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Cultural Imagery's Changing Place in Athletics

by

Cash Anderson

A Thesis Submitted in Partial Fulfillment  
Of the Requirements for the  
University Honors Program

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Department of Political Science  
The University of South Dakota  
May 2018

The members of the Honors Thesis Committee appointed  
to examine the thesis of Cash Anderson  
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## ABSTRACT

### Cultural Imagery's Changing Place in Athletics

Cash Anderson

Director: Marshall Damgaard

Every sports team is represented by its name, mascot, and logo. For many, the representative of their team is an historical people. Recent pushes for social justice have started questioning nicknames and mascots, leading to many getting changed. In 2005, the National Collegiate Athletic Association (NCAA) enacted a policy that prohibited universities with hostile or abusive nicknames from postseason participation. Because of this policy, many schools were forced to change names despite efforts to keep them. The University of North Dakota and Florida State University were two schools forced to look at their name, and both fought to keep their mascots. Both North Dakota and Florida State had histories and relationships with their respective tribes. However, the NCAA deemed that Florida State's relationship with the Seminole Tribe was unique. The University of South Dakota acts as an interesting study of how deep to dig into a nickname and its history, since mascots can no longer be hostile or abusive.

KEYWORDS: NCAA, Imagery, Mascots

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## Introduction

Cross-cultural conflict has long been a staple in America. One of the most historically oppressed peoples that have long been riddled with conflict are the Native Americans. Forced out of their lands, Americanized, and put into the reservation system, Native Americans know about conflict. Attempts at rectification have begun to take hold, but there are still historic wrongs needing righting. For contemporary Native Americans, one issue that has started to be tackled is the use of cultural imagery in sports, namely imagery from Native American culture.

The topic of cultural imagery in sports is a new, developing, and understudied concept. Some academics say it is understudied due to researchers not seeing the cultural importance of sports.<sup>1</sup> The issue of cultural imagery was one that had not been brought up until recently. The first notice on the topic came in the 1960s when the National Congress of American Indians "...expressed its distaste with the continued use of Native American team names and mascots in professional and collegiate athletics."<sup>2</sup> Much of the research on cultural imagery's place in sports does reach a common conclusion. It has been shown that Native Americans endure psychological harm when seeing their people used as a cartoonish mascot, that the mascots highlight European hegemony, and most researchers advocate for a ban on cultural nicknames.<sup>3</sup> The fight over Native American nicknames has been one that has been fought for half a century, and many promote the idea on a full ban on cultural imagery in sports.

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<sup>1</sup> King, C. Richard. "Preoccupations and Prejudices: Reflections of the Study of Sports Imagery." *Anthropologica* 46, no. 1 (2004): 30.

<sup>2</sup> Grose, Justin P. "Time to Bury the Tomahawk Chop: An Attempt to Reconcile The Differing Viewpoints of Native Americans and Sports Fans." *American Indian Law Review* 35, no. 2 (2010): 696.

<sup>3</sup> Ibid. 710.

In 2005, the NCAA took a step in the direction of banning Native American nicknames. The NCAA sent a letter to 18 universities, warning them if they didn't change their "hostile and abusive" nicknames, their teams would be prohibited from participating in any NCAA postseason championships.<sup>4</sup> This new policy did not ban the mascots themselves; instead, it banned teams from participating in postseason championships. Some schools changed their names due to the policy, and some were able to retain their names. Some observers felt that the new policy was "...one of the most notorious examples of political correctness."<sup>5</sup> The NCAA pushed universities to change their cultural names in 2005.

This paper analyzes two universities that received the NCAA's letter in 2005 and looks at how and why one school was forced to change its name while the other was allowed to keep its name. It then poses the question of how deeply a nickname should be scrutinized over the existence and nature of cultural ties. Part I will analyze the history and name change process at the University of North Dakota and its former mascot the Fighting Sioux. Part II will analyze the history, tribal relationship, and the reasoning the NCAA cited in allowing Florida State to keep its Seminoles nickname. Part III then looks at the University of South Dakota Coyotes, and how its nickname and mascot could be culturally problematic.

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<sup>4</sup> "National Collegiate Athletic Association." National Collegiate Athletic Association-Press Release Archive. <http://fs.ncaa.org/Docs/PressArchive/2005/Announcements/NCAA%2BExecutive%2BCommittee%2BIssues%2BGuidelines%2Bfor%2BUse%2Bof%2BNative%2BAmerican%2BMascots%2Bat%2BChampionship%2BEvents.html>. (In the letter, the NCAA suggested that schools not schedule games with the universities still donning Native American nicknames. The NCAA cited the University of Wisconsin as doing this, despite Wisconsin playing the University of North Dakota Fighting Sioux every year as part of their WCHA hockey schedule.)

<sup>5</sup> Fettmann, Eric. "The Fighting Sioux Refuse to Retreat." New York Post, 30 June 2006

## ***I. The Changing of the University of North Dakota Fighting Sioux***

Understanding the history, people, and demographics of the University of North Dakota and its home state are integral in understanding the tensions and battles that ultimately led to its change in name and mascot. Founded in 1883, six years before North Dakota was officially recognized as a state, the oldest North Dakotan university was founded and located in Grand Forks, North Dakota.<sup>6</sup> In the last 135 years, the University has grown, expanded, and diversified. Now the University of North Dakota serves 15,000 students, and its student body "...represents all 50 states and over 80 countries."<sup>7</sup> The University of North Dakota started as an early educational institution in Dakota Territory that has since grown to be a large and popular university.

The growth of the University of North Dakota has created a diverse student body. Statistics of the 2017-2018 student body highlight the diversity, as it consisted of 52% men and 48% women, constituting a total student population of 14,405.<sup>8</sup> The population of North Dakota's student body that was formerly represented by its mascot and logo, "The Fighting Sioux," is not as represented as one may think. The total number of American Indian/ Alaskan Native students at the University of North Dakota is only 204, or 1.42% of the University of North Dakota's student

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<sup>6</sup> University of North Dakota. About UND | Discover | UND: University of North Dakota, [und.edu/discover/about-und.cfm](http://und.edu/discover/about-und.cfm).

<sup>7</sup> Ibid.

<sup>8</sup> University of North Dakota. UND Student Body Profile | Student Profile | Discover | UND: University of North Dakota, [und.edu./discover/student-profile/index.cfm](http://und.edu./discover/student-profile/index.cfm).

population.<sup>9</sup> The group that had been represented by North Dakota's athletic teams is one of the most sparsely represented demographics on the University's campus.

Across the state of North Dakota, Native Americans are a staple in the culture, geography, and everyday life. In North Dakota, Native Americans constitute roughly 5% of the state's population.<sup>10</sup> Contrasting the Native American population in North Dakota to the Native American population across the United States as a whole makes visible the amplification of Native American influence within the state, as "American Indian represents just under one percent of the United States household population."<sup>11</sup> In North Dakota, there are five American Indian reservations, but the Standing Rock Sioux and Spirit Lake Sioux were the two tribes that were left to decide the University of North Dakota Fighting Sioux's fate.<sup>12</sup> Within the state of North Dakota, there is a substantial Native American population, including two tribal affiliates with the Sioux that ultimately were tasked with blessing, or not blessing the University of North Dakota's nickname and mascot.

Athletics, at the core, center the controversy around mascots and nicknames at universities. For North Dakota, athletics have long been a tradition. Starting in the latter half of the 1800's, University of North Dakota athletics has seemingly always been a staple at the University.<sup>13</sup> Like the University itself, athletics has also grown

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<sup>9</sup> Ibid.

<sup>10</sup> "Native American Population in North Dakota." North Dakota Census Office, [www.commerce.nd.gov/uploads/8/CensusNewsletterDec2015.pdf](http://www.commerce.nd.gov/uploads/8/CensusNewsletterDec2015.pdf). (Roughly 5% of North Dakota's population translates to a total of 39,669 Native Americans in the state.)

<sup>11</sup> Ibid. (It is estimated that there are 2,592,000 Native Americans alone in the United States.)

<sup>12</sup> Ibid. (The five American Indian reservations in North Dakota are Fort Berthold with the Three Affiliated Tribes, Lake Traverse with the Sisseton-Wahpeton Oyate, Spirit Lake with the Sioux, Standing Rock with the Sioux, and Turtle Mountain with the Chippewa. Turtle Mountain has the largest population of North Dakota's five reservations.)

<sup>13</sup> "University of North Dakota Dacotah Legacy Collection" UND Sports. [www.undsports.com/ViewArticle.dbml?DB\\_OEM\\_ID=13500&ATCLID=210528397](http://www.undsports.com/ViewArticle.dbml?DB_OEM_ID=13500&ATCLID=210528397).

into a national competitor, and even a power. The University of North Dakota now fields seventeen NCAA Division 1 teams and competes in the Big Sky Conference and soon will be a part of the Summit League.<sup>14</sup> The University of North Dakota hockey team garnered the most national attention to the Fighting Sioux nickname and the Native American logo. As a perennial power in Division 1 men's hockey, the team with the most national attention was its men's hockey team. The men's hockey team donned sweaters displaying a bold "SIOUX" with the logo of a determined Sioux warrior with feathers in his hair.<sup>15</sup> The Fighting Sioux hockey team was part of the Western Collegiate Hockey Association before conference realignment and the changing of their mascot. Now the Fighting Hawks hockey team is a member of the National Collegiate Hockey Conference. The University of North Dakota has a long and successful athletic history, in fact, the attention and mascot that stirred controversy garnered national attention because of their student athletes' athletic endeavors.



<sup>14</sup> "North Dakota." NCAA. [www.ncaa.com/schools/north-dakota](http://www.ncaa.com/schools/north-dakota).

<sup>15</sup> Picture Courtesy of Valerie Richardson. From her article: Richardson, Valerie. "N.D. Voters Select 'Fighting Hawks' to Replace 'Fighting Sioux' after Lengthy Battle with NCAA." *The Washington Times*, 18 Nov. 2015. [www.washingtontimes.com/new/2015/nov/18/nd-voters-replace-fighting-hawks-fighting-sioux/](http://www.washingtontimes.com/new/2015/nov/18/nd-voters-replace-fighting-hawks-fighting-sioux/).

When the University decided to go by the Sioux, and later the Fighting Sioux, must be analyzed in order to see the intricacies that plagued the battle over the name. The earliest North Dakota teams were called the “Nodaks,” and then became the “Flickertails.”<sup>16</sup> The Flickertail nickname was starting to lose its luster and began gaining criticism from fans for its lack of intimidation. During the 1930’s the University moved away from the Flickertails and began using the Sioux. The University of North Dakota began using the Sioux in the early twentieth century and used it into the twenty-first century.

There are varying reasons for why the Sioux nickname was chosen. One speculation is that the Sioux name “...immediately brings to mind the pioneer conqueror of the bison, bears, and the elements,”<sup>17</sup> as the University’s in-state rival were the North Dakota State Bison. Regardless of why the mascot was chosen, the Sioux Tribe did lend its support to the University. In 1969, the Standing Rock Sioux Tribe along with the Spirit Lake Sioux Tribe ceremonially approved the University’s use of the Sioux name.<sup>18</sup> The 2005 NCAA letter was a shock to North Dakota’s system, as they believed their nickname had the blessing of the Sioux Tribe. In the University’s history, it even made adjustments to its mascots and logo at the Tribe’s

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<sup>16</sup> Rupard, Wade. “UND Nickname Shows Decades of Controversy, Change.” Grand Forks Herald, 23 June 2016, [www.grandforksherald.com/news/education/4060304-und-nickname-shows-decades-controversy-change](http://www.grandforksherald.com/news/education/4060304-und-nickname-shows-decades-controversy-change).

<sup>17</sup> Longie, Dr. Erich. “The History of the Fighting Sioux by Franklin Sage.” The History of the Fighting Sioux. 15. March. 2012, [www.spiritlakeconsulting.com/d/2012/03/his.html](http://www.spiritlakeconsulting.com/d/2012/03/his.html).

<sup>18</sup> The Spirit Lake Tribe of Indians, ex rel. Comm. Of Understanding & Respect v. Nat’l Collegiate Athletic Ass’n, 715 F.3d 1089 (8<sup>th</sup> cir. 2013). (This had been long disputed. Supporters of the name said that the ceremony was real, while those who wanted a name change claimed it was fabricated to get support for the name. It was proven during this lawsuit that the ceremony happened.)

desire. An early mascot, “Sammy Sioux,”<sup>19</sup> was a cartoonish depiction of the plains Indian and was used in the 1960’s but retired in the early 1970’s at the Tribe’s request.<sup>20</sup> When a name change was suggested for the University of North Dakota, a ceremonious and what seemed to be amiable history, was at the forefront of the University of North Dakota’s mind.



The aforementioned logo on the hockey teams’ sweater was one target of the NCAA and Indian right’s activists when scrutinizing and lobbying for North Dakota’s name change. The logo, shown on the front of the Sioux hockey jerseys and below, was the creation of a Native American tasked by the University to create a new logo.<sup>21</sup> In 1999, Turtle Mountain Indian Reservation enrolled member Bennet Brien was asked to

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<sup>19</sup> Picture Courtesy of ZionEagle, posted on boards.sportslogos.net/topic/95922-updating-vintage-logos/?page=107.

<sup>20</sup> Wade. “UND Nickname Shows Decades of Controversy, Change.”

<sup>21</sup> Picture Courtesy of the Grand Forks Herald, in the article “It’s Not a Logo.” [www.grandforksherald.com/sports/2160712-its-not-logo-fighting-sioux-artist-says-symbolism-always-intended-bridge-all-gaps](http://www.grandforksherald.com/sports/2160712-its-not-logo-fighting-sioux-artist-says-symbolism-always-intended-bridge-all-gaps). (Brien also says that his symbol was not created after any tribe, instead, kept all people in mind who “...have good qualities, who strive to be good.” Brien also believes that Native American support for the name change was partly fueled by the fact that he, a Chippewa, created the Fighting Sioux logo.)

draw five sketches to be considered as the Fighting Sioux's logo.<sup>22</sup> The artist refutes any claims of caricaturizing the plains Indian. Instead, Brien argues that his creation is not just a logo, but a symbol.<sup>23</sup> Ample amounts of symbolism are found in Brien's design.

Brien explains his symbolism in the Sioux man:

His gaze is really focused and determined. You need that in life, no matter who you are, when you're searching for the truth ... The feathers stand for the brave and honorable things you do in life, whether you are a Sioux warrior from before or a student today trying to get an education or anyone making a sacrifice to do good ... The green is one of UND's colors, but it also symbolizes the gifts of the Earth and grown in all kinds of ways—in education, in maturity ... Yellow symbolizes the sun's warmth and light, necessary as we continue on life's journey. The red is the life blood given to us by the creator and our ancestors, that we may be here. And the white is for purity of mind, respect for life, and respect for all peoples.<sup>24</sup>

The image that Fighting Sioux athletes donned while competing was created to honor and respect not just Native Americans, but all who strived to do good and better the Earth.

For Brien, the inquisition against the Sioux name and his symbol was tragic. Brien

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<sup>22</sup> Laughling, Ryan. "Sioux Logo Designer Disappointed by Fighting Hawks Logo." INFORUM, 23 June 2016. [www.inform.com/news/4060597-sioux-logo-designer-disappointed-fighting-hawks-logo](http://www.inform.com/news/4060597-sioux-logo-designer-disappointed-fighting-hawks-logo).

<sup>23</sup> Ibid. (This argument by Brien held no water with the NCAA. However, the Florida State Seminoles used a similar argument that the NCAA cited to show the unique relationship between Florida State and the Florida Seminole Tribe.)

<sup>24</sup> Haga. "'It's Not a Logo.': 'Fighting Sioux' Artist Says Symbolism Always Intended to 'Bridge All Gaps.'" Grand Forks Herald, 29 December 2017. [www.grandforksherald.com/sports/2160712-its-not-logo-fighting-sioux-artist-says-symbolism-always-intended-bridge-all-gaps](http://www.grandforksherald.com/sports/2160712-its-not-logo-fighting-sioux-artist-says-symbolism-always-intended-bridge-all-gaps).

bluntly stated, “The politically correct people misinterpreted it.”<sup>25</sup> For some, the name and logo were more than that, and represented the good people of the world.



Once the NCAA letter was sent to the 18 targeted schools, the University of North Dakota found itself in a media, legal, and cultural frenzy. What started in 2005 with the NCAA letter, would lead to a nearly eight-year ordeal filled with tribal interactions, lawsuits by both the tribe and University, flip-flopping legislative acts, and ultimately two separate votes. The most contentious case over an athletic team name happened between the NCAA and the University of North Dakota, eventually involving North Dakota voters and the federal court system.<sup>26</sup>

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<sup>25</sup> Ibid.

<sup>26</sup> Tierney, Mike. “Amid Rising Discord Over Indian Images, F.S.U. Has Harmony.” The New York Times, 24 Oct. 2013. [www.nytimes.com/2013/10/24/sports/ncaafootball/amid-rising-discord-over-indian-images-florida-state-has-harmony.html](http://www.nytimes.com/2013/10/24/sports/ncaafootball/amid-rising-discord-over-indian-images-florida-state-has-harmony.html).

Upon learning of the NCAA's letter, and its ban from postseason participation, the University promptly took action. North Dakota appealed to the NCAA hoping to keep its name and lost its appeal. Upon losing the appeal, the University then sued the NCAA, claiming their nickname was neither hostile nor abusive.<sup>27</sup> While the NCAA and University were tied up in their legal battle, legislators in North Dakota were passing laws to keep the name. In 2011, the North Dakota legislature passed a law requiring the Sioux name and logo to stay, but was repealed a few months later, only for the repeal to be nullified after Sioux Indians filed petitions for the repeal to go to a vote.<sup>28</sup> A group of Sioux Indians also sued the NCAA, claiming that the removal of the Fighting Sioux nickname would be hostile, discriminatory, and racist.<sup>29</sup> Because of the NCAA's policy, lawsuits were filed and laws were enacted during the fight on whether or not the University of North Dakota would be changing its team name.

Although many suits were in court and laws were being enacted and repealed, one battle mattered more than the others. The NCAA had the ultimate say in the matter, as it had the power to prohibit North Dakota's participation in collegiate competition. The lawsuit between the University and the NCAA ended in a settlement. The settlement allowed North Dakota to continue using the Fighting Sioux name, hinging on one stipulation: The University had to get approval from both the Spirit Lake and Standing

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<sup>27</sup> Gregory, Sean. "NCAA Blunder: Changing North Dakota's Tribal Nickname." Time. 19 Dec. 2011. [Keepingscore.blogs.time.com/2011/12/19/ncaa-blunder-changing-north-dakotas-tribal-nickname/](http://Keepingscore.blogs.time.com/2011/12/19/ncaa-blunder-changing-north-dakotas-tribal-nickname/).

<sup>28</sup> Lavigne, Paula. "A Team-Name Fight Like No Other." ESPN. 7 March 2012, [www.espn.com/espn/otl/story/\\_/page/120307-Fighting&20Sioux/north-dakota-fighting-sioux-nickname-logo-center-dispute-state-ncaa-tribes](http://www.espn.com/espn/otl/story/_/page/120307-Fighting&20Sioux/north-dakota-fighting-sioux-nickname-logo-center-dispute-state-ncaa-tribes).

<sup>29</sup> Ibid. (Ultimately, this case found its way to the Federal Court of Appeals. It was found that the NCAA did not enact the mascot redaction in an attempt to eradicate Sioux culture, upholding the decision to change the name.)

Rock Sioux Indian reservations in North Dakota.<sup>30</sup> The two tribes took different approaches in deciding whether or not to enforce the mascot redaction.

The two different avenues these tribes went down changed North Dakota athletics, and were remarkably different in terms of who participated. For Spirit Lake, the Tribe looked back at their history with the school and chose to have full tribal participation when deciding the name's fate. Historically the Tribe has supported the name, as: "The Tribe argues, and evidence seems to support the case, that Spirit Lake and another local Sioux reservation, Standing Rock, actually gave UND its blessing to use the nickname in a religious ceremony over 40 years ago."<sup>31</sup> Tribal members also got a say, as 67% of the Spirit Lake Tribe was in favor of letting the University keep the Fighting Sioux name.<sup>32</sup> Spirit Lake looked to history and their members to determine whether or not the University of North Dakota would keep its name.

Standing Rock, however, took a different approach. Despite a public show of support for the name in 2010, Standing Rock's tribal council did not allow their people to have a voice on the issue. The Standing Rock tribal council voted against the Fighting Sioux name, forcing North Dakota to drop the name. Members of Standing Rock may not have mirrored the council, though. Standing Rock member Archie Fool Bear "...said the tribe ignored a petition with signatures of more than 1,000 members in North Dakota to allow a vote on the issue."<sup>33</sup> There is speculation on why the council decided to ignore the petition and not allow their people to vote on the issue. One politician, Reed Soderstrom, who was the chairman of the referendum campaign to keep the Sioux name,

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<sup>30</sup> Gregory, Sean. "NCAA Blunder: Changing North Dakota's Tribal Nickname."

<sup>31</sup> Gregory, Sean. "NCAA Blunder."

<sup>32</sup> Lavigne, Paula. "A Team-Name Fight Like No Other."

<sup>33</sup> Ibid.

believes that Standing Rock members would have voted two to one in favor of the nickname.<sup>34</sup> The national push for eradication of Native American nicknames may have swayed the council. The National Congress of American Indians has been at the front of protesting Native American mascots and called North Dakota's nickname "...demeaning by its very nature."<sup>35</sup> Interestingly, if complete eradication of such nicknames is necessary, Standing Rock would have to do some name changing since Standing Rock has local youth teams called the Sioux.<sup>36</sup>

Of all schools targeted by the 2005 NCAA letter, the University of North Dakota was the only school required to get approval from more than one tribe. Ultimately, Spirit Lake's full Tribe voted in favor of keeping the name while only Standing Rock's tribal council voted on the issue.<sup>37</sup> Standing Rock's tribal council voted in favor of redacting the name and mascot, forcing the University of North Dakota to drop the name. In 2012, North Dakota repealed the 2011 law enforcing the use of the Fighting Sioux nickname after NCAA officials made it clear that their stance on the matter would not change.<sup>38</sup> Officials of the University had no choice but to let go of the nickname. Former executive vice president and CEO of the UND Alumni Association and Foundation noted that "The price of keeping the name is simply too high."<sup>39</sup> Former University President Charles Kupchella had been quoted as "We do not do tomahawk chops, we do not have white

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<sup>34</sup> Baxter, Blake. "Is 'The Fighting Sioux' Offensive? NCAA Says Yes, Sioux Tribe Says No." *The College Fix*, 13 March 2012. [www.thecollegefix.com/post/10298/](http://www.thecollegefix.com/post/10298/).

<sup>35</sup> "Position on American Indian Sports Mascots." National Congress of American Indians. NCAI. 20 April 2009.

<sup>36</sup> "North Dakota Fighting Sioux Mascot is Challenged by Sioux Tribe." NPR. 21 April 2010. [www.npr.org/templates/story/story.php?storyId=126166737](http://www.npr.org/templates/story/story.php?storyId=126166737).

<sup>37</sup> Lavigne, Paula. "A Team-Name Fight Like No Other."

<sup>38</sup> *Ibid.*

<sup>39</sup> "North Dakota Nickname Dispute to End." NCAA.com. 13 June 2012. [www.ncaa.com/news/ncaa/article/2012-06-13/north-dakota-nickname-dispute-end](http://www.ncaa.com/news/ncaa/article/2012-06-13/north-dakota-nickname-dispute-end).

guys painted up like Indians and our fans do not do Indian chants.”<sup>40</sup> Despite how administration perceived the name and tradition behind it, Standing Rock did not give permission to continue the nickname, thus ending the Fighting Sioux. After eighty-one years, the Sioux nickname was no longer officially the name of the University of North Dakota’s athletic teams.

The name change showed both sides of perspective in the Native American community. The National Congress of American Indians called the name change a victory for Native Americans. Some Native Americans, however, felt attacked by the name change. Spirit Lake’s pro-nickname leader Frank Black Cloud felt that the NCAA had no right to tell his people whether or not they should be offended.<sup>41</sup> Many Native Americans mirrored Bennet Brien’s feelings that the NCAA misinterpreted the name and symbol and are out of touch with Native American culture.<sup>42</sup> Differences of opinion were present tribe to tribe. Two Standing Rock members, Jesse Taken Alive and Tom Iron, bore differing opinions on the name, despite living on the same reservation, when interviewed by National Public Radio.<sup>43</sup> Some are deeply hurt by the name change, fearing that the name change is a step in the direction of abolishing Native Americans.<sup>44</sup> Native American opinion on the name change is divided, with strong feelings both ways.

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<sup>40</sup> Fettmann, Eric. “The Fighting Sioux Refuse to Retreat.” New York Post. 30 June 2006. [Nypost.com/2006/06/30/the-fighting-sioux-refuse-to-retreat/](http://nypost.com/2006/06/30/the-fighting-sioux-refuse-to-retreat/).

<sup>41</sup> Lavigne, Paula. “A Team-Name Fight Like No Other.”

<sup>42</sup> Trimble, Charles. “The Demise of the Fighting Sioux.” Lakota Country Times, 10 June 2009. [www.lakotacountrytimes.com/news/2009-06-10/Voices/012.html](http://www.lakotacountrytimes.com/news/2009-06-10/Voices/012.html). (Charles Trimble, a Sioux member, said he was never offended by the name, and feels that “...UND betrayed the title, for if they were really like the Fighting Sioux, they would still be sporting the name.”)

<sup>43</sup> “North Dakota Fighting Sioux Mascot Is Challenged By Sioux Tribe.” NPR. 21 April 2010. [www.npr.org/templates/story/story.php?storyId=126166737](http://www.npr.org/templates/story/story.php?storyId=126166737).

<sup>44</sup> Gregory, Sean. “NCAA Blunder.”

The name change has, in essence, only taken place on the field of competition and not in the stands. Although the athletes cannot sport the Sioux jerseys, the fans still do. North Dakota still sells clothing and memorabilia with the Fighting Sioux symbol on it because the school's settlement with the NCAA forces the school to make commercial use of the imagery, or the trademark will be void.<sup>45</sup> Fans still wear the Sioux jersey when attending hockey games at Ralph Engelstad Arena. The venue itself, Ralph Engelstad Arena, resisted the change as well. Donor and alum Ralph Engelstad pledged \$100 million to build a hockey arena bearing his name, but vowed to pull his donation if the name were to be changed, leading to the State Board of Higher Education to vote unanimously in favor of the Fighting Sioux name in 2001.<sup>46</sup> Now at "The Ralph," there remain 2,500 Sioux logos scattered throughout the arena, and a sculpture of the Sioux Chief Sitting Bull riding a horse outside.<sup>47</sup> The hockey venue in Grand Forks is a reminder of the University's past. The arena also begs the question, does the NCAA or the University really care about getting rid of cultural imagery?

Now that the dust has settled, the University of North Dakota no longer goes by the Fighting Sioux. After countless legal battles, tribal decisions, and NCAA settlements, the name has changed, and North Dakota has moved on. Voters decided to drop the name in 2012, and in 2015 the school adopted the name "Fighting Hawks." Dropping the name put the Standing Rock and Spirit Lake Sioux Tribes in the driver's seat and saw the two

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<sup>45</sup> "Why the University of North Dakota is Still Selling Merchandise with Banned Fighting Sioux Logo | CBC Radio." CBCNews. Radio Canada. 24 February 2016. [www.cbc.ca/radio/asithappens/as-it-happens-wednesday-edition-1.3462076/why-the-university-of-north-dakota-is-still-selling-merchandise-with-banned-fighting-sioux-logo-1.3462079](http://www.cbc.ca/radio/asithappens/as-it-happens-wednesday-edition-1.3462076/why-the-university-of-north-dakota-is-still-selling-merchandise-with-banned-fighting-sioux-logo-1.3462079).

<sup>46</sup> Thomason, Andy. "The Long, Strange Demise of North Dakota's 'Fighting Sioux.'" Chronicle. 22 Oct. 2015, [www.chronicle.com/article/The-Long-Strange-Demise-of/233882](http://www.chronicle.com/article/The-Long-Strange-Demise-of/233882).

<sup>47</sup> Ibid.

go in different directions. The history of the name and tribes were considered. North Dakota, during this process, was the only school forced to get two separate tribes to approve its name. The NCAA's decision to force North Dakota to change its name and logo had over one-hundred years of history, several tribes, and a school's history involved. The University of North Dakota's name change is an interesting case study when looking at what happened when one school was forced to change its name.

## ***II. The Preservation of the Florida State Seminoles***

Much like in North Dakota's case, an understanding of the history, people, and demographics of Florida State University is essential when analyzing how the NCAA allowed the Seminole mascot to be kept, despite the 2005 letter. The Florida territorial legislature, as it began planning for a higher education system, started Florida State University in 1823. The state legislature formally established the institution in Tallahassee in 1854. After a brief stint as a women's school, the institution became coeducational on May 15, 1947 when it was officially given the name "Florida State University."<sup>48</sup> Nearly 200 years later, Florida State now is home to 41,900 students, making it one of the largest universities in the United States.<sup>49</sup>

The state of Florida and Florida State University have both grown into diverse and distinct communities. Like the University of North Dakota, the demographic that serves as the athletic mascot is tremendously underrepresented, but for Florida State and their Seminoles, it is even worse. At Florida State, there are only 84 American Indian or

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<sup>48</sup> Florida State University. "Florida State University." Florida State University Seal, [www.fsu.edu/about/history.html](http://www.fsu.edu/about/history.html).

<sup>49</sup> Office of Institutional Research. "Office of Institutional Research." Florida State University, [www.ir.fsu.edu/facts.aspx](http://www.ir.fsu.edu/facts.aspx). (The total student enrollment in 2017-2018 was 41,900. 44.3% of students were men (18,548,) and 55.7% were women (23,352.))

Native Alaskan students, representing 0.2% of the student population.<sup>50</sup> While this number seems low, it does not deviate far from the state of Florida's demographic breakdown. In Florida, only 0.5% of the total population identifies as American Indian or Alaskan Native.<sup>51</sup> The Seminole, however, is the most represented tribe in Florida. In Florida, the Seminole Tribe has a history that can be traced back twelve millennia, and now has six Floridian reservations.<sup>52</sup> For being the mascot of a major state university, the Native American population is unbelievably low in both the state of Florida and Florida State.

The athletic component of Florida State that sports "Seminole" apparel and is center to the many "Seminole" traditions, also has a long history. Florida State began fielding intercollegiate teams, under the Seminole name, in 1947 when the school became coeducational again.<sup>53</sup> The school and its athletic program have since grown and both have prospered. Florida State has won fourteen national championships across nine sports and has been part of the Atlantic Coast Conference since 1992.<sup>54</sup> The University and its athletics program have a long and successful history as the Florida State Seminoles.

Athletics and the Seminole mascot have been linked forever at Florida State University. Once the school again became coeducational in 1947, the student body voted on a name for their re-established football team, and the "Florida State Seminoles" won

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<sup>50</sup> Ibid.

<sup>51</sup> "QuickFacts." *U.S. Census Bureau QuickFacts: Florida*, [www.census.gov/quickfacts/fact/table/FL#viewtop](http://www.census.gov/quickfacts/fact/table/FL#viewtop). (These numbers are estimates. Based on these numbers, 0.5% of Florida's total population of 20,984,400 would make 104,922 American Indian or Alaskan Native.)

<sup>52</sup> Seminole Tribe of Florida – Tourism and Enterprises, [www.semtribe.com/TourismAndEnterprises/](http://www.semtribe.com/TourismAndEnterprises/). (The six Seminole reservations are Brighton, Fort Pierce, Big Cypress, Hollywood, Immokalee, and Tampa.)

<sup>53</sup> Florida State University. "Florida State University." (1947 was the first official Florida State team, however, when the men left for Gainesville in 1905, they took their football team with.)

<sup>54</sup> Florida State University. "Florida State University." Florida State. [www.fsu.edu/athletics](http://www.fsu.edu/athletics).

that vote.<sup>55</sup> Seminoles easily won the vote over a couple other names that would raise eyebrows today. The students chose Seminoles over Crackers, Statesmen, Tarpons, and Fighting Warriors.<sup>56</sup> The establishment of the modern Florida State University re-introduced athletics and ingrained the Seminole as the athletics team name.

Early versions of the Florida State Seminole, that would be seen at sporting events, allowed the University and the Tribe to establish a relationship. The relationship that would later be deemed “unique” by the NCAA was rooted in fixing Florida State’s past mistakes that caricatured and misrepresented the Seminole Tribe of Florida. Despite the University choosing the name to “...honor the indomitable spirit of the Florida Seminoles,”<sup>57</sup> its early versions of Seminoles were cartoonish and shaped by Hollywood. Early Florida State mascots were pictured with war bonnets, mohawks, and loincloths, which are total misrepresentations of Seminoles.<sup>58</sup> The way Seminole mascots acted in the 1960’s was disrespectful and stereotypical of Hollywood Indians. Chief Fullabull, a mascot used for entertainment at basketball games with the following: “The buffoonish character specializes in skits such as ceremonially ‘massacring’ effigies of the opposing teams’ mascots.”<sup>59</sup> Over the next several decades, adjustments were made by the University in order to have a more accurate representation of a true Seminole. In order to right the wrongs of their early and false representations of the Seminole, Florida State

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<sup>55</sup> University Communications. “Relationships with the Seminole Tribe of Florida.” A Tradition of Tribute | The Florida State Seminoles | Messages | University Communications, [unicomm.fsu.edu/messages/relationship-seminole-tribe-florida/tribute/](http://unicomm.fsu.edu/messages/relationship-seminole-tribe-florida/tribute/).

<sup>56</sup> University Communications. “Relationship with the Seminole Tribe of Florida.” Timeline | Relationship with the Seminole Tribe of Florida | Messages | University Communications, [unicomm.fsu.edu/messages/relationship-seminoles-tribe-florida/timeline/](http://unicomm.fsu.edu/messages/relationship-seminoles-tribe-florida/timeline/).

<sup>57</sup> University Communications. “Relationships with the Seminole Tribe of Florida.”

<sup>58</sup> Ibid. (The war bonnet was borrowed from Plains Indian Culture, while mohawks and loincloths were never sported by Seminoles in Florida.)

<sup>59</sup> Ibid.

University was able to develop a relationship with the Seminole Tribe of Florida that the NCAA used as the foundation of the “unique” relationship between the two parties, which allowed Florida State to keep their athletic teams’ name.

For Florida State, the 2005 letter from the NCAA brought critics of the name to the forefront, and to combat them, those who defended the nickname. The National Congress of American Indians opposes Florida State’s name, just as the group opposed the University of North Dakota Fighting Sioux, saying that the stereotypes and caricatures are harmful for all people, and have had that same stance since 1968.<sup>60</sup> Protests of the name from the past also started to surface. Protests in the early 1990’s at Florida State football games were rehashed, and an Oklahoma Seminole threatened a human-rights lawsuit against the University if the name were continued to be used.<sup>61</sup> Seminoles even voiced their contempt for Florida State’s use of cultural imagery. The Seminole Nation of Oklahoma publicly articulated its displeasure that its tribal identity was being used by Florida State, but because the NCAA didn’t force all of Seminole Nation to approve the name, the Oklahoma Seminoles opinion did not matter, and was promptly shrugged off by the Seminoles in Florida.<sup>62</sup> Many people opposed Florida State’s use of the Seminole

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<sup>60</sup> “Position on American Indian Sports Mascots.” National Congress of American Indians. NCAI. 20 April 2009.

<sup>61</sup> University Communications. “Relationships with the Seminole Tribe of Florida.”

<sup>62</sup> Culpepper, Chuck. “Florida State’s Unusual Bond with Seminole Tribe Casts Native American Mascot Debate in a Different Light.” The Washington Post, 29 Dec. 2014, [www.washingtonpost.com/sports/colleges/florida-states-unusual-bond-with-seminole-tribe-puts-mascot-debate-in-a-different-light/2014/12/29/5386841a-8eea-11e4-ba53-a477d66580ed\\_story.html?utm\\_term=.3b1f6d534aa1](http://www.washingtonpost.com/sports/colleges/florida-states-unusual-bond-with-seminole-tribe-puts-mascot-debate-in-a-different-light/2014/12/29/5386841a-8eea-11e4-ba53-a477d66580ed_story.html?utm_term=.3b1f6d534aa1). (The Seminole Nation of Oklahoma is more populous than the Seminole Tribe of Florida. Since Florida State has been allowed to continue using “Seminole,” the Seminole Nation of Oklahoma has issued a public statement that “condemns the use of all American Indian sports-team mascots in the public school system, by college and university level and by professional sports teams.” Ignoring the Seminole Nation of Oklahoma, but forcing North Dakota to get two tribes’ approval is one of the NCAA’s biggest hypocrisies when dealing with cultural imagery.)

name, from academics to Native Americans across the United States, and voiced their displeasure when the 2005 media frenzy followed the NCAA's letter.

On the other side of the issue were those in support of the name. Honor is in the Seminole name, and representing the Seminoles supports the long and storied history of one of the toughest peoples that history ever saw. Florida State itself did not want to go through a name change and cited that the Tribe and University had worked together for over 40 years on their representation of the Seminole Indians.<sup>63</sup> For some, the NCAA had been too nosy and forceful with deeming what should be considered hostile and abusive, a feeling echoed from Fighting Sioux supporters. Florida Seminole council member Max Osceola said, "We never signed a peace treaty with the United States government, we're not about to roll over for the NCAA."<sup>64</sup> Supporters of the nickname would ultimately hold more weight with the NCAA than those who actually felt offended by the name.

Per the NCAA's rules, the decision was ultimately left to the Seminole Tribe of Florida. Reacting quickly, the Seminole Tribe of Florida's tribal council unanimously approved a resolution supporting the use of the Seminole name, and any associated logos and images that came with it.<sup>65</sup> The decision of the tribal council led to criticism from the Seminole's own people. The tribal council's agreement, as pointed out by the Seminole Nation of Oklahoma, is not an agreement between the University and all of Seminole

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<sup>63</sup> University Communications. "Relationship with the Seminole Tribe of Florida."

<sup>64</sup> Hiatt, Stephanie Bowers. "My Voice: Mascot Represents 'Unconquered Spirit' of Seminole People." *Argus Leader*, Sioux Falls, 27 February 2016. (The Seminole Tribe prides itself on being the only Native American nation to not sign a peace agreement with the United States government. This article also voices the opinion of a Seminole woman living in Sioux Falls, saying she feels honored that Florida State chooses to use Seminoles as their mascot.)

<sup>65</sup> University Communications. "Relationship with the Seminole Tribe of Florida."

Nation, but just between the University and Florida Seminole Tribal Council.<sup>66</sup> With the only say on whether or not to redact Florida State's mascot, the Florida Seminole Council, by itself, voted in favor of the Seminole name.

Eyebrows were raised when Florida's Tribal Council approved the name without tribal input, and despite pressure from the Seminoles in Oklahoma. Reasons for approving Florida State's use of Seminole vary, but all of them benefit the Seminole Tribe of Florida. Florida's Tribe has a gambling enterprise in Florida, and the Tribe "...employs more than 2,000 non-Indians and purchases more than \$24 million dollars in goods and services from more than 850 Florida vendors a year."<sup>67</sup> Was the approval of the name a business decision for a demographic that isn't well represented but has a big economic interest within the state of Florida? Oklahoma Seminole member, American Indian Activist, and general counsel for the Seminole Tribe of Oklahoma David Narcomey speculates that approving the name was a decision made to pacify Florida State alums in the Florida legislature, simply, "Just don't pass any laws that go against our casinos."<sup>68</sup> Seminoles in Florida may also profit from the name and images that Florida State uses. The Florida Seminole Tribe is rumored to get a percent of revenue from Florida State Seminole merchandise sales.<sup>69</sup> Deciding to allow Florida State to

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<sup>66</sup> Zirin, Dave. "The Florida State Seminoles: The Champions of Racist Mascots." *The Nation*, 29 June 2015, [www.thenation.com/article/florida-state-seminoles-champions-racist-mascots/](http://www.thenation.com/article/florida-state-seminoles-champions-racist-mascots/). (A majority of Seminoles live in Oklahoma, and the only people to vote on whether or not Florida State could use the name was the Florida Seminole Tribal Council.)

<sup>67</sup> Seminole Tribe of Florida-Tourism and Enterprises, [www.semtribe.com/TourismAndEnterprises](http://www.semtribe.com/TourismAndEnterprises).

<sup>68</sup> Tramel, Berry. "Florida State's Chief Osceola Disgusts Member of Seminole Tribe of Oklahoma." *NewsOK.com*, 15 Sept. 2011, [newsok.com/article/3604488](http://newsok.com/article/3604488).

<sup>69</sup> "Interest Convergence, FSU, and the Seminole Tribe of Florida." *Native Appropriations*, 23 Jan. 2013, [nativeappropriations.com/2013/01/interest-convergence-fsu-and-the-seminole-tribe-of-florida.html](http://nativeappropriations.com/2013/01/interest-convergence-fsu-and-the-seminole-tribe-of-florida.html).

continue using the Seminole may have been a business decision, having nothing to do with respecting culture or combatting stereotypes.

Despite their reasoning, the Florida Seminoles gave the University approval to continue using the Seminole name. Tribal approval in Florida was one component of the NCAA ultimately granting Florida State a waiver and removing the school from the list of universities using hostile and abusive nicknames. The NCAA still believes that stereotyping Native Americans through imagery is wrong, but "...recognizes that a Native American tribe is a distinct political community and, therefore, respects the authority of the tribe to permit universities and colleges to use its name and imagery."<sup>70</sup> The NCAA used tribal approval, and cited the "unique relationship" that the Seminole Tribe and Florida State University have together, which included student involvement with the Tribe and Florida State changing imagery and mascots at the Tribe's request, when granting the university a waiver in 2005.<sup>71</sup> The NCAA used a special relationship and one tribe's approval when granting Florida State a waiver for their mascot.

The special relationship between the University and Tribe must be analyzed to see the ambiguity and complexity around redacting or allowing mascots that has plagued the NCAA. Florida State boasts that the Seminole logo refers to the "few hundred unconquered Seminole men, women and children left—all hiding in the swamps and Everglades of South Florida," and flaunted its forty-year history of stopping anything that the Seminole Tribe requested to be stopped.<sup>72</sup> For Florida State, much of the relationship

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<sup>70</sup> Schward, Amy Wimmer. "Where Pride Meets Prejudice | An NCAA Champion Feature." NCAA.org, [www.ncaa.org/static/champion/where-pride-meets-prejudice/index.php](http://www.ncaa.org/static/champion/where-pride-meets-prejudice/index.php).

<sup>71</sup> Culpepper. "Florida State's Unusual Bond with Seminole Tribe Casts Native American Mascot Debate in a Different Light."

<sup>72</sup> University Communications. "Relationship with the Seminole Tribe of Florida." (This is similar to the University of North Dakota, as both schools changed whatever their respective tribes asked.)

was fixing the caricatures and mockeries the school would parade at sporting events—hardly a unique relationship. The University and Tribe worked to move away from the Hollywood style Plains Indian, and toward a more accurate depiction of the Florida Seminole.<sup>73</sup> The Tribe, likewise boasts that the two have a long and amiable history together. The mutually supportive relationship even has a written declaration of support from the Tribal Council, a historic step for the Seminole Tribe, which ensures that tribal members assist the University to “...ensure the dignity and propriety of the various Seminole symbols...”<sup>74</sup> The two sides used their history of cleaning up stereotypical images and turning the mascot to a more authentic version of a Seminole as the basis for a unique relationship.

Florida State, despite their storied and unique history with the tribe, has done little for the Seminole people of Florida. One gesture that Florida State made to the Seminole Tribe in good faith was the establishment of a scholarship, which allows Seminole students from the reservations to go to Florida State.<sup>75</sup> However, the gesture has turned out to be a symbolic gesture. In Florida State’s history, only eight Seminoles have graduated.<sup>76</sup> Facilities on campus also are mockeries of Native American culture. On campus, Florida State has an outdoor recreational facility they call “The Rez.”<sup>77</sup> Historically, reservations had not been a place that Seminoles respected, enjoyed, or

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<sup>73</sup> University Communications. “Relationship with the Seminole Tribe of Florida.”

<sup>74</sup> “FSU Traditions.” Tallahassee Seminole Club, 22 Feb. 2018, [www.tallahasseeeminolesclub.com/fsu-traditions/](http://www.tallahasseeeminolesclub.com/fsu-traditions/).

<sup>75</sup> University Communications. “Relationship with the Seminole Tribe of Florida.”

<sup>76</sup> “Interest Convergence, FSU, and the Seminole Tribe of Florida.” Native Appropriations, 23 Jan. 2013, [nativeappropriations.com/2013/01/interest-convergence-fsu-and-the-seminole-tribe-of-florida.html](http://nativeappropriations.com/2013/01/interest-convergence-fsu-and-the-seminole-tribe-of-florida.html).

<sup>77</sup> Tierney, Mike. “Amid Rising Discord Over Indian Images, F.S.U. Has Harmony.” The New York Time, 24 Oct. 2013, [www.nytimes.com/2013/10/24/sports/ncaafootball/amid-rising-discord-over-indian-images-florida-state-has-harmony.html](http://www.nytimes.com/2013/10/24/sports/ncaafootball/amid-rising-discord-over-indian-images-florida-state-has-harmony.html).

willingly spent time at. Despite the history that Florida State claims they have with the Seminole Tribe, little has been done to further tribal peoples, while Native American culture is utilized purely as names. Florida State game day traditions and fan garb show disconnect between Florida State and the Seminoles. One of the most revered traditions in college football takes place before every game at Florida State’s Doak Campbell Stadium: “Before every kickoff at Doak Campbell Stadium . . . a Florida State student in facial war paint and an American Indian costume steers a spotted Appaloosa to midfield. As the horse rises on its hind legs, the rider, who is not an Indian, thrusts a flaming spear into the turf to the crazed accompaniment of the crowd’s droning chant and an arm gesture called the tomahawk chop.” Although the Seminole Tribe has input on outfit and traditions, Seminole historians point out the flaws with Florida State’s Chief Osceola. Dave Zirin says that Seminoles, who lived in swamps, did not ride horses, and this is a disservice to one of the greatest resistance fighters in Native America.<sup>78</sup> Pictured below is Florida State’s Chief Osceola performing his pre-game ritual.<sup>79</sup> Since 1978 Florida State, without fixing the appearance, has had a misrepresentation of Chief Osceola kick off every home game.



<sup>78</sup> Zirin. “The Florida State Seminoles: The Champions of Racist Mascots.”

<sup>79</sup> Photos Courtesy of Indian Country Today <https://indiancountrymedianetwork.com/culture/sports/fsu-mascots-chief-osceola-horse-renegade-eat-dirt-orange-bowl/>, and Tommy Gilligan of USA Today Sports, Via the Tallahassee Democrat <https://www.tallahassee.com/story/sports/2015/11/12/fsu-athletic-board-approves-new-football-ticket-policy/75641928/>.

Fan involvement at Florida State sporting events shows how the University is out of touch, and does not attempt to keep fans in touch, of Seminole or Native American culture. Fan behavior and Florida State game day traditions have been called a “mass interactive minstrelsy.”<sup>80</sup> Native Americans see thousands of white fans, singing war chants, performing the tomahawk chop, and wearing war paint during every Florida State game. The tomahawk chop, a Florida State tradition and its “war chant,” began with the Seminole cheer “massacre” in the 1960’s and has evolved to its present form.<sup>81</sup> An obvious disconnect is present in Florida State’s fan base and Seminole culture, showing the lack of respect and awareness that Florida State has for the Seminoles in general.

Florida State escaped the 2005 inquisition against cultural nicknames unscathed. Because of its history of acquiescing the Florida Seminole’s requests, a unique bond was seen by the NCAA. Now, Florida State can now go into Grand Forks donning the Seminole name and arrow headwear, do the tomahawk chop and whoop war chants in the former home of the Fighting Sioux.<sup>82</sup> Compared to North Dakota, the Florida State traditions and history are not honorable to the represented tribe. Fueled by greed, the University and Tribe allow a misrepresentation of Seminole culture be broadcast weekly to a national audience. Looking at Florida State and their ability to keep the Seminole nickname shows the NCAA’s ambiguity, hypocrisy, and greed.

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<sup>80</sup> Zirin. “The Florida State Seminole: The Champions of Racists Mascots.”

<sup>81</sup> “FSU Traditions.” Tallahassee Seminole Club, [www.tallahasseeeminoleclub.com/fsu-traditions/](http://www.tallahasseeeminoleclub.com/fsu-traditions/). 22 Feb. 2018.

<sup>82</sup> Fettmann, Eric. “The Fighting Sioux Refuse to Retreat. New York Post, 30 June 2006. Nypost.com/2006/06/30/the-fighting-sioux-refuse-to-retreat/.

### *III. Hostile and Abusive? The University of South Dakota Coyotes*

To understand the possible cultural ties of its mascot, the University of South Dakota's history must be analyzed. For Vermillion, South Dakota, when one door closed another door opened. Vermillion and Yankton were fighting to become the capital city of Dakota Territory. Once Yankton was awarded the capital, a legislative act was introduced to "...to locate the University of Dakota 'on lot number four, of section twenty-four, in township number ninety-two...in the town of Vermillion, in Clay County.' Governor Jayne signed the act on April 21, 1862."<sup>83</sup> Less than a year later, the University of Dakota was incorporated on January 9, 1863.<sup>84</sup> Incorporated, but young and unsure, the University of Dakota now was in the hands of Vermillion.

The Dakota Territory's population grew and reorganization was inevitable if Vermillion were to keep the school. The legislature gave Vermillion until 1882 to consolidate its claim on the University.<sup>85</sup> A group of citizens met to talk about the University only a month after a horrific flood destroyed the city of Vermillion in February of 1881. The story of the determined group of people who wanted the school to stay in Vermillion is as follows:

Despite the devastation, community leaders Justice Jefferson Kidder, Dr. F.N. Burdick, Darwin Inman, and John Jolley met April 30, 1881, to form an association to erect a building in which to open the University of Dakota. Kidder was elected president and wrote the article of incorporation, which tied the institution to the 1862 law, declaring 'the University of Dakota is hereby established.' The articles were certified May 21, and the association members became the University trustees.<sup>86</sup>

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<sup>83</sup> Grauvogl, Ann. *150 Years of Pride, Persistence & Progress: The University of South Dakota*. USD Alumni Association, 2012. 3-4.

<sup>84</sup> Ibid. 4.

<sup>85</sup> Grauvogl. *150 Years of Pride, Persistence & Progress: The University of South Dakota*. 5.

<sup>86</sup> Ibid. 6.

Without the work and leadership of the trustees, the University might have left Vermillion; however, the group of trustees could not have done much on their own. Instead, they spearheaded a movement that became much larger that would put the University's roots firmly in Vermillion's soil.

The leadership exhibited by the trustees inspired the town. The local newspaper and townspeople rallied support and won a special election on the issuance of \$10,000 in bonds, which led to the first building's construction.<sup>87</sup> Finally, after an extravagant tour and banquet during the legislators' visit of the school, both houses of the legislature accepted the University of Dakota, "...determined the purpose of the institution, and established a board of regents to run it. The legislature also attached the land granted by the United States to the University."<sup>88</sup> Grit, resiliency, and determination between the 1860s and 1880s led to the University of South Dakota being located in Vermillion, South Dakota.

The University of Dakota, its name at the time, always had sports present, and saw athletics become more organized in the latter half of the 19<sup>th</sup> century. In the 1880s and 1890s the University had experimented with football and decided to keep the sport. The University of Dakota football team proved themselves as a regional powerhouse by the turn of the century. From 1900 through 1913, the University "...won sixty games, lost twenty-seven, and tied four, while scoring 1606 points to 659. Not a single game was lost to South Dakota colleges or neighboring Morningside, with thirty-five victories and three ties."<sup>89</sup> Athletics were integral to the student body, as well as the formation of student

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<sup>87</sup> Ibid. 8.

<sup>88</sup> Ibid. 12.

<sup>89</sup> Cummins, Cedric Clisten. *The University of South Dakota, 1862-1966*. Dakota Press, 1975. 105.

clubs and organizations on campus during the early years. One of the first clubs was a baseball club, and the University's "Chicago Boys" who helped propel the institution into the collegiate mainstream, were "...responsible for the organization of The Student Association in the fall of 1887, and had a hand in initiating the Athletic Association and YMCA..."<sup>90</sup> Athletics were an important part to student life at the University of Dakota from its inception.

The University of South Dakota has grown, and so have its athletics. Competing in the highest level of collegiate athletics, the University of South Dakota Coyotes are now part of Division I, and compete in the Summit League and Missouri Valley Football Conference.<sup>91</sup> Athletics have been present, but have evolved and grown to help support the University's needs.

Although sports were always around, a mascot was not. South Dakota's state animal is the coyote. It would make sense to have the sports mascot of the state's flagship University be the state's animal, but the coyote was not named South Dakota's official state animal until 1949.<sup>92</sup> For the University, the coyote came much earlier. Cedric Cummins explains: "First of the University annuals was published in the spring of 1902 with William Williamson, Jr., as editor in chief, fixing the name Coyote upon its progeny."<sup>93</sup> Although 1902 is the first clear marriage between the coyote and University, Cummins says, "It is impossible to assign an exact date for the association of 'Coyote' with the school's athletic teams or other features."<sup>94</sup> The University of South Dakota and

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<sup>90</sup> Ibid. 36.

<sup>91</sup> "South Dakota." *NCAA.com*, [www.ncaa.com/schools/south-dakota](http://www.ncaa.com/schools/south-dakota).

<sup>92</sup> "Coyote." *State Symbols USA*, [statesymbolsusa.org/symbol-official-item/south-dakota/state-mammal/coyote](http://statesymbolsusa.org/symbol-official-item/south-dakota/state-mammal/coyote)

<sup>93</sup> Cummins. *The University of South Dakota*. 104.

<sup>94</sup> Ibid. 104, footnote 26.

the Coyote have been together since 1902, but it is unclear exactly when the Coyote became the official athletic mascot.

The possible cultural significance of the University of South Dakota's mascot comes from a military unit. Geography, membership of the unit, and the chronology between the military unit and University may link the two together. As the University was beginning its formation, so too was the Dakota Cavalry.

It only took a few months to raise the Dakota Cavalry. "In the fall of 1861, the War Department authorized the governor of Dakota Territory to raise two companies of cavalry for the War of Rebellion, to be employed in patrolling and garrison duty in the territory."<sup>95</sup> Just eight days after Governor Jayne signed the legislative act that put the University of Dakota in Vermillion, "...a company of cavalry, consisting of 98 men, was raised in Dakota Territory. Company A, 1<sup>st</sup> Regiment, Dakota Cavalry, was enlisted for a three-year period, and it was anticipated that the regiment would be sent east to join in the Civil War fighting."<sup>96</sup> Only eight days separated the two events that would affect the lives of Vermillion men and their families. Only eight days separated the creation of the University of Dakota and the enlistment of Company A, 1<sup>st</sup> Regiment, Dakota Cavalry. Both the University of Dakota and Company A would later go on to be branded with the nickname "Coyotes."

The enlisted members of Company A, 1<sup>st</sup> Regiment, Dakota Cavalry, would have been invested and interested in the University of Dakota. Due to their geographical placement, Company A's men were either campaigning for, or campaign targets of, the movement that supported keeping the University of Dakota in Vermillion. In fact, the

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<sup>95</sup> *Dakota Territory in the Civil War*. [Usgwarchives.net/sd/military/cw.htm](http://Usgwarchives.net/sd/military/cw.htm)

<sup>96</sup> Rusch, Arthur. *Vermillion—Before the Flood*. 2008.

elected leader of Company A was a local Vermillion man, Captain Nelson Miner.<sup>97</sup>

Miner had moved to Vermillion in 1860, and “...from that time until his demise his life record is inseparable interwoven with Vermillion and its upbuilding.”<sup>98</sup> Company A’s geographic location surrounded, and their leadership came from where the University of Dakota was being planted.

The University of Dakota’s land had ties to the Dakota Cavalry. Many of the men under Captain Miner held land claims in their home counties. A majority of Company A held claims in Clay, Cole, Bon Homme, and Minnehaha counties in South Dakota.<sup>99</sup> Men from the town, and the surrounding counties of the University of Dakota were enlisted in the Company A the same time that a bill was signed to put the University of Dakota in Vermillion. At the same time that the University of Dakota was getting its start, men of Company A were land holders in the University’s home county.

Company A served many normal functions for a military unit on the plains during their first year of service. The military unit garrisoned Ft. Randall, protected Dakota Territory settlements, and kept various trails and supply routes in the Dakota Territory open.<sup>100</sup> For the most part, Captain Miner and his men kept high traffic areas safe for the European immigrants on the plains. During the beginning of the Civil War, Company A was doing reconnaissance duty while based at the stockade in Yankton, South Dakota.<sup>101</sup>

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<sup>97</sup> Ibid.

<sup>98</sup> Kingsbury, George W. Washington, and George Martin Smith. *History of Dakota Territory*. Vol. 5, S.J. Clarke Pub. Co., 1915. 1139.

<sup>99</sup> Kingsbury, George W. Washington, and George Martin Smith. *History of Dakota Territory*. Vol. 1, S.J. Clarke Pub. Co., 1915. 191-192.

<sup>100</sup> Rusch. *Vermillion—Before the Flood*.

<sup>101</sup> Jennewein, John Leonard, and Jane Boorman. *Dakota Panorama: a History of Dakota Territory*. Dakota Territory Centennial Commission, 1988.

For the first year, those under Miner's command mainly acted as a regular garrison unit on the plains of the Dakota Territory.

It wasn't until 1864 that Company A received a role that is looked back on with resentment. Until 1864, "The First Dakota Cavalry battalion took part in no engagements against the Indians..."<sup>102</sup> John F. Walter describes the First Dakota Cavalry as, "...a two company unit organized to defend the northern Plains frontier region against hostile Indians."<sup>103</sup> They were hunters and received the nickname Coyotes for being long-range fleet-footed reconnaissance and hunting experts. As George Kingsbury put it: "The captain's [Nelson Miner] company was known to the general as the 'Coyotes,' because of their fleetness when in pursuit of the enemy."<sup>104</sup> On the plains of the Dakota Territory, the enemy was the Native American.

From 1864 on, the Coyotes served in Indian country and their leader, Captain Miner, "...became one of the most noted Indian fighters of the west."<sup>105</sup> Incomplete records show that the First Dakota Cavalry Battalion lost at least three members from fights against Native Americans.<sup>106</sup> The Coyotes served, mostly in this capacity, for three years before their mustering out on May 9, 1865. While they served many purposes during the Civil War in the Dakota Territory, Company A, 1<sup>st</sup> Regiment, Dakota Cavalry was a unit specializing in defense and long-range reconnaissance that actively hunted Native Americans on the prairie to protect Dakota Territory settlers.

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<sup>102</sup> Walter, John F. "First Dakota Cavalry Battalion." June, 1981. Rev., Sept 1996

<sup>103</sup> Ibid.

<sup>104</sup> Kingsbury. *History of Dakota Territory*. Vol. 2. 1105.

<sup>105</sup> Kingsbury. *History of Dakota Territory*. Vol 5. 1139-1140.

<sup>106</sup> Walter. "First Dakota Cavalry Battalion."

Attitudes toward what the Coyotes did have changed over time. During their three years the Coyotes were actively serving in dangerous roles.<sup>107</sup> The men of Company A were heroes in their time. While today's standards don't praise the men fighting Indians on the plains, the Coyotes did. Company A had many leading citizens, and most of these men were considered high class.<sup>108</sup> Upon their mustering out, the company received "...from General Sully, at the close of the war, a letter of commendation for faithful service."<sup>109</sup> Nelson Miner even has a county named after him, although the county's official web page describes Miner's company as being "...pulled out to fight in the Civil War."<sup>110</sup> Miner and his men served during the Civil War, but fought against Native Americans in The Indian Wars.

There are differing views on what Miner and his men did. To the people of the 1860s in the Dakota Territory, they were heroes who protected their friends and family. To the people of the twenty-first century, they simply fought in the Civil War. During the Coyotes' time, troops used to settle the plains were seen as "...essentially a product of frontier demands... the soldiers 'agents of empire.'"<sup>111</sup> Military expansion into the plains was a means to an end, especially when the American government wanted the land. Fighting an unknown people in an unknown land, the military units did what they thought had to be done. Conquest of land and people is an ugly and brutal thing that was once a necessity, but is now looked back at, and down upon.

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<sup>107</sup> Kingsbury. *History of Dakota Territory*. Vol. 5. 1140.

<sup>108</sup> Jennewein. *Dakota Panorama: a History of Dakota Territory*.

<sup>109</sup> Kingsbury. *History of Dakota Territory*. Vol. 2. 1105.

<sup>110</sup> "Miner County." *Miner County*, [www.minercountysd.org](http://www.minercountysd.org)

<sup>111</sup> Oliva, Leo E. "The Army and the Indian." *Military Affairs* 38, no. 3 (1974): 117.

To the people of the late nineteenth, and early twentieth centuries, the most important part of Miner's legacy is that he was an Indian fighter who kept the civilized people of the Dakota Territory safe. Nelson Miner is heralded in George Kingsbury's *History of Dakota Territory*, published in 1915, for his military and judicial leadership in the Dakota Territory. Miner County, South Dakota, shows how much Nelson Miner meant to the people of South Dakota during his time in the state. However, the story of who he was and what he did is not fully told today. The short description on Miner County's web page gives the viewer a cursory view of Miner and his troops. Miner's biography in the twenty-first century differs greatly from descriptions of him written in the early twentieth century. Miner, in fact, had been characterized as "...one of the greatest men South Dakota ever knew."<sup>112</sup> Kingsbury shines a light on what Miner and his men did on the plains of Dakota Territory: "Captain Nelson Miner bore a reputation as an Indian fighter which made him one of the picturesque figures in connection with the history and settlement of South Dakota."<sup>113</sup> Miner simply did what he was tasked to do, and it made him a beloved and famous figure to those he served in Dakota Territory.

An important factor in analyzing why Miner was so important to the people of the time, but has an objectionable legacy to modern eyes, is how people of the mid-to-late nineteenth century needed the service Captain Miner and his men provided Dakota Territory settlers. What Miner did was a welcomed protective service for the people and communities of the Dakota Territory. Kingsbury's language in this description of Miner is evidence of the nineteenth century pioneer's need for the Coyotes, "It was not only in his professional capacity but in many other ways that he furthered the interests of

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<sup>112</sup> Kingsbury. *History of Dakota Territory*. Vol. 5., 1139.

<sup>113</sup>Kingsbury. *History of Dakota Territory*. Vol. 5. 1139.

Vermillion and in pioneer times he become one of the best known Indian fighters of the northwest, this being at a period when the white settlers had to seek armed protection from the Indians.”<sup>114</sup> Kingsbury describes warding off the Native Americans for the white settlers as a needed and welcomed service. In fact, Miner was called to protect Sioux Falls and its citizens after Native Americans had massacred white settlers in southwest Minnesota. Miner and the Coyotes went to Sioux Falls where they were tasked with driving off the Indians and protecting livestock and property.<sup>115</sup> Miner and the Coyotes fought Native Americans because, at the time, it was a needed service to the Dakota Territory settlers.

Societal and cultural changes throughout time have led to the differences in how Miner and his legacy have been received. In the late nineteenth, and through much of the twentieth century, the “white race” was regarded as superior. Not only was Miner regarded for his mind, but simply the fact that he was white made him superior to the Native Americans he would fight: “He understood the Indian nature most thoroughly. No matter how cunning the device to which the Indian would resort Captain Miner could outwit him, for he recognized his tactics and his line of operation. He was most vigilant and the cunning of the Indian was no match to the intelligence and scientific military direction of the white man.”<sup>116</sup> Captain Nelson Miner and the Coyotes were a needed service during their time, but now, in a much different society, many look back on what Miner did with scorn.

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<sup>114</sup> Ibid. 1139.

<sup>115</sup> Ibid. 1140.

<sup>116</sup> Kingsbury. *History of Dakota Territory*. Vol. 5. 1140.

Miner and the Coyotes excelled at Indian fighting so much that they caught the attention and trust of high ranking military officials. Some of the largest Indian hunting expeditions had Captain Miner taking the lead. In fact, General Alfred H. Sully gave Captain Miner a leadership role in Sully's Expedition, a large-scale expedition that found American troops chasing and fighting the Sioux. Sully's expedition had one main goal: "...to further chastise the Sioux who had massacred the white immigrants of southwestern Minnesota, and, if possible, to compel their complete submission."<sup>117</sup> General Sully assigned nearly all tracking, reconnaissance, and Indian fighting to Captain Miner and the Coyotes.<sup>118</sup> Through his service, Captain Miner became one of the best leaders and Indian fighters in the Dakota Territory. Unfortunately for Miner, he could not have predicted that his legacy would be marred by his own actions in the eyes of many in the twenty-first century.

The Coyotes' actions during Sully's Expedition show acts that were favorable during the time they took place, but are now looked back on as reprehensible. Sully's Expedition was a hunt for Indians, and it all started because of an alleged ambush:

As they neared a clump of bushes, a shot rang out on the hot summer air. Captain Fielner slumped forward, mortally wounded by a shot through the lungs. Three Sioux Indians sprang from the bushes and made a dash for the horses, but the snorting steeds reared, pulled out their picket-pins, and ran away. The Indians quickly took for the hills on foot. When news of the tragedy reached the column, General Sully ordered Captain Nelson Miner to take his Dakota Cavalry (called the "Coyotes") and pursue the fleeing redskins. For at least eight miles a dozen cavalymen galloped in hot pursuit, shouting their battle cry: "Death to the murderers!" They finally surrounded the refugees in a buffalo wallow, then blazed more than 200 shots at the Indians until the last one fell, riddled with bullets. The Dakota boys returned in triumph with the Indians' guns, bows and arrows. General Sully beamed with satisfaction, but he wanted more—he wanted the *heads* of the Indians! Back to the scene went a detail of soldiers. Sgt. Benjamin

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<sup>117</sup> Kingsbury, Lieut. David L. 1842-1913. "Sully's Expedition Against the Sioux in 1864." *Internet Archive*, [archive.org/details/sullysexpedition00kingrich](http://archive.org/details/sullysexpedition00kingrich)

<sup>118</sup> Kingsbury. *History of Dakota Territory*. Vol. 5. 1140.

Estes cut off the heads with a butcher knife and thrust them into a gunny sack. The next morning Sully gave orders that the ghastly trophies be impaled on poles on the highest hill near the camp as a warning to all Indians that he means business.<sup>119</sup>

The Coyotes were called on to do what they did best after the alleged ambush by the Sioux. Their pursuit showed an unmatched vigor, but their excessive shooting and slaughter of the Sioux is looked upon, now, as an inglorious and excessive act against an overpowered foe. The Coyotes' actions during the beginning of Sully's Expedition show the vigor with which the Coyotes hunted indigenous peoples, as well as the brutality and hatred within the battle between white and indigenous. The pursuit and attack by the Coyotes set the stage for "...a great showdown between red men and white."<sup>120</sup> Not only did the Dakota Cavalry retaliate for the Indians' attack, but their retaliation helped set the stage for further engagements between American troops and the Sioux.

The initial incident between the Coyotes and the Sioux kicked off Sully's Expedition and led to Killdeer Mountain, two events that give greater detail as to why the Coyotes' actions are no longer considered heroic or necessary by most twenty-first century observers. By chasing and fighting the Sioux, Sully and the Coyotes hoped to end hostilities between the two parties. Sully, along with Miner and the Coyotes, led their men to Killdeer Mountain to attack a Sioux village. Some of the men wanted to fight the Indians for excitement, others wanted to fight for revenge.<sup>121</sup> Once at Killdeer Mountain, with the village in sight, Sully positioned the American troops to fight, as the Sioux women and children watched as their braves also got ready to engage the white troops.

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<sup>119</sup> Pfaller, Louis. *The Sully Expedition of 1864 Featuring the Killdeer Mountain and Badlands Battles*. State Historical Society, 1964.

<sup>120</sup> Pfaller. *The Sully Expedition of 1864 Featuring the Killdeer Mountain and Badlands Battles*.

<sup>121</sup> Ibid.

There is speculation, however, as to whether the Indians wanted to fight. “According to Stanley Vestal, the sympathetic biographer of Sitting Bull, the Indians did not want to fight.”<sup>122</sup> Despite the intentions of the Sioux, a fight was going to happen and the Sioux would engage the American forces. Initially, the Dakota Cavalry was positioned as a rear guard before the battle broke out.<sup>123</sup> Once fighting broke out, the Coyotes were thrust into action, and once the battle was over, the Coyotes had to begin their main mission.

The Dakota Cavalry’s involvement at Killdeer Mountain illustrates how overpowered the Sioux were, how brutal and one-sided these sorts of battles were, and demonstrative of how certain actions during engagements were acceptable then and would not be acceptable now. Once the stage was set and Sioux was pitted against soldier, just how unfair the battle would be became evident. Although the Sioux knew the land and had horses, this advantage would not be enough to overcome the troops’ advantage in firepower. Rifles and small arms would be decisive in foiling Sioux attacks, and would prove to be the biggest advantage for either side. The Sioux would charge while yelling on their horses, but after several attempts learned that the American small arms were stopping charge after charge.<sup>124</sup> The lopsided battle pitted rifles against bows and arrows, making for an unfair fight.

The Sioux realized the battle at Killdeer Mountain was lost, but prolonged the fight so that their women and children could leave the village before the braves fled. Lieutenant Kingsbury wrote that the battle could have been much different, if not for American firepower:

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<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> Kingsbury. “Sully’s Expedition Against the Sioux in 1864.”

In this fight, called the battle of Ta-ha-kouty or Killdeer mountain, our force consisted of twenty-two hundred men; that of the Indians was estimated at from five to six thousand. They were superior to us in numbers and knowledge of the country, and the result might have been different, but for the fact that not more than half of them had gun; such as they had being of an inferior kind. To prove the latter assertion, only six of our force were killed and ten wounded, two being killed by arrows. The Indian loss in killed was supposed to be from one hundred to one hundred and fifty.<sup>125</sup>

With nearly half the manpower of the Sioux, American troops only suffered one twentieth of the fatalities—this can be attributed to the advantage in weaponry, favoring the American troops. The lopsidedness between the two sides small arms showed that the Sioux lost the battle, then retreated because fighting against rifles with bows would not prove a sufficient tactic. The Coyotes engaged in an unfair fight against an ill-equipped opponent to drive the Sioux away from their home.

Once the Sioux retreated, the Coyotes began their hunt. As the Sioux retreated, everything left behind in their village was ordered to be destroyed.<sup>126</sup> While some destroyed the village, the Coyotes hunted the remaining, fleeing Sioux. While some Indians fled to the hills, American forces were ordered to hurl cannon fire at the retreating Sioux.<sup>127</sup> The scene of the cannon fire and slaughter of Indians was astonishing. Louis Pfaller described what he saw: “Here began the slaughter of the Sioux. Shell after shell exploded in the timber, driving the Indians into the open, where they were shelled once more. When they broke and ran for the top of the mountain, the deadly six-pounders were lobbed into the midst.”<sup>128</sup> The cannon fire drove the Sioux out from their only protection, leading to death for those targeted. Cannons were unbelievably

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<sup>125</sup> Kingsbury. “Sully’s Expedition Against the Sioux in 1864.”

<sup>126</sup> Pfaller. *The Sully Expedition of 1864 Featuring the Killdeer Mountain and Badlands Battles*.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

advantageous for the Americans, as many of the Sioux "...had probably never seen, much less heard, one before."<sup>129</sup> Military forces that included the Coyotes weren't satisfied with defeating the Sioux, destroying the Sioux village, and forcing a retreat. Instead, the Coyotes used their superior fire power to flush the defeated Sioux out from their cover.

After driving out and destroying the Sioux homes, the Coyotes and General Sully's men were not finished. Some troops were tasked with cleaning up the destruction that was formerly the Sioux village, but the Coyotes were tasked with flushing out and killing any Sioux warriors who might have been injured and hiding nearby. Sully ordered the Dakota Cavalry to do a sweep looking for Indians, and he warned them to be careful as wounded Indians had proven to be dangerous in the past.<sup>130</sup> Although it was part of their assignment and duty, what the Coyotes did upon finding a wounded Indian proved to be excessive in the eyes of witness Louis Pfaller. The Coyotes only found one wounded Sioux from the battle of Killdeer Mountain, and Pfaller describes the scene with the following:

Only one such was found [wounded Indian] and as soon as he knew that he had been discovered he fired in haste at the nearest soldier. He missed. Then the Dakota scouts dragged him out to the edge of the brush, and mounting their ponies they rode around the brush in single file, each one pumping lead into the poor wretch as he passed by.<sup>131</sup>

The Coyotes simply did their jobs by making sure no wounded Indians were near the camp, but made a display and sport of killing when circling and shooting the wounded Sioux warrior.

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<sup>129</sup> Kingsbury. "Sully's Expedition Against the Sioux in 1864."

<sup>130</sup> Pfaller. *The Sully Expedition of 1864 Featuring the Killdeer Mountain and Badlands Battles.*

<sup>131</sup> Ibid.

Shooting the wounded man was not the only sport and enjoyment the Coyotes took after the battle was over. At night, the canine companions of the Sioux would come back to their old home, and became targets of the Coyotes' rifles: "One aspect of the destruction that the men seemed to have enjoyed thoroughly was the shooting of the dogs left behind. Their number has been estimated as high as 3000, and the boys kept their rifles cracking and the dogs howling all night long."<sup>132</sup> As if the battle wasn't enough, the Coyotes made sport once the fighting was done.

However, neither the dogs nor the wounded Indian were the most gruesome part of the clean-up process of the battle at Killdeer Mountain. During their sweep of the village and surrounding area, the cavalymen found abandoned babies. After the soldiers brought the babies back to camp and set them on buffalo robes, the Indian scouts then bashed in the babies' skulls with tomahawks.<sup>133</sup> Once the battle was done the Coyotes took enjoyment, and made sport of killing the wounded that were left behind, as well as shooting the dogs that came back to the village. The Coyotes participated in the battle at Killdeer Mountain, which was a one-sided affair, pitting well-armed American troops against primitively armed Sioux warriors.

Chastising the Sioux was not over after Killdeer for Sully, Miner, and the Coyotes. After leaving the former Sioux village, General Sully led the troops to the Badlands, which he described as "...hell with the fire put out."<sup>134</sup> There, the Coyotes and other American troops were attacked by seven to eight thousand braves, and "The number of the Indians killed, as was estimated, exceeded three hundred, with about seven

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<sup>132</sup> Ibid.

<sup>133</sup> Pfaller. *The Sully Expedition of 1864 Featuring the Killdeer Mountain and Badlands Battles.*

<sup>134</sup> Kingsbury. "Sully's Expedition Against the Sioux in 1864."

hundred wounded. Our loss was nine killed, and one hundred wounded.”<sup>135</sup> Although Native American warriors substantially outnumbered the Army soldiers, the engagement in the Badlands reinforces that the American troops, although on what was then foreign soil, were facing a foe so poorly equipped that the fight was simply not fair. Nonetheless, Sully and the Coyotes pressed on to the Badlands, hoping to push an already defeated foe to submission.

Afterward, there were differing opinions on Sully’s Expedition. Sully’s Expedition led to lost lives, hostile relations, and set up even more fighting for the future—the Coyotes of the Dakota Cavalry being there all the while. For the American soldiers, Coyotes included, Sully’s Expedition was regarded as a great success.<sup>136</sup> The Sioux, however, had much different feelings about what the Coyotes and General Sully did, as “The Sioux read in it the determination of the whites to exterminate their nation, and they concluded that their only safety lay in flight to those places which were considered inaccessible to the soldiers.”<sup>137</sup> The Sioux saw genocide while the whites simply were getting rid of what was in the way of expansion. Spotted Tail, a Sioux Chief, commented on the Indian Wars, and the losses of his people, saying that “This war was brought upon us by the children of the Great Father who came to take our land from us without a price.”<sup>138</sup> For the Sioux, Sully’s Expedition and much of the Indian Wars were wars of conquest for the American Government, paid for with the blood of the Sioux. Horror wasn’t only experienced by the Sioux. Some men on the American side saw

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<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Pfaller. *The Sully Expedition of 1864 Featuring the Killdeer Mountain and Badlands Battles*.

<sup>138</sup> “Sioux Treaty of 1868.” *National Archives and Records Administration*, National Archives and Records Administration, [www.archives.gov/education/lessons/sioux-treaty](http://www.archives.gov/education/lessons/sioux-treaty).

Sully's Expedition as a display of both force and horror. Samuel Brown, an interpreter for Sully, warned against celebration of Sully's Expedition:

I hope you will not believe all that is said of 'Sully's Successful Expedition' against the Sioux. I don't think he ought to brag of it at all, because it was, what no decent man would have done, he pitched into their camp and just slaughtered them, worse a great deal than what the Indians did in 1862, he killed very few men and took no hostile ones prisoner...and now he returns saying that we need fear no more, for he has 'wiped out all hostile Indians from Dakota.'<sup>139</sup>

Men from both sides of the expedition found American actions to be brutal and excessive. Tension boiled for the next twelve years, eventually leading to more Indian Wars.<sup>140</sup> Unfortunately, fighting between whites and Indians on the plains of the Dakota territory did not end with Sully's Expedition.

The Dakota Cavalry's involvement and actions in Sully's Expedition show the gruesome, brutal, and reprehensible nature of their work. Twenty-first century critics have the ability to look back with twenty/twenty vision on the actions of the Coyotes, but the Coyotes did what they were called upon and ordered to do. The Coyotes put two hundred bullets into the alleged Native American ambushers, hunted Indians on the plains, found and killed wounded Indians, shot dogs for sport, and drove the Sioux from their home. Within one expedition, the Coyotes exhibited behavior and actions that, today, would be labeled as appalling, excessive, heinous and shameful.

The legacy of Nelson Miner's Coyotes is still present on the campus of the University of South Dakota. After their mustering in, Company A was issued two six-pounder brass cannons. One of the two cannons now belongs to the University of South Dakota R.O.T.C., which is in the Military Science Department, and is still displayed at

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<sup>139</sup> "Punitive Expedition." *Punitive Expeditions. The U.S.-Dakota War of 1862*, [usdakotawar.org/history/aftermath/punitive-expeditions](http://usdakotawar.org/history/aftermath/punitive-expeditions).

<sup>140</sup> Pfaller. *The Sully Expedition of 1864 Featuring the Killdeer Mountain and Badlands Battles*.

the W.H. Over Museum on campus. Unmistakably, the University of South Dakota and Company A, 1<sup>st</sup> Regiment, Dakota Cavalry, share more than just having “Coyotes” as their mascot.

The University of Dakota and the Dakota Cavalry were officially created eight days apart. Vermillion men, as well as neighboring county men, were enlisted in the Dakota Cavalry no less than twenty years before the Dakota Territory legislature accepted the University and made it a land grant University. The Company A Coyotes donated one of their two six-pounder cannons to the University’s R.O.T.C. The connections between the military and scholastic coyotes are clear. Should Charlie the Coyote be the next mascot subject to NCAA review?

The NCAA updated their mascot policy in respect to racial, ethnic, and national origin mascots. In an official press release, the NCAA told universities that any school with hostile or abusive mascots will be banned from hosting any NCAA championships. The argument can be made that the University of South Dakota’s mascot can be tied to the military coyotes that had been around Vermillion at the time of the University’s conception. So, the question stands: What, if any, cultural significance could be tied to the University of South Dakota’s mascot, the Coyote?

### Conclusion

As a staple in today’s society, athletics is vital and observed by audiences of every walk of life. As of late, a push for cultural awareness and eradication of cultural imagery has been proposed, causing a stir in the sporting world. Being so vital, the debate of nicknames and mascots made its way to the Supreme Court in *Matal v. Tam*, and is one of the hottest topics that bridges the gap between athletics and culture. For collegiate

athletics, it has been determined and put into policy that member universities have no hostile or abusive nicknames.

In conclusion, cultural imagery in athletics, for some, is a way to honor cultures, while others see it as stereotypical and cartoonish. When the NCAA issued its 2005 letter to eighteen universities, many felt it would lead to battles within the targeted universities and their people—which it certainly did. However, the ensuing battles highlighted how ambiguous and convoluted the NCAA policy was. The North Dakota name change, when compared to Florida State, showed how muddled the policy, and NCAA considerations, are. When analyzing nicknames and their cultural consequences, should every nickname's origin be evaluated to ensure it has no cultural implications? If so, a serious conversation may need to be had over the University of South Dakota and the Coyotes, if nicknames must not be hostile and abusive.

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