and Allies for Change (ISAC) states:

By allowing University of Utah students and fans to wear Native American headdresses, paint their faces red and “play Indian” throughout campus, at tailgating events and in the football stadium, the University of Utah is unilaterally allowing the denigration and mockery of Native American traditions, customs, and religious symbols.83

These comments point to the experiences that American Indian people of various nations on the university campus have with the Utes nickname. By their accounts, the nickname and associated symbols are racist, colonialist, and contribute to a hostile environment on campus for American Indians in which their power of self-identification is limited.84 In particular, they point to ways that the nickname enables practices that contradict the university’s and Northern Utes nation’s intent for an honorific and nonhostile use of the Utes nickname.

This opposition is composed of primarily non-Ute American Indians, which furthers the difficulty in opposing the Northern Ute government’s decision to give permission for the Utes nickname.85 They are not opposing the decision of their own governments; they are opposing the decision of another American Indian nation’s government, making it possible to argue that they do not respect the sovereignty of the Northern Ute and that they ignore the differences between American Indians. To get around this double-bind, opponents use two interrelated arguments: 1) they question...
the Northern Ute nation’s ability to give permission for the nickname when it has implications beyond Northern Ute people, and 2) they argue that permission itself is embedded in a system of colonialism.

**WHO GETS TO GRANT PERMISSION?**

The University of Utah, Northern Ute government, and the NCAA adhere to the logic that the Northern Utes have the right to give permission for the use of the Utes nickname. Among American Indians, there is support for this stance. In its report against harmful American Indian mascots, the National Congress of American Indians supports making an exception for permitted mascots, stating that it respects “the sovereignty of tribal governments to make their own decisions regarding their relationships with local school districts and university sports teams.” Yet, American Indian opponents of the Utes nickname challenge this by contending that it is not only Northern Ute people who are affected by the Utes nickname. Regardless of their national affiliation, they argue, any American Indian on campus can experience a hostile environment and racial (micro)aggressions related to the uses of the Utes nickname, especially when many non–American Indians on campus lack awareness about the distinctions between American Indian nations. Hostile and racist manifestations of the Utes nickname limit the ability of American Indians on campus to define their own identities because Utes often stands synecdochically for all American Indians. Further, American Indian opponents of the Utes nickname argue that the Northern Utes cannot grant permission for the drum and feather logo because the drum and feather can be a spiritual symbol for many American Indian cultures beyond the Northern Utes.

Central to this argument is that the nickname enables problematic performances and reverberations that are not officially sanctioned by the University and Northern Ute nation but are harmful to American Indians on campus. Non–American Indian people dress up as stereotypical “Indians” with face paint and headdresses at games (see fig. 4), set up tepees for tailgating parties, and create racist T-shirts or signs. In 2008, American Indian students on campus objected to a T-shirt created by fans for a football game against Texas Christian University (TCU) that showed a caricature of an American Indian roasting a horned frog—the TCU mas-
Fig. 4. A student at a University of Utah football game. Photo used by permission from George F. McHendry Jr.
cot—over a fire."90 Another T-shirt displays “Ute-aholics.”91 Brigham Young University fans at a University of Utah volleyball game held up signs stating “Back to the Reservation” and “Trail of Tears II.”92 These uses of the Utes nickname in racist and stereotypical ways are not sanctioned and do not adhere to the university’s and Northern Ute nation’s permitted respectful usage but are realities of the way the symbol is used at campus events. Many of these performances are only slightly different from Ho-Yo and other symbols that the university retired. On a campus where the few representations of Utes include a statue of a historic warrior and street names of dead chiefs, these reverberations of the Utes nickname may encourage beliefs that American Indians are locked in the past. Lawrence Baca notes that stereotypical depictions of historical American Indians often “trap Indian people and culture in a pre-Columbian amber . . . [that] represent[s] the failure to recognize the continued existence of Indians as living cultures and peoples.”93 This has tangible implications for the few American Indians on campus (less than one percent of the University population).

In the years since the NCAA controversy, there have been several groups of American Indian students, faculty, and staff on campus that have taken action to highlight the ongoing problems with the Utes nickname. At a protest event held on campus on December 4, 2008, American Indian students addressed the treatment of American Indians on campus (see fig. 5),94 including “how the Ute trademark invites ridicule and disrespect from fellow students and breeds mockery and racism at athletic events.”95 Joel Arvizo (Navajo and Chicano) noted that the protest brought “to light the multiple realities of the Ute trademark” beyond the permitted honorific uses.96 More recently, Indigenous Students and Allies for Change (ISAC) formed to raise awareness about and seek removal of the Utes nickname. After failed negotiations with the university administration to phase out the Utes nickname and drum and feather logo, ISAC circulated a petition calling for the administration to retire the symbols.97

Collectively, these groups seek to highlight the hostile environment on campus for American Indians that is created, in part, by the Utes nickname and its deployment in ways that create an “environment of racial hostility in which [American Indian students] find that they will not be able to enjoy the full educational benefits” of the school.98 Charlene Teters, who fought the Chief Illiwinek mascot at the University of Illinois, discusses how American Indian mascots and symbols create a distraction for American Indian
students, a distraction that most non–American Indian students do not experience.99 Significantly, it is not one single event, but the repetition over time of a variety of racial aggressions that can damage the identity and self-esteem of American Indian students and distract them from learning.100 Baca notes, “What the American population at large has failed to accept is that the stereotypes created by school and professional sports mascots carry over into the everyday lives of American Indians” and interfere with a student’s “ability to participate in the educational programs.”101

This environment of racial (micro)aggressions raises the question of who is most affected by the Utes nickname. Pan–American Indian opponents argue that it is not just the Northern Ute people who are affected by the symbols. Because American Indians from a variety of nations experience the implications of the Utes nickname, they argue that they are also an affected party. However, Northern Ute permission has the rhetorical effect of standing in for permission from American Indian students and faculty on campus and masking the experiences of American Indians on campus. The Northern Ute noted in their resolution to approve the Utes nickname, “the
Tribe, by and through the Business Committee, does not believe that the University’s use of the Ute name is ‘hostile or abusive.’” Yet, as Eldridge points out, “A lot of their community members [Northern Utes] don’t go to these games, and they are not in there and seeing what’s going on.” Northern Ute permission, opponents argue, is not only based on limited information but also silences the experiences of American Indians on campus who encounter and live with the implications of the Utes nickname on a daily basis.

The Northern Ute understandably defend permission as a sovereign act. Cuch, for example, states: “These students and some faculty (many of whom are not from the state of Utah) are demonstrating disrespect by opposing and totally disregarding the sovereign rights of the Ute Indian tribe.” This places the protection of sovereignty above addressing the harms of the Utes nickname on American Indians on campus. American Indian opponents, on the other hand, assume that the harmful effects of the Utes nickname are more important than upholding the sovereignty of Northern Ute permission. They suggest that more injury comes from the hostile environment on campus than from challenging the sovereign decision of the Northern Ute government. This is especially the case when sovereignty itself can be viewed as a form of complicity to colonialism, to which I turn next.

**Political Colonization and Hanging Around the Fort**

The ongoing conquest and colonization of indigenous people involves, as Brayboy argues, the dominance of European American “thought, knowledge, and power structures.” The history of American Indian relations with the United States offers many examples of this dominance, such as the official and unofficial policies of assimilation (for example, boarding schools and allotment) and the system of Indian law. In a process of political colonization, the federal government maintains its colonial power over American Indian nations through a variety of legal statutes that extend control over jurisdiction, land, citizenship, and governance. Central to political colonization is plenary power that asserts the U.S. federal government’s “exclusive, preemptive, absolute, and unlimited power over tribes, their resources, and the field of Indian affairs” and limits the practice of American Indian sovereignty. Wallace Coffey and Rebecca Tsosie of the American
Indian Rights Fund argue that plenary power perpetuates a system of imposed political sovereignty as opposed to inherent sovereignty.\textsuperscript{109} Political sovereignty under political colonization may allow for self-governance but not self-determination, defined as an entitlement for American Indian nations to “decide for themselves the dimensions of their political, economic, cultural, and social conditions.”\textsuperscript{110} Although the United States officially promotes a policy of American Indian self-determination, Vine Deloria Jr. and Clifford Lytle note that it is more aptly defined as self-government, wherein “self-government is not and cannot be the same as self-determination so long as it exists at the whim of the controlling federal government.”\textsuperscript{111} Under political colonization, American Indian self-governance does not meet the criterion of self-determination. According to Glenn Morris,

\begin{quote}
The appearance of self-determination is nothing more than colonial self-administration. In this way, as Voltaire stated, by maintaining the illusion of freedom, volition itself is captured, and subjugation becomes complete.\textsuperscript{112}
\end{quote}

Political colonization, then, creates a guise of self-determination that actually serves to further the colonial position of the United States while also embedding it into the actions of American Indian nations in a form of self-colonization that Brayboy takes as an important part of unpacking the lived experiences of American Indians.\textsuperscript{113} Discourses of political colonization have transferred to the vernacular and everyday American Indian experience, such as in moments of division among American Indians. According to Stuckey and Murphy, “rifts—and their consequences—continue and contribute to some of the most difficult political divisions among and between indigenous peoples in North America today.”\textsuperscript{114} Eva Marie Garroutte argues that many of these difficult divisions center around questions of identity;\textsuperscript{115} in this case, questions about how the Utes nickname relates to struggles for self-identification by Northern Ute and non–Northern Ute American Indians. The controversy over permitted mascots is an important vernacular manifestation of the ongoing colonization of American Indians, self-colonization, and the divisions that result from this colonization.

According to the late AIM activist and president of the National Council on Racism in Sports and the Media, Vernon Bellecourt (Ojibwe), American Indian nations who support and give permission for mascots are Uncle
Tom-Toms. Universities “run out and find some old hang-around-the-fort Uncle Tom-Tom, a Ute in the case of Utah . . . who says ‘Oh, we just love the Runnin’ Utes.’”¹¹⁶ A hang-around-the-fort American Indian is one who adopts the dominant culture’s approach and sides with the U.S. government as a means of survival.¹¹⁷ They are set apart from traditionalist and separatist American Indians who seek to maintain traditional cultural, spiritual, and governing practices, assert inherent sovereignty, and reject pressure to assimilate. The term “hang-around-the-fort” is an allusion to the historical division between the pro–U.S. government and traditionalist factions within American Indian nations during the colonial context of the eighteenth and nineteenth centuries, such as the division within the Cherokee nation over whether to sign a removal treaty.¹¹⁸ These historical divisions have influenced struggles through the twentieth and twenty-first centuries, including AIM activism where traditionalists and militants joined to resist assimilationist “hang-around-the-fort” American Indian governments, such as the occupation of Wounded Knee in 1973.¹¹⁹ M. Annette Jaimes describes the phenomenon of hanging-around-the-fort as a result of colonization. She states that there are some American Indians who have, because of the long term colonization of their own nations and the systematic indoctrination by their conquerors that accompanies such phenomena, lost all sense of themselves, the nature of their oppressor, and the source of problems afflicting their people.¹²⁰

In the case of the Utes nickname, opponents argue that by granting permission to use one’s own name and symbols in ways that ultimately perpetuate racism and colonialism, the Northern Ute nation is displaying its own complicity with the colonial system.

Divisions between American Indians often turn on conflicts between Bad Indians, “who refuse to assimilate, who fight to retain the traditions of their peoples,” and Good Indians, “who assimilate, who learn and play by the rules of the dominant culture.”¹²¹ According to Spindel,

The good Indian is hospitable to the white invaders, has a handsome physique, unusual stamina, and calm, dignified bearing. He is brave in combat, and devoted to his family and children. He lives in harmony with nature and
is aware of all sorts of signs—natural and supernatural—to which other people are oblivious.\textsuperscript{122}

The Bad Indian, on the other hand, is lazy, hostile, and uncivilized. Both depictions portray American Indians as “outside time and history,”\textsuperscript{123} not as real contemporary people. For the Utes nickname, the Northern Utes are the Good Indians who work with the University of Utah, which is an institution embedded in colonialism. The pan–American Indian opponents are Bad Indians for challenging the nickname. This distinction between Good and Bad Indians is a dividing practice that allows colonial institutions to divide and conquer.

On appearance, it looks like a bind to argue against the Northern Ute government’s sovereign decision to allow the Utes nickname. However, when examined through the lens of political colonization and political sovereignty, American Indian opponents of the Utes nickname negotiate this bind by qualifying political sovereignty as a part of the colonial hegemony and permission as complicit with colonialism. When permission, as an act of political sovereignty, is complicit with colonialism, then the hostile environment for American Indians on campus outweighs permission. Opponents are not necessarily saying that the Northern Utes are wrong for granting permission but are prioritizing ameliorating the racist and colonial effects of the Utes nickname over the preservation of political sovereignty.

American Indian opponents of permitted mascots argue instead for a continued struggle against the overarching system of colonization. They attempt to shift the debate from a focus on permission and political sovereignty to a focus on decolonization. From this perspective, decolonization involves more than acts of self-governance by American Indian governments within a system of political sovereignty. Although Black argues that resistive appropriations of dominant discourse are a form of decolonization,\textsuperscript{124} another form of decolonization envisions and enacts alternatives to the colonial system through what Darrel Wanzer calls “epistemic disobedience.”\textsuperscript{125} In this sense, American Indian opponents of permitted mascots are attempting the latter by calling into question the sovereign decision of the Northern Utes because it is embedded within a system of political colonization and results in the oppression of American Indians through racial (micro)aggressions.
CONCLUSION

The permission argument brings complexity to the larger controversy over American Indian mascots. While the Northern Ute nation justifies granting permission for honorific uses of the Utes nickname as a sovereign decision that benefits Northern Utes and other American Indians, American Indian opponents question the Northern Ute government’s sole claim to the symbols and situate permission as a form of complicity with colonization. These ways in which American Indian opponents negotiate the double-bind of arguing against a sovereign decision highlight permission as a form of rhetorical self-colonization. Unlike previous research that reveals how dominant non–American Indians employ strategies of rhetorical colonialism, this case shows how American Indians might engage in rhetorical colonialism through acts of complicity.

Additionally, this case suggests three areas for further thinking and research. First, it is important to recognize and think more about the multiple double-binds that emerge from American Indian permission. I have focused my attention on the double-bind facing opponents of permitted mascots. However, it is possible that American Indians granting permission are engaged in acts of resistive agency. To call out someone as a hang-around-the-fort Indian may take agency away from the Northern Utes who have chosen to give permission. While some American Indians defend mascots because they have “internalized the values and assumptions central to such uses of Indian imagery,” American Indians may support mascots because “they find images of braves and warriors to be empowering; they learn that public endorsement brings with it political, economic, and symbolic rewards; they discern an opportunity to challenge more troubling stereotypes about Indians.”126 Indeed, just as I have identified a potential double-bind for opponents of permitted mascots, there may be another double-bind in that “any effort to challenge the dominant ideology also risks reinforcing the perspective of that ideology.”127 In this case, pan–American Indian resistance to the Utes nickname relies on a diasporic notion of American Indian identity that results from a colonial system. Further, resistance coming from non–Northern Ute American Indians may doubly oppress the Northern Ute nation that ought to be able to protect its own sovereignty. Further research should attend to these complexities and consequences in the rhetoric of what Gerald Vizenor has called “surviv-
ance,” or the combination of survival and resistance that necessitates strategic accommodation in hostile contexts. Toward this end, Black’s argument that American Indians often use both/and rhetorics that challenge and appropriate dominant logics serves as a useful starting point for such examinations.

Second, this case highlights the heteroglossia of American Indian rhetoric. While some generalizations are merited due to similarities in the postcontact American Indian experiences, grouping American Indians into one category with one perspective on an issue can perpetuate a colonial mindset that essentializes American Indians and masks national distinctions. While much scholarship in American Indian rhetoric makes clear the heterogeneity of American Indians and is careful to study the rhetorics of particular American Indian nations or particular pan–American Indian movements, the scholarship has not as often examined conflicts that show the variety of perspectives within American Indian people on an issue. The controversy over mascots is not simply American Indians versus non–American Indians; it is also a disagreement among American Indian peoples. Further research should attend to internal division and the multivocal characteristics of American Indian discourse.

Finally, this case demonstrates that sovereignty can become a kind of trump card that closes conversation about an issue. Recall the quotation from Franklin of the NCAA: “The decision of a namesake sovereign tribe, regarding when and how its name and imagery can be used, must be respected even when others may not agree.” While this can be interpreted positively because it recognizes the sovereign status of American Indians and their decision-making ability, it also positions sovereignty as a trump card that can squelch dissent. Just as social movements within American Indian nations fight against the decisions of their governments, American Indians outside the particular nation can challenge and question the decisions of an American Indian government. Out of respect for American Indian sovereignty, one should be careful not to stifle dissent.

NOTES

1. I use the term “American Indian” when generalizing across the over 500 distinct indigenous nations in the United States, but in doing so recognize the inherent problems in this term. Indeed, the term “American Indian” can be interpreted as a
colonial act of naming, essentializing, and erasing national identities. Yet, the term has also been appropriated and cultivated in positive ways by indigenous people as a form of cultural resistance as, for example, with the American Indian Movement, and for building strategic alliances. I am careful to use the names of specific indigenous nations when appropriate not only for specificity but also because of the importance of recognizing the distinctiveness between indigenous nations. At the same time, I use the general term “American Indian” when referring to pan–American Indian alliances, even though that term can mask the national agency of members of those alliances. As Raka Shome argues, strategic essentialism is somewhat inevitable because of the difficulties of languages embedded within colonial systems. Raka Shome, “Postcolonial Interventions in the Rhetorical Canon: An ‘Other’ View,” Communication Theory 6 (1996): 40–59.

2. The NCAA listed 18 violator schools including the University of Illinois at Urbana-Champaign (Fighting Illini, with Chief Illiniwek as a mascot), Florida State University (Seminoles), University of North Dakota (Fighting Sioux), University of Utah (Utes), and several schools using the general moniker “Indians” (for example, Arkansas State University). NCAA, “NCAA Executive Committee Issues Guidelines for Use of American Indian Mascots at Championship Events” [Press Release], August 5, 2005, http://fs.ncaa.org/Docs/PressArchive/2005/Announcements/NCAA%2BExecutive%2BCommittee%2BIssues%2BGuidelines%2Bfor%2BUse%2BNative%2BAmerican%2BMascots%2BChampionship%2BEvents.html (accessed September 29, 2014).

3. Note: University of Illinois won an appeal to keep Illini and Fighting Illini because they argued that these terms refer to a nickname of Illinois and not to a contemporary American Indian nation. They, however, lost their appeal to keep their mascot, Chief Illiniwek.


6. I will unpack and challenge this definition of sovereignty later in the essay, especially in regard to the complicated and unique position of American Indian sovereignty and its limits.


12. Assuming most legal and political frameworks, the American Indian nation’s government gets to grant permission because it is most affected and it represents the collective opinion of the members of that nation.

13. There are important differences between collegiate and professional American Indian mascots. First, while professional mascots use more general pan–American Indian monikers like “Braves,” “Chiefs,” or “Redskins,” many collegiate mascots are linked to a specific American Indian nation, such as the “Utes” or “Fighting Sioux.” Second, professional mascots are linked with corporate entities that have different goals and purposes than collegiate mascots that are educational entities. Third, because of the nature of student and alumni relationships to colleges and universities, collegiate
mascots constitute and interpolate their audience in a different way than professional mascots wherein a student or alumni appropriates the identity of “a Ute” as opposed to being a “Redskins fan,” for example.


21. One exception is the Chicago Blackhawks, a professional hockey team. Blackhawks refers to an infantry division in World Wars I and II that was named after Black Hawk, a war leader of the Sac and Fox during the Black Hawk war of 1832. The team logo is a profile of Black Hawk with feathers in his hair. The hockey team does not have permission from the Sac and Fox nations but claims that it does outreach with the American Indian cultural center in Chicago. See Jon Greenburg, “Dialogue Is Key with Blackhawks Logo,” *ESPN.com*, June 20, 2014, [http://espn.go.com/chicago/nhl/story/_/id/11110679/chicago-blackhawks-logo-requires-continued-conversation-team-identity-versus-appropriation](http://espn.go.com/chicago/nhl/story/_/id/11110679/chicago-blackhawks-logo-requires-continued-conversation-team-identity-versus-appropriation) (accessed July 30, 2014).


24. Although some prefer to use the terms “postcolonialism” or “neocolonialism,” I use “colonialism” to acknowledge that American Indians in the United States are still in a state of colonization. This is in line with rhetorical scholars who have called for more attention to the rhetorical practices of the ongoing colonization of American Indians. See Danielle Endres, “The Rhetoric of Nuclear Colonialism: Rhetorical Exclusion of American Indian Arguments in the Yucca Mountain Nuclear Waste Siting Decision,” *Communication and Critical/Cultural Studies* 6 (2009): 39–60; and Mary E. Stuckey and John M. Murphy, “By Any Other Name: Rhetorical Colonialism in North America,” *American Indian Culture and Research Journal* 25, no. 4 (2001): 73–98.

25. Stuckey and Murphy, “By Any Other Name,” 77.


28. Stuckey and Murphy, “By Any Other Name.”

1970s,” *Communication Quarterly* 48 (2000): 120–36; and Stuckey and Murphy, “By Any Other Name.”

31. Stuckey and Murphy, “By Any Other Name,” 85.


34. While several studies highlight divisiveness within American Indian communities and the colonial strategy of divide and conquer, they do not specifically turn their attention to the relationship of these to self-colonization. See Morris and Wander, “Native American Rhetoric”; and Stuckey and Murphy, “By Any Other Name.”


37. Fanon, *The Wretched of the Earth*; and Freire, *Pedagogy of the Oppressed*.


43. The Utes’ first contact with Europeans was with the Spanish in the mid-1500s. The Utes did fairly well from this time to the mid-1800s, establishing trade networks and remaining free of colonial rule by the Spanish. After the 1848 Treaty of Guadalupe Hidalgo when the United States took control of the region, there was an increase in


46. Although I was unable to find any documentation of why the other two Ute nations were not required to provide permission, my guess is that the Northern Ute nation contains the people who originally inhabited the region in which the university lies and is closer to Salt Lake City than the other reservations (about 150 miles east of Salt Lake City).


48. The historical material in this section is based on 1) interviews with Paul Mogren from Special Collections at the University of Utah J. Willard Marriott Library and Kirk Baddley from the University of Utah Archives; 2) archival materials, mainly The Utonian yearbooks and Daily Utah Chronicles, from Special Collections at the University of Utah J. Willard Marriott Library and the University of Utah Archives; and 3) the “Official Athletic Site of the University of Utah,” http://www.utahutes.com/.

49. Preston Iverson, ed., *The Utonian, 1931* (Salt Lake City: Annual Publication of Junior Class of the University of Utah of Salt Lake City, 1930), 18.

50. Alden C. Goates, ed. *The Utonian, 1933* (Salt Lake City: Annual Publication of the Junior Class of the University of Utah, 1932), 170.


52. For a more detailed examination of the historical development of mascots in relationship to other practices of playing Indian and non–American Indian practices of consecrating the memory of the noble savage Indian, see C. Richard King and Charles Fruehling Springwood, eds., *Team Spirits: The Native American Mascots Controversy* (Lincoln: University of Nebraska Press, 2001); and Carol Spindel, *Dancing at Halftime: Sports and the Controversy over American Indian Mascots* (New York: New York University Press, 2002).


54. Knight, “Big Chief Alumni.”
55. For instance, the Red Power movement was gaining recognition for several prominent protest events such as the takeover of Alcatraz Island (1969–71) and the standoff at Wounded Knee (1973). For more on Red Power, see Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: New Press, 1996).

56. Knight, “Big Chief Alumni.”

57. I was unable to determine whether a Ute student, an American Indian student, or a non–American Indian student played the Crimson Warrior. A 1986 image of the Crimson Warrior can be seen in “Ute Indian Symbol Becoming More Authentic, Less of a Hollywood Ideal,” *Daily Utah Chronicle*, October 14, 1986, 9.


60. The University of Utah owns the trademark for Utes, Utah Utes, and Runnin’ Utes. They have also registered the Circle and Feather logo, although it is more popularly known as the drum and feather logo. Starting in 2008, the university claims to be phasing out the circle and feather, except for athletics, and using the block U instead. See “University of Utah Logos and Trademark Verbiage,” available from www.trademarks.utah.edu/program/logo.html (accessed March 31, 2011).


62. The 2005 and 2014 memorandums of understanding give permission for the use of the Utes name as a representative symbol for University of Utah athletics teams. Many Northern Utes as well as university students, faculty, and staff associate the drum and feather logo with the Utes nickname. Yet, in 2014, University of Utah

63. The write-up about this ritual does not directly link it to the Utes nickname. However, the interpretation of the ritual is mixed. A student who has been to several Utes football games describes the U of U Chop as uncomfortable because of its clear relationship to American Indians; the band plays similar music to what is used by the Atlanta Braves for the Tomahawk Chop. Another student never made the connection between the U of U Chop and the Ute nickname. Utah Athletics Department, “Utah Traditions,” Official Website of Utah Athletics, 2012, http://utahutes.cstv.com/trads/ute-trads-general.html (accessed August 11, 2014).


65. Young, “University of Utah Appeal.”


67. Spindel, Dancing at Halftime, 37.
68. Young, “University of Utah Appeal,” 1, 3.
69. See Exhibits A and B from Young, “University of Utah Appeal,” for official correspondence from the Tribal Business Committee of the Ute Indian Tribe of the Uinta and Ouray Reservation.
70. Young, “University of Utah Appeal,” Exhibit B, 1.
71. Young, “University of Utah Appeal,” Exhibit B, 2.
73. Young, “University of Utah Appeal,” Exhibit A.
75. The 2005 memorandum of understanding commits to help Ute and other American Indian students seek funding but does not specifically commit to scholarships or other forms of support. The 2014 memorandum of understanding commits a specific scholarship fund available to only Northern Ute students. Ute Indian Tribe and University of Utah, “Memorandum of Understanding”; and Young, “University of Utah Appeal,” Exhibit A.
78. Ute Indian Tribe and University of Utah, “Memorandum of Understanding,” paragraph 6.
79. A counterperspective is that permission is a result of bribery or unequal compromise between affected American Indian nations and the educational institutions that benefit from mascots. King notes, “it has become almost commonplace for institutions to solicit support [for mascots] from indigenous people.” King, “Defensive Dialogues,” 7.
80. American Indians make up less than one percent of faculty and students. According to a “Student and Faculty Demographics” report, in 2012–13, there were 171 American Indian undergraduate students, 28 graduate students, and eight American Indian faculty on campus. Within this already small number, there are only four self-identified Ute students on the University of Utah campus. University of Utah Office for Equity and Diversity, part of the Office for Research and Assessment,


84. Eva Marie Garroutte argues that self-identification is an individual’s understanding of himself or herself that is separate from legal definitions, blood quantum, and culture. Real Indians: Identity and the Survival of Native America (Berkeley: University of California Press, 2003).

85. There are several complicating factors when considering the affiliations of American Indian opponents of the Utes nickname. First, while the Northern Ute nation has given permission, there are two other Ute nations—the Southern Ute Indian Tribe/Reservation in Southwest Colorado and the Ute Mountain Tribe/Reservation in the Four Corners region—that arguably also have a right to grant permission. I was unable to find documented evidence of their stance on the issue, but Gordon Howell, current chairperson of the Northern Utes, claims they were in attendance at 2013 negotiations between the University of Utah and Northern Utes. Second, as is the case for most governments, the Northern Ute government speaks for its citizens, but this does not mean all Northern Utes agree with their government (see Wodraska, “Ute Tribe, U. of U. Reach.”). Finally, the pan–American Indian resistance risks essentialism and masking the differences between nations. Yet, American Indian activism often strategically draws on alliances across nations to point to issues that face all American Indians, regardless of affiliation. Further, strict adherence to national affiliation as the standard for discussing American Indians is complicated by the fluidity and hybridity of some American Indian identities.

87. Rose, “The University of Utah Utes”; and Speckman, “The Heartbeat of the People.”
88. Speckman, “The Heartbeat of the People.”
89. Rose, “The University of Utah Utes.”
91. Rose, “The University of Utah Utes.”
92. Fulton, “Students Protest.”
94. I attended this event as a participant-observer, taking notes, photographs, and audio recordings, all of which were shared with the protesters after the event.
95. Fulton, “Students Protest.”
96. Fulton, “Students Protest.”
97. Eldridge, “Call to Action to Retire”; and Rose, “The University of Utah Utes.”
99. Charlene Teters, American Indians and College Athletics, April 15, 2011, Union Ballroom, University of Utah.
100. Baca, “Native Images in Schools,” 76.
106. A full discussion of assimilation policies, boarding schools, allotment, and Indian law is beyond the scope of this paper. For more information, see David Wallace Adams, Education for Extinction: American Indians and the Boarding School Experience, 1875–1928 (Lawrence: University Press of Kansas, 1995); and David E. Wilkins and Heidi Kiiwetinepinesiik Stark, American Indian Politics and the American Political System, 3rd ed. (Lanham, MD: Rowman and Littlefield Publishers, 2011).
108. Interpretations of plenary power have changed over time regarding how much control it has and whether all branches of federal government or just Congress can exercise it. David

109. American Indian sovereignty is inherent due to the fact that American Indian peoples are indigenous to North America. Court decisions such as the Marshall Trilogy—three Supreme Court decisions made in 1823, 1831, and 1832 while John Marshall was chief justice of the Supreme Court—uphold American Indian sovereignty but also limit it by labeling American Indian nations “domestic dependent nations,” in which “their relation to the United States resembles that of a ‘ward to his guardian.’” (Cherokee Nation v. Georgia, 30 US 1 [1831]; see also Johnson v. M'Intosh, 21 US 543 [1823] and Worchester v. Georgia, 31 US 515 [1832]). This domestic dependent relationship set up a trust relationship, wherein American Indian nations are under the protection of the federal government. While the trust relationship along with plenary power enhances the federal government power over American Indians, trust can also be interpreted as a limit to federal power in that actions must be made with the protection of American Indian nations in mind. Coffey and Tsosie, “Rethinking the Tribal Sovereignty Doctrine”; see also David E Wilkins, American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice (Austin: University of Texas Press, 1997). Also see Wilkins and Lomawaima, Uneven Ground; and Charles F. Wilkinson and Christine C. Miklas, Indian Tribes as Sovereign Governments: A Sourcebook on Federal-Tribal History, Law, and Policy (Oakland, CA: American Indian Resources Institute, 2004).


111. Since 1970, the U.S. government has had an official policy of self-determination for American Indians. This policy encourages federal government policies to support the ability of American Indian nations to make their own decisions and self-govern with limited intervention from the federal government. This is different from Morris and Deloria and Clifford’s definition of self-determination, which implies control over governing and decision making without the limitations of the federal government. According to this definition, the U.S. government’s policy of self-determination is not true self-determination. Vine Deloria Jr. and Clifford M. Lytle, The Nations Within: The Past and Future of American Indian Sovereignty (Austin: University of Texas Press, 1984), 19.


114. Stuckey and Murphy, “By Any Other Name,” 83.

115. Garroutte, Real Indians.


118. This conflict involved Cherokee Chief John Ross, who intended to remain in negotiation with President Andrew Jackson to stall in hopes that a future president would not push for removal, and the “Treaty Party” led by John Ridge that wanted to sign a removal treaty with President Jackson immediately. See Colin G. Calloway, First Peoples: A Documentary Survey of American Indian History, 4th ed. (Boston, MA: Bedford/St. Martin’s, 2011).

119. Coffey and Tsosie, “Rethinking the Tribal Sovereignty Doctrine.”


122. Spindel, Dancing at Halftime, 35.

123. Spindel, Dancing at Halftime, 37.


129. Black, “Native Resistive Rhetoric.”


131. Stuckey and Murphy, “By Any Other Name”; and Engels, “Equipped for Murder.”
