

2011 SENATE EDUCATION

SB 2370

2011 SPECIAL SESSION
HOUSE STANDING COMMITTEE MINUTES
House Education Committee
Pioneer Room, State Capitol

SB 2370
11-7-2011
Job # 16940

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

**RELATING TO THE UNIVERSITY OF NORTH DAKOTA SIOUX NICKNAME AND LOGO;
AND TO PROVIDE AN EFFECTIVE DATE.**

Minutes:

ATTACHED WRITTEN TESTIMONY 1-12

MEMBERS PRESENT ARE AS FOLLOWS:

SENATE: Chairman Freborg, Vice Chairman Schnaible, Senator Flakoll, Senator G. Lee, Senator Luick, Senator Heckaman

HOUSE: Chairman Kelsch, Vice Chair Meier, Representative Hanson, Representative Heilman, Representative Heller, Representative Hunsakor, Representative Johnson, Representative Karls, Representative Mock, Representative Mueller, Representative Rohr, Representative Rust, Representative Sanford, Representative Schatz.

Chairman Freborg opened the hearing on SB 2370.

Senator Lafeen, Senator from District 43, Grand Forks. (Attached Testimony #1)

Senator O'Connell, Senator from District 6, Lansford. (Attached Testimony #2)

Rick Burgum, Chair, UND Foundation. (Attached Testimony #3)

Brian Faison, Director of Athletics, UND. (Oral Testimony). He is testifying to encourage and to repeal the Fighting Sioux logo law.

Representative Kelsch, House Chairman of Education, asks if as athletic director, what happens if student section chants, referring to Sioux nickname, and is there any effort going to be take place to discourage individuals from wearing clothing that has the old Sioux logo on it when they come to athletic events?

Brian Faison states that they will work with the student body/student government to try and address the issue of student spirit. It is an issue now in some other sports. It is an emotional issue and will have an impact initially and we understand that. The cost of this is just too high on the other end. With respect to Sioux gear, there won't be any restriction on

individuals wearing Sioux gear. From the merchandizing standpoint, at some time it won't be available. There will not be enforcement along those lines.

Kylie Oversen, Student Body President, UND. (Testimony #4)

Robert Kelley, President of the University of North Dakota. (Oral Testimony). He is asking committee to repeal the Fighting Sioux name and logo law that requires the continued usage of that nickname and imagery by the University of North Dakota. I would encourage you to make your decisions primarily on what is best for the University of North Dakota. It has an educational and financial impact on our state and our local communities and I urge you to think first and foremost about what is best for the university. I would encourage you to base your decision on the existing evidence that is being presented to you and not to dwell on anecdotes and rumors but simply review the evidence presented to you. These sanctions do threaten our membership in the Big Sky Athletic Conference and thereby threaten the future of UND athletics. The NCAA sanctions complicate scheduling of other teams, if their university leadership even permits them, to schedule us. Recruitment of athletes and coaching staff and the sanctions are driving up the cost of participating in NCAA athletics.

We have had several inquiries by Legislative Council and we have attempted to be very reasonable and conservative in our estimates of our cost of retiring the name and logo. I need to emphasize these numbers are estimates based on what we think we know and what can be presumed as reasonable costs going forward. UND will do its best to contain costs going forward if the name and logo is retired. UND will also continue to work with the leadership of the Ralph Englestad Arena on issues that impact that privately-owned facility. The NCAA volunteered to review the requirements of the 2000 settlement that involved the REA (Ralph Englestad Arena). Some of those alterations may have to be addressed as early as December of this coming year based on the terms of this binding agreement between the state and the NCAA. To date, the NCAA has not been scheduled to visit the REA or UND campus to determine if amendments can be affected with the settlement.

Based on some news reports coming from the "Spirit Lake Committee on Understanding and Respect" we did receive a request for open records from the committee chair and her husband. We sent back a note that we received their request and have been working for 3 weeks to try and address the magnitude of that request. It involves multiple individuals, multiple years and literally thousands of documents that have to be recovered from electronic archives. We anticipate that there will be about 176 hours of work in retrieving those documents to comply with open records and 25 hours involved in meeting the other requests, which totals about 200 hours, that involves the University, which we are currently engaged in. We have done our best to estimate the cost and it will be in excess of \$5000 and we want to be full, open and transparent with the committee as we meet their requests. Although the name and logo definitely negatively impacts the nature of UND athletics, some of you may be wondering why UND is doing reasonably well with enrollments. Our enrollments continue to be strong and I think that is due to the very vigorous Student Success Program, student recruitment and admissions program at the university. I also think that in all probably the national economy is impacting the enrollments across the university system, including UND. Our graduate and professional enrollments have increased this year and I do believe these issues are separate and apart from the Fighting Sioux name and logo. In conclusion, the university, if you do approve the retirement of the

name and logo and repeal of this legislation, the university will retire the name and logo with honor, with dignity. We will certainly honor the traditions of the past 80 years of the University of North Dakota. I feel very acutely responsible for the university going forward. If you have any questions, please don't hesitate to call me. I encourage you to support the future of UND and UND athletics by repealing the requirement that UND continue to use the Fighting Sioux name and logo. Doing so, will support our student athletes by removing sanctions, other restrictions that complicate the future of UND athletics. Clearly, we wish to excel in athletic competition at the NCAA division one level, to that end, membership in the Big Sky is absolutely critical.

Senator Flakoll asks, "How much time that is spent on the issue?" "Can you quantify the amount of time you or others have spent since January 1st on the issue?"

President Kelley states, "It is not unrealistic to say that I have spent over half my effort on this issue since I arrived in 2008."

Chairman Kelsch states when we had this hearing and we discussed what needs to be changed regarding the Sioux logo, we were told that anything to do with "Sioux" has to be changed. However, I was told by an alum that is on the board that the only items that need to be changed, regarding the Sioux logo, relate directly to athletics. Previously, we were told that anything that had the Sioux on it, such as the Sioux alumni award, would need to be changed. There are a number of us that are questioning the amount of money you are talking about that would need to be expended for the change. Would you elaborate what specifically what it is that does need to change and needs to have the logo dropped?

President Kelley states the correct answer has to do with the compliance of settlement, as it relates to NCAA athletic competition. That is the core piece that must have the imagery changed. There are lots and lots of elements within and without the university that are set apart from athletics. So the primary challenge to the university and the primary task will be removal of the name and logo, the retirement, as it relates to athletic competition. I emphasize that the REA is a private structure. We will work with the board of that organization to achieve the settlement. We are hoping the NCAA may come in and revisit some of the terms of that settlement. The university does not control the alumni association. We have a close association and partnership but they are responsible for the Sioux awards. It will be up to them to choose what they will do. There are businesses in Grand Forks that are Sioux this and that. I am not going to those businesses and require them to change their name. In my view, that is far outside the jurisdiction of what it is we are required to do. We have gone through a period of transitional planning and there were a number of documents that churned out of that task force and you may be referring to some of those. They speculated on a number of issues relating to the retirement of name and logo. The primary retirement will impact UND athletics and the imagery used by UND athletics.

Brittani Thomas, University of Mary, favors the bill to repeal the Fighting Sioux nickname. (Written Testimony #5).

Dr. Erich Longie, speaking on behalf of Spirit Lake tribal members, who are opposed to the Committee for Understanding and Respect. (Written Testimony #6)

Jessie Taken Alive, Tribal Government Official from Standing Rock. (Oral Testimony)

On December 3, 1992, the Tribal Government at Standing Rock took its first formal action of opposition to the use of the Fighting Sioux nickname and logo. The resolution #356-92, whereas the Universities continued use of the Fighting Sioux nickname, places native students in a position of being mascots and subjects, those students subject to racially insensitive actions and whereas the university is sending a dual message to the students of UND now, therefore be it resolved the undersigned feel that the University of North Dakota should discontinue the use of the Fighting Sioux nickname. The undersigned further believe that the president of the university has authority to discontinue the use of that nickname. The resolution was signed by Vice Chairman Mr. Aljo Agard on 12-3-1992. His signature indicates "yes" change the name along with other members of the council on that very day. Other resolutions have been presented and signed on various dates throughout the years opposing the use of American Indians for school nicknames, logos and mascots at colleges and universities continues to be dehumanizing and disrespectful to American Indians. It is a racist statement regardless of any state government that may pass it as a state law and/or policy. Adopted on March 23, 2011 and signed by the chairman of the Great Plains Tribal Chairman's Association, Mr. Tex Hall. The point being, we support the elimination of this. There will be no more excuses to mistreat people of color, especially American Indian students, in a dehumanizing matter.

Chairman Freborg asks for proponents of the bill to come forward with their testimony.

John Cheske, Full Blooded Sioux Elder of the Spirit Lake Tribe, (Oral Testimony) speaking on behalf of the Spirit Lake Majority, who support the UND Fighting Sioux name. Our committee for Understanding and Respect was organized in 2007 at the request of the elders asking for spokesmen to save the Sioux name at UND. We are officially appointed by the tribal council to represent the voice of the 67% of the tribal members who voted in favor of keeping the name at UND. We take great pride in our Sioux culture and heritage and that has made us a strong people. Today we stand in defense of our proud Sioux name that has been declared hostile and abusive by the NCAA. The University of North Dakota has represented the Sioux name in a respectful and honorable manner for 80 years. In 1969, the Standing Rock Sioux ceremoniously gave the University of North Dakota permission to use the Sioux name for UND sports. The NCAA is attempting to impose their will on North Dakota and Spirit Lake will lead the charge in proving the NCAA settlement agreement is not the will of North Dakota nor is it the agreement of Sprit Lake. Today we respectfully request this legislative body, as citizens of North Dakota, we ask that you stand proudly with Spirit Lake and support the Fighting Sioux name. We ask you not to repeal the law that honors the Sioux name.

Frank Black Cloud, Fort Totten enrolled member of the Spirit Lake Tribe. (Written Testimony # 7)

Eunice Davidson Goodstar, 6th generation Dakota Sioux, Spirit Lake. (Oral Testimony)
I am extremely proud of my history, ancestors and traditions of my people. Supports keeping Fighting Sioux nickname.

Archie D. Fool Bear, Full blood Indian Sioux from Standing Rock, (Written Testimony #8)

David Davidson, Spirit Lake (Written Testimony #9).

Lavonne Alberts, Member of the committee for the Committee for Respect and Understanding. Spirit Lake Sioux Tribe. (Oral Testimony) She is asking legislators to “not repeal the law.”

Renita Delorme, former student at UND. (Written Testimony #10)

Senator Flakoll asks Renita if she is aware of any surveys that have been conducted in the state of North Dakota that has any data on how people are standing on this issue?

Renita Delorme responds she is not aware of any.

Trista Dauphinais, member of Spirit Lake Sioux Tribe asks not to repeal the SB 2370. (Written Testimony #11)

Marilyn Schoenberg, Mental Health Advocate, Hebron (Written Testimony # 12)

Chairman Freborg closes the hearing on SB 2370. Each House and Senate will meet separately to make their determination on the testimony that was heard.

2011 SPECIAL SESSION
SENATE STANDING COMMITTEE MINUTES
Senate Education Committee
Missouri River Room, State Capitol
SB 2370
11-8-2011
#16948

Conference Committee

Committee Clerk Signature 

Explanation or reason for introduction of bill/resolution:

Relating to the University of North Dakota Sioux nickname and logo; and provide an effective date.

Minutes:

No testimony attached

MEMBERS PRESENT ARE AS FOLLOWS:

Chairman Freborg, Vice Chair Schaible, Senator Flakoll, Senator G. Lee, Senator Luick, Senator Heckaman

Chairman Freborg called the hearing to order on SB2370. We have amended SB2370. Adopting the amendment between the Houses. I think Senator Flakoll's motion in committee did put the amendment on the bill but I want to do it again here. It is a Senate bill and it is our job in the Senate to put the amendments on. Our task in the Joint Committee is simply to both agree on the same amendment that was to be attached. So that we wouldn't put it on and then the House would want to change two words and then it has to go back and forth. The first order of business would be to attach that amendment to move the amendment to SB 2370.

Senator Flakoll: I would move that the amendment titled 11.0830.02005 to SB 2370 as amended. The Dahl amendment that were presented on the 8th day of November on page 1, line 1, after the word "act" insert "relating to adoption of a nickname and logo for the University of North Dakota athletic teams." On page 1, after line 4, insert the following, section 1, "University of North Dakota athletic nickname and logo uses the State Board of Higher Education for the University of North Dakota may adopt or implement an athletic nickname or corresponding logo before January 1, 2015 and renumber accordingly." And as such, the original amendment as presented to us, would not have the last sentence which dealt with another implementation date.

Roll is taken. 6 yes and 0 no and one absent.

Chairman Freborg states that the amendment has been adopted.

Chairman Freborg states we have SB 2370 amended in the form that will go to the floor. Any discussion?

Senator Flakoll asks if he wants a motion first or discussion first?

Senator G. Lee makes the motion to adopt "DO PASS" SB 2370 as amended.

Senator Luick seconds the motion.

Senator Flakoll states he has some information on a survey that he will pass out in reference to "the wishes of 66% of the people." It is one thing that we can add to the record. Certainly we know and everyone understands that no matter what we do, if we were to adopt this or not adopt this, that it will for generations take a while for everyone to move past this issue. If we were not to adopt this, it would continue on as it has been in the past with a lot of angst over it. The nickname is important, not only for the institution in terms of what they called and what they are known for but it is also important in terms of the dollars that they can bring in for trinkets and wearables and other things. It can reflect very positively on the State of North Dakota as they go throughout the country and play other teams. The one thing I would like to get into the record is a little discussed meeting that took place sometime back that I was told about. It involved the Ralph Englestad arena before it was the Ralph Englestad area. I purposely didn't bring it up earlier because it didn't fit very well and also I didn't want it to have it be the story. There was a meeting that I was told first hand from one of the participants, former Gov. George Sinner and the meeting participants included Mr. Sinner, Mr. Englestad, Mr. Earl Strinden and then President Cupchella. They were discussing and they were the people in charge of negotiating for a new hockey area at the UND. The Englestad involvement has really been of interest surrounding this issue. At that meeting, it was discussed among those 4 parties, including Mr. Englestad, Mr. Strinden and then President Cupchella that the existing name of the Fighting Sioux had really become a problem that they all agreed that it needed to go away. They were all in agreement and the problem arose when then President Cupchella said, "I agree that it needs to go away but I need to go back and talk to my faculty to get their support and approval behind us." At that point, Mr. Englestad became upset and said a number of things and said the meeting is over. From that point, the evolution and how we got to where we are today vastly changed and Mr. Englestad's efforts on behalf of the hockey team, the nickname and such really migrated to a different position. So that is a story that is not often told in the context of this whole situation because there has often been the belief that Mr. Englestad was the primary supporter of this where at one time, he was of the opposite belief. I thought that was a piece of history told to me by Gov. Sinner, who was a member of that meeting, that was important for the record that we have here today.

Chairman Freborg states he believes we do have a motion. Are you ready for the question?

Senator Luick asks about the marketing of the trinkets and things? What happens in this moratorium time frame, where we are looking at them, not changing their logo and abilities to market things? How is that marketing going to be affected?

Chairman Freborg states that he does not know. Anything that is trademarked they can't do it without permission from University.

Senator Luick asks what happens if they can adopt an athletic nickname or logo prior to the implementing of this new name or nickname? What about trinkets and things being marketed before that deadline or is there going to be a problem there?

Chairman Freborg states he is not sure what would happen.

Senator Flakoll states that a question was posed to him about if the NCAA gets any commission or any other percentage of cut off the trademark of the wearables and other licensed products? I did call the president of UND, Dr. Kelley, and asked and he said that the NCAA does not receive any commission or other cuts. If they have their own gift shop they would get their own profit off of that. They don't receive a direct licensing royalty based upon the amount of sales that occur. I think the intent of UND is to sunset those marketing activities related to the existing nickname and logo. Advocates of the nickname and logo design will bolster sales for them of the current merchandise. Their intent is to eventually phase that out.

Chairman Freborg asks for roll to be taken for a DO PASS AS AMENDED on SB 2370.

Roll was taken: 6 yes and 0 no. One absent.

Chairman Freborg adjourns hearing on SB 2370.

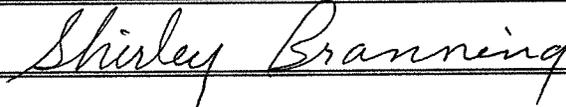
**2011 SPECIAL SESSION
HOUSE STANDING COMMITTEE MINUTES**

**House Education Committee
Pioneer Room, State Capitol**

SB2370
November 8, 2011
Job # 16946

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

A bill for an act to repeal Section 15-10-46 of the North Dakota Century Code, relating to the University of North Dakota fighting Sioux nickname and logo; and provide an effective date.

Minutes:

Attachments #'s 1,2, 2a

Chairman Freborg: We will open the hearing on SB 2370. We will hear two or three proposals, we will hear those and the house will act first on the amendments, whatever is proposed. Whatever the House committee should adopt or agree to pass then the Senate will act on the proposals and hopefully we will come out with one amendment. Calling on Rep. Kelsch to provide testimony on a proposal to SB 2370.

Rep. Kelsch: Good morning members of the joint House and Senate Education committee. My name is Rep. RaeAnn Kelsch District 34, Mandan. I am offering up an amendment that was drafted for Rep. Carlson and wanted to make it a part of some of the process of what we are thinking as we are moving forward with SB2370. Providing the first proposal, see Attachment # 1. There was a concern that UND could not adopt a new nickname until all litigation is settled. If there are pending lawsuits they could not adopt a new nickname during that time period. It says that the attorney general has to certify to the Secretary of State and to Legislative Council that there are no further litigation processes going on and then University of North Dakota could move forward with a new nickname and logo.

Committee members will hear different proposals. Some say repeal it and get it over with but there is so much passion out there. As legislators we did the right thing, we thought it would have an impact with NCAA. North Dakota has a proud heritage of saying, out of staters, we like you to come and live in our state but don't come and tell us how to do our business. We felt that the state of North Dakota needs to fight back just a little bit harder. Yesterday I listened to the testimony on both sides of the issue and those that tend to be more passionate about the issue, those who spoke on both sides of the issue. Perhaps there is a middle ground that we can take so that we can move forward in a way that takes into consideration all parties and all feelings that are surrounding this issue.

Rep. Mueller: Do we have any sense of how long this would extend the process on this issue? Would we have a concern about how long court action could take?

Rep. Kelsch: We don't know how long the legal process could take.
This is more of an unknown.

Rep. Wall: What impact would this have on UND sports entering The Big Sky Conference? What impact during the interim would happen?

Rep. Kelsch: I believe the University of North Dakota would just continue without having adopted any sort of a new nickname or new logo. They could probably just continue to be N D and not adopt any new nickname. For all practical purposes the nickname stays but you still have to comply with the sanctions so it wouldn't be used.

Chairman Freborg: Calling on Rep. Dahl

Rep. Stacey Dahl, District # 42, Grand Forks: I am a cosponsor of this bill, I did vote in favor of the initial bill that was introduced this spring and as Rep. Kelsch said, I am glad we tried. We now know that we face a different set of facts than we did at that time and the circumstances have changed. For myself and talking with a lot of people on this issue there's a deep sense of loss and sadness and that cannot be dismissed or underestimated. This provides a three year moratorium for the adoption of any new name or logo with regard to the athletic program at the University of North Dakota. It gives a more definitive time period from the implementation of this law to January 1, 2013. It is just a one year of let's let everything settle. From there the university may start planning but no implementation or no adoption may take place before January of 2014. I would work with the committee on any wording of this amendment.

Rep. Kelsch: During the discussion of this issue and we are meeting in November of 2011 and it says that the moratorium would be until 2014. If you are going to impose a three year moratorium It would be more palatable if it would be three years, to be effective on January 1, 2015 because the law is going to take effect around the first part of December. One of the biggest reasons for going with three years is that students who would be freshman now would not have been a Fighting Sioux so the course could work its way out.

Rep. Dahl: Yes, I would be in agreement and I have no problem changing that date to 2015 if the committee considers that.

Senator Flakoll: You want "nicknames and logos" together? They are not synonymous. If it would say "nicknames and corresponding logo" then I would be okay. If there is a moratorium on the current nickname it will likely be logos that will have various derivations of N D, University of North Dakota, or others that would be considered logo wear. Request to put corresponding logo, that would be helpful.

Rep. Dahl: That is a good suggestion to modify. The football team uses an interlacing UND, ND logo. It is not my intent to prevent the use of that.

Senator Flakoll: They may go from the interlocking logo to UND which could be a new logo and we want to give them that flexibility.

Rep. Mock: Without the amendment are you aware of any time frame to award a transition to a new nickname without a moratorium?

Rep. Dahl: I don't believe they have plans to move forward with any new nickname. That is up to the university.

Rep. Rust: Who has current ownership of the logo and nickname?

Rep. Dahl: I believe it is the university, but someone else would be better able to answer that question. My understanding is that it is the university.

Rep. Rust: I would like to see the State of North Dakota retain the ownership of the nickname and logo so that the state of North Dakota could give that to whomever it would wish.

Rep. Dahl: I know it has to go through a trade marking process.

Rep. Kelsch: I tossed that idea out yesterday but we may need to contact a trademark attorney. We probably could not statutorily designate a trademark but we can do something with the logo itself, but because it is trademarked I don't know that we can but we need to ask John Bjornson in Legislative Council. He has done a lot of the research on it.

Rep. Mueller: If we want to get out of this issue, why would we want to postpone this action? Why would we postpone the inevitable? The University of North Dakota has a process in place and understand the process that is in place with the proper time line, why would we have to do what your amendment suggests?

Rep. Dahl: I don't agree that we did the wrong thing when we went through this process. We have pursued everything. When we took action, it became a state issue and the citizens are glad that we did that. I think there is legitimate state interest. The state legislature is the appropriate body to handle this matter and give respect to all of the passion that is present in this discussion.

Rep. Hanson: You mentioned just athletes, do other activities use the logo?

Rep. Dahl: I don't believe so. That is the matter by which the NCAA has interest. We are primarily focused on the athletic use of the name and logo.

Senator Flakoll: The issue that the state owns the logo, commenting on the possibility of black marketing of the products after the issue goes away. The Board is aware of the need to keep the purity of the trademark. It sounds like they are prepared to manage that issue.

Rep. Heller: What is your ultimate goal for postponing it?

Rep. Dahl: There is no way for the athletic committee to proceed without significant obstacles if we retain this name. I agree that repeal is necessary at this point. With this amendment I am trying to acknowledge all of the passion of the logo supporter. This would allow time to cool off.

Rep. Hunsakor: Does delaying this open the door for more lawsuits?

Rep. Dahl: That is a separate issue. We are talking about letting the State Board take action and to repeal it. Whatever happens at Spirit Lake, I look at as a separate issue from what we are looking at here.

Senator Flakoll: I would ask a board member to make a comment and give his reaction to the Dahl Amendment.

On line 2 after the word "or", insert corresponding logo and I believe there and the year to 2015.

The question to Mr. Espesgard is, do you support the overall package to get to "Yes".

Duane Espesgard, Member Board of Higher Education: Addressing the two proposals. It is difficult to know which one we are looking at. This has been a long and hard battle. We have no particular agenda to either get rid of the nickname or anything like that but only what is best for the University of North Dakota. We have no problem with a moratorium. Folks here could vote and amend it and we would have no problem with this. We could settle back and wait for three years.

To wait for appeals is wrong headed. That could go on forever.

If you adopt it to that and amend it to that, that is the right way to go.

Today it is time to repeal the law, let it settle in.

The trademark is owned by the University of North Dakota and will stay with the state of North Dakota.

Senator Heckaman: Referring to the moratorium, if the bill passes without the moratorium is the state Board of Higher Education poised to go ahead with thoughts such as a moratorium?

Espesgard: The State Board of Higher Education is done with this issue. This issue belongs to the University of North Dakota. If the bill to repeal passes, at that time the University of North Dakota will take care of it. I don't mind putting a moratorium on it if that is the intention that there should be some time for healing. Don't wait for the litigation. The Board is not in the logo business and has no intention of making any rules with regard to that..

Rep. Mock: At the institution level can they issue an executive order to have their own moratorium at the institution level?

Espesgard: I understand that they have to get rid of the logos for the athletic team. They have stated publically that they have no intention of getting a new nickname or logo for a while, possibly three years and I believe that.

Rep. Mock: Regarding the ownership of the trademark, could it be transferred to the alumni association and used occasionally and still satisfy the settlement agreement of 2007?

Espgaard: I don't know, they will use it from time to time with respect and can use it any time except for athletic events and cannot use it on uniforms. They could have a Fighting Sioux Booster Club if they want to and can honor the Sioux any way they want to..

Rep. Kelsch: Email messages are telling us not to repeal the law and most understand what it means to UND. President Kelly said that record enrollments have been reached at UND, yet he said the logo is detrimental to the University. After yesterday's testimony, I see the passion on both sides. As to the question of whether the Board or the University should be involved in this that says we are not going to impose a new nickname for three years, I have a little bit of distrust for the University System as a whole and for the Board as a whole because when we left the legislative session that was a campus that increased their tuition right after we left. There is nothing to say that the University of North Dakota could not impose a new nickname or logo for three years. They could turn around tomorrow and do the same thing.

UND does not belong to President Kelly or the NCAA, it belongs to the state of North Dakota. You stated that the board does support a moratorium. For us, as a state, it is a message that we need send. When the law passed during the last legislative session there were people who felt like their voices had not been heard prior to that time.

We have been hearing them again. I hope you can make one more statement and that is that it may be best if we put this moratorium on to this bill and not leave it up to someone else to publically say they are going to do that. The people who are depending on us and the people who felt that they did get their voices heard during the 2011 legislative session need to get their voices heard again today.

Espgaard: I am disappointed that you don't trust the University System and the Board of Higher Education because we are only here to do the work of the state. Our purpose is to educate the people of North Dakota; it isn't about a character, a logo, or anything like that. . I don't have a problem with a moratorium. I don't think there is anything wrong with amending that, that you have a three time period on establishing a new nickname. It is a good healing time and process. If you put that amendment on the bill, it will be acceptable by all.

I hope that you can gain the trust of the University of North Dakota and the State Board of Higher Education who is not trying to do anything devious but educate the people of North Dakota.

I do not have a problem with a moratorium and neither do my colleagues on a new nickname and logo but we ask that you repeal the bill from last session because we know it will hinder and hurt the University of North Dakota.

Chairman Freborg: Asking for other questions. Are there any other proposals? We are going to take a break and when we come back the House will take up proposals that have come before us

Rep. Kelsch: It has to be done this way is that if a House member introduces an amendment, it means that the House has to vote on it first. If it fails, it's done and the Senate does not get an opportunity to vote on it. If it passes, then it goes to the Senate and the Senate will do the same thing that we are doing and we are doing it all here so they can hear the discussion. If one of the amendments is more palatable and maybe they have a different way to propose it, one of the Senators can propose an amendment and vote on

it then we have to vote on it. Regardless, we have to have a consensus when we come out of this committee as to how we are going to proceed. Then the bill will go to the Senate first and be voted on and then come over to the House, we will not deal with it again unless you amend it on the floor.

We have to have a consensus

Senator Lee: Could we get the amendment, in a proper form so that we have the specifics?

Rep. Dahl: We will.

Chairman Freborg: If anyone else wishes to propose an amendment or recommend one of the amendments, it would be a good idea to go to Council so you have it in hand when you make that motion.

Standing at ease until 10:00

Recess 9:15

Chairman Freborg: Calling the committees back to order and turning the meeting over to the House to act on any proposed amendments.

CoChairman Kelsch: We have had a couple of amendments; we could proceed with Rep. Dahl's proposal but it is not here in final form but we know what the language is that Senator Flakoll mentioned as well as the dates so we could proceed with that amendment if the committee wishes to move this process along so the Senate can have their discussion as well.

Rep. Mock: It does state that "The State Board of Higher Education nor the University of North Dakota may adopt an athletic nickname or corresponding logo before January 1, 2015. Neither the State Board of Higher Education nor the University of North Dakota may begin the process of implementing a nickname or corresponding logo before January 1, 2013." is that correct?

CoChairman Kelsch. It should state 2014 because it really does have the moratorium in there and gives more of a cooling off period for all sides,

Rep. Mock: When you say 2014, does that refer to the second date so that the University of North Dakota nor the State Board of Higher Education could not even begin in any capacity talking about a new nickname until 2014?

CoChairman Kelsch: That is one of the thinkings.

Grant Shaft, President of the State Board of Higher Education: In agreement with Mr. Espeguard with giving a three year moratorium on adopting a new nickname and logo. As a practical matter, the Board will put this back to the University in their domain as far as how they deal with this in the future. Give consideration to the entire transition because we don't want the University to step into something they shouldn't simply by the natural process of transitioning, such as removal of items so that they are not overstepping the law.

There should be discussion of the process with regard to what happens to facilities over the three year period.

CoChairman Kelsch: I don't think that it would affect their removal of certain items because this says "the implementation of the **new** nickname and corresponding logo". The things that could be done in the meantime would be the necessary things that need to be done, but they cannot begin the implementation process. They can begin the discussion of the implementation process but they cannot start the implementing. Give people a little more time so that on January 1, 2015 there is not suddenly a new logo.

Shaft: Agree, I was a member of the transition cabinet that included Former Governors Schafer and Olson and you are talking about what was the spirit of that cabinet's discussion. We are all on the same page.

Rep. Wall: Moved the Dahl Amendment with the changes suggested.

Rep. Sanford: Second.

Rep. Schatz: I am hesitant without a legal amendment, the legal description that comes out of Legislative Council.

Rep. Hunsakor: A clarification on the date, is it 2014 or 2015 in the first sentence?

CoChairman Kelsch: The first one would be 2015 and the second one would be 2014.

Rep. Heilman: With the pending lawsuit by Spirit Lake Tribe, what happens and they win their lawsuit, the NCAA has to reverse their decision and says UND can have the name back and we have a moratorium and do we have any assurances that the State Board or the University would return to that name?

CoChairman Kelsch: That could be the reason for the cooling off period, should that happen the University will not have spent a great deal of money making that transition. Money will have to be spend for new uniforms but will not have spent all the money for the implementation of a new nickname. Asking Shaft to address it from a legal standpoint.

Shaft: A number of outcomes are possible, one being the ultimate goal of the lawsuit is to declare the policy of the NCAA, either nonapplicable to the University or NCAA member institution wide. It would essentially revoke the policy. If the chain of events that happens, you have to still determine where the conferences stand. Each conference determines its own rules. Many outcomes can result from the lawsuit and within the three
You are addressing the adoption of a new nickname and logo and that would keep the former in play if it were ever going to be...

Rep Heilman: I don't see the adoption of the new logo and nickname in this language so I would like to put that in there.

CoChairman Kelsch: It is deemed that we can't use the current one. This language was drafted in consultation with the attorney general and he determined that this is the necessary language and we did not need to specifically say "new".

Shaft: I believe it is covered in this language.

Rep. Schatz: Point of clarification, after our action and there should be a referendum to keep the logo, would then the law be to keep the logo?

CoChairman Kelsch: If there would be an initiated measure or referenda that is brought up by the people and the next time we would be in legislative session we would have to repeal this law. We have to address it with whatever the outcomes are. If we have to change state law to meet whatever that initiative states, we would have to do that.

Rep. Mueller: What exactly is the process of implementing a new nickname or corresponding logo? UND cannot make a decision regarding the changeover. You are dead in your tracks until 2014.

CoChairman Kelsch: There is a difference between planning and implementing. It is the implementation of a new nickname and logo. It does say that you can't begin to implement it. It gives the emotions time to heal, if they will or not.....

Rep. Mueller: The word in question is "process". If we are not going to adopt a new nickname until 2014, why do we need the last sentence?

CoChairman Kelsch: It shows that we are listening to the emotions and let them boil away from the surface. Rep. Wall, restate your motion so we have the numbers on the amendment.

Rep. Wall: I would move 02005 for a Do Pass

Rep. Sanford: Second

Rep. Mock: The last sentence creates a problem. If they make any changes that would correlate to a new logo, such as a new font or color, that cannot be done until 2014. My concern is that we tie the hands of any facility that we have that the University of North Dakota either has or leases creates undue burden for the intent of us having a three year moratorium. I am also concerned with the lack of accountability that we are giving the University of North Dakota. We are determining how they are going to handle this in statute unless letting the University of North Dakota answer to the people and letting them do as they see fit. If the people want us to continue and the University of North Dakota sees that it is appropriate, it should not be statute that has them do it. My concern goes back to any slight change could be deemed implementation of a new logo and that cannot be done for two years and one month.

Rep. Hunsakor: Go back to Bill 2370, the first line says a "Bill for an act to repeal" and the amendment says "after act insert relating to adoption" Does that take out the repeal part?

Rep. Hunskor: Go back to Bill 2370, the first line says a "Bill for an act to repeal" and the amendment says "after act insert relating to adoption" Does that take out the repeal part?
Than we don't have a repeal.

CoChairman Kelsch: This will become the new section in code so it does repeal it. The repealer is on line 4. This would become a new section of code and the repealer and the bill itself will take effect on Dec. 1, 2011.

Addressing Rep. Mock, this became an issue when we passed the law in 2011 but it came to us because the Native Americans that supported this felt like their voices had not been heard.

Rep. Hunskor: The University of North Dakota could continue to seek out a different logo in this process, nothing would prevent that. The ground work could be done but not implemented.

CoChairman Kelsch: Yes, I believe that is how it is done.

Rep. Mock: They could not do anything until 2014 to prepare or implement any element of that new nickname or corresponding logo. They would have to wait an additional year.

CoChairman Kelsch: They can't implement a new nickname until 2015. I don't think the University of North Dakota would do that, they are sensitive as well.

Rep. Mock: I am comfortable with a 3 year moratorium. No anticipated date has been set for a new logo. We would serve that mission by stating that the University of North Dakota nor the State Board of Higher Education may not adopt an athletic nickname or corresponding logo before January 1, 2015. Leaving the rest of that in the hands of the University of North Dakota to be accountable to the departments, students, faculty and the people of North Dakota. I feel we would serve our purpose if struck the second sentence of the second sentence of this amendment and just said we cannot have a new nickname until 2015.

I move to further amend 02005 to strike the sentence beginning with "Neither the State Board of Higher Education or the University of North Dakota may begin the process of implementing the nickname or corresponding logo before January 1, 2014".

Rep. Mueller: Second

CoChairman Kelsch: Voice vote fails. 2 yes, 13 no. We now have 02005 before us.

Rep. Schatz: Could we take a 5 Minute recess?

CoChairman Kelsch: Back to order. The Senate Education committee will continue.

Rep. Schatz: Questions Grant Shaft: If the law suit were to win, would the University be keeping the nickname?

Shaft: The current law suit that just filed in federal court? Several different resolves can happen from that lawsuit. There is a declaration that the existing NCAA policy prohibiting the use of Native American imagery is deemed either discriminatory so that it is no longer on the books. That is the first step and is then conveyed down to the conference level and the member institution level. You would still have to go through the analysis of the University to what, if you went back to the Fighting Sioux, what effect would it have. It could be that the lawsuit doesn't change any of the conference affiliation issues that you have right now.

My point earlier is that I don't think that anyone should take the moratorium that this is a three year attempt to try to gain approval or the nickname and logo. We are still controlled by the settlement agreement with the NCAA and the existing policy. It should be looked at as a cooling off period. Discussion could be had if the NCAA changed its policy but that does not mean that they would automatically adopt the Fighting Sioux nickname and logo.

Rep. Shatz: If the lawsuit were to win you could still change the UND nickname.

Shaft: The University could do whatever it wanted.

CoChairman Kelsch: As we are talking about the lawsuit we are talking about the Spirit Lake lawsuit, not the student lawsuit that has not been dropped.

Addressing Mr. Shatz, I think you have to make the assumption that NCAA would have to agree with Spirit Lake, it would be very difficult for those member schools to turn around and discriminate against North Dakota.

Shaft: Right now Minnesota, Iowa and Wisconsin have their policy that they have adopted separately from the NCAA. You might have a conference that could adopt its own policy separate from the NCAA. When we are talking about a new nickname and logo I want to be clear that what we would intend right now is that the university will likely compete under the name North Dakota on their jersey or the other such derivative and we would not consider those new nickname and logos.

We would have North Dakota or some other reference to compete.

CoChairman Kelsch: University of Minnesota Gofers have been horrible to the Sioux. Derogatory comments to the proud Sioux.

Rep. Shatz: I would like to move to amend the current amendment by adding the words after adopt "or implement" and to drop the last three lines beginning with the word "neither". My amendment would to to say "That neither the State Board of Higher Education nor the University of North Dakota may adopt or implement an athletic nickname or corresponding logo before January 1, of 2015."

Rep. Mock: Second

CoChairman Kelsch: Committee discussion. I think that there has been a lot of discussion back and forth this cleans it up and it gives the spirit of the offered amendment was about, we denied Rep. Mock's, there was a little tweaking that went on. We will try a voice vote. All in favor signify by saying "I".

Voice Vote carries unanimously.

We have now have amended SB 2370 before us, what are the wishes of the committee?

Rep. Meier: Move a Do Pass as amended.

Rep. Heilman: Second.

CoChairman Kelsch: Further discussion.

Rep. Mueller: Just to make sure that we do all of our work, there was another amendment, are we going to forget that one?

Rep. Kelsch: If anyone would like to discuss that amendment, they can. We do have a motion on a motion on 2370 as amended. If someone would like to further amend, that is fine, otherwise we will go on.

Rep. Mock: Clarify the language that we have now. "May adopt or implement", the intent of that is that should the University of North Dakota nor the State Board of Higher Education may not," choosing a different term, they may not execute or choose or begin using a new nickname or corresponding logo until 2015.

CoChairman Kelsch: That is correct with the exception that Grant brought up is the fact that they are currently using the interlocking N D, they have been using North Dakota, UND and those are the acceptable that they have been using and if they would modify that slightly that is not construed as a new logo. A new logo would be something more in line with the Fighting Sioux.

Rep. Mock: This does not prohibit UND or the State Board of Higher Education to hold discussions or to plan for any new nickname or corresponding logo with any group. Is that correct?

CoChairman Kelsch: Correct.

Rep. Schatz: I was in favor of the Amendment 02001 to begin with so **I Move** to adopt that one first.

CoChairman Kelsch: There is a motion on the table to adopt 2370 as amended. This amendment 02001 would replace 02005 because if this amendment is in place we don't need the amendment that is currently before us. It would be cleaner if we vote on what we have right now in front of us.

Rep. Rust: Isn't the motion on the floor for the amendment, not on the law with the amendment?

CoChairman Kelsch: We already voted for the approval of the amendment, so we are voting on SB 2370 right now, also called The Dahl amendment is on 2370 right now. The motion is a Do Pass as amended on SB 2370.

Rep. Wall: Call for the question.

Chairman Kelsch: The question has been called for on a Do Pass motion on SB 2370. Committee members, it is a nondebatable motion and if this motion passes, then this bill will go to the Senate and they will have to pass it. If this motion fails, then we are back to the original bill as was, as it came into this committee and then there would be additional amendments that could be offered. Committee members, the clerk will take the roll on a Do Pass on SB 2370 as amended.

Motion Passed: 15 yes, 0 no, 0 absent

CoChairman Kelsch: The motion passes unanimously and when it comes to the House I will be the carrier.
I will turn it back over to the Senate to approve the amendment..

Chairman Freborg: Hopefully, the skids have been greased and this won't take long.

Senator Flackholl: Move to approve Amendment 02005 to SB 2370.

Senator Schaible: Second

Chairman Freborg: Discussion. Ask the clerk to take the roll.

Motion Passed: 6 yes, 0 no, 1 absent.

Chairman Freborg: Motion carried. This completes our business as a joint committee.

Meeting adjourned.

FISCAL NOTE
 Requested by Legislative Council
 11/07/2011

Bill/Resolution No.: SB 2370

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Repeals measure prohibiting UND from retiring Fighting Sioux nickname and logo, and also prohibits UND from adopting new nickname and logo until January 1, 2015.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

ESTIMATED Cost \$747,050

This number includes cost to remove old logos from facilities under the control of UND Athletics and end zone turf, web site changes, changes to stationary/letterhead, development of a new nickname/logo and other costs such as uniform replacement, practice gear etc. The specific sources of funds to enable these changes have not yet been identified/assigned, nor is the timing of these expenditures between biennia clear.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

ESTIMATED Cost \$747,050

This number includes cost to remove old logos from facilities under the control of UND Athletics and end zone turf, web site changes, changes to stationary/letterhead, development of a new nickname/logo and other costs such as uniform replacement, practice gear etc. The specific sources of funds to enable these changes have not yet been identified/assigned, nor is the timing of these expenditures between biennia clear.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a*

continuing appropriation.

Name:	Laura Glatt	Agency:	ND Unversity System Office
Phone Number:	701-328-4116	Date Prepared:	11/08/2011

PROPOSED AMENDMENTS TO SENATE BILL NO. 2370

Page 1, line 2, replace "an" with "a contingent"

Page 1, replace line 6 with:

"SECTION 2. CONTINGENT EFFECTIVE DATE. This Act becomes effective on the date the attorney general certifies to the secretary of state and the legislative council that:

1. There has been no litigation pending in any North Dakota state court, a federal court, or a tribal court within this state for at least thirty days which relates to the use of the fighting Sioux nickname or logo by the university of North Dakota;
2. That all appeals have been exhausted in any litigation that was pending on or before January 1, 2012, with respect to the use of the fighting Sioux nickname or logo by the university of North Dakota; and
3. That settlement agreement and mutual release adopted by the northeast central judicial district court in its judgment filed October 26, 2007 [Civil No. 06-C-01333] in State of North Dakota, by and through the North Dakota State Board of Higher Education, and the University of North Dakota v. National Collegiate Athletic Association, and any subsequently filed modification of the agreement remain valid and binding and that settlement continues to require the university of North Dakota to retire the use of the fighting Sioux nickname and logo or be subject to the sanctions set forth in the settlement."

Renumber accordingly

SB 2370
Nov. 8, 2011
Stacy Dahl
#2

Neither the state board of higher education nor the university of North Dakota may adopt an athletic nickname or logo before January 1, 2014. Neither the state board of higher education nor the university of North Dakota may begin the process of implementing a nickname or logo before January 1, 2013.

11.0830.02005
Title.

Prepared by the Legislative Council staff for
Representative Dahl
November 8, 2011

SB 2310
Nov. 8, 2011
Rep. Dahl
#2a

PROPOSED AMENDMENTS TO SENATE BILL NO. 2370

Page 1, line 1, after "Act" insert "relating to adoption of a nickname and logo for the university of North Dakota athletic teams;"

Page 1, after line 4, insert:

"SECTION 1. UNIVERISTY OF NORTH DAKOTA ATHLETIC NICKNAME AND LOGO. Neither the state board of higher education nor the university of North Dakota may adopt an athletic nickname or corresponding logo before January 1, 2015. Neither the state board of higher education nor the university of North Dakota may begin the process of implementing a nickname or corresponding logo before January 1, 2014."

Renumber accordingly

**2011 SPECIAL SESSION JOINT EDUCATION COMMITTEE: SENATE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2370**

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number .11.0830.02005

Action Taken Do Pass

Motion Made By Senator Flakoll Seconded By Senator Schaible

Senators	Yes	No	Senators	Yes	No
Chairman Freborg	X				
Vice Chair Schaible	X				
Senator Flakoll	X				
Senator Lee	X				
Senator Luick	X				
Senator Heckaman	X				
Senator Marcellais					

Total (Yes) 6 (No) 0

Absent 1

Floor Assignment Senator Schaible

If the vote is on an amendment, briefly indicate intent: Neither the state Board of Higher Education nor the University of North Dakota may adopt or implement an athletic nickname or corresponding logo before January 1, 2015.

Date 11-8-11

Roll Call Vote #: 1

2011 SPECIAL JOINT SESSION EDUCATION COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO.

SENATE EDUCATION COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number 11.0830.2005

Action Taken As Amended (Able Amendment)

Motion Made By Sen. G. Lee Seconded By Sen. Luick

Senators	Yes	No	Representatives	Yes	No
CHAIRMAN FREBORG	✓				
VICE CHAIR SCHAIBLE	✓				
SENATOR FLAKOLL	✓				
SENATOR LEE	✓				
SENATOR LUICK	✓				
SENATOR HECKAMAN	✓				
SENATOR MARCELLAIS					

Total (Yes) 6 (No) 0

Absent 1

Floor Assignment Sen. Schaible

If the vote is on an amendment, briefly indicate intent:

Date 11-8-11

Roll Call Vote #: 2

2011 SPECIAL JOINT SESSION EDUCATION COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2370

SENATE EDUCATION COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number 11.0830.02006

Action Taken Do Pass As Amended

Motion Made By Sen. Schaible Seconded By Sen. Luick

Senators	Yes	No	Representatives	Yes	No
CHAIRMAN FREBORG	✓				
VICE CHAIR SCHAIBLE	✓				
SENATOR FLAKOLL	✓				
SENATOR LEE	✓				
SENATOR LUICK	✓				
SENATOR HECKAMAN	✓				
SENATOR MARCELLAIS					

Total (Yes) 6 (No) 0

Absent 1

Floor Assignment Sen. Schaible

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2370: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2370 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "relating to adoption of a nickname and logo for the university of North Dakota athletic teams;"

Page 1, after line 3, insert:

"SECTION 1. UNIVERSITY OF NORTH DAKOTA ATHLETIC NICKNAME AND LOGO. Neither the state board of higher education nor the university of North Dakota may adopt or implement an athletic nickname or corresponding logo before January 1, 2015."

Renumber accordingly

2011 HOUSE EDUCATION

SB 2370

**2011 SPECIAL SESSION HOUSE EDUCATION COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. SB 2370**

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number .11.0830.02005

Action Taken Do Pass

Motion Made By Rep. Wall Seconded By Rep. Sanford

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	X		Representative Wall	X	
Vice Chairman Meier	X				
Representative Hanson	X				
Representative Heilman	X				
Representative Heller	X				
Representative Hunsakor	X				
Representative Johnson	X				
Representative Karls	X				
Representative Mock	X				
Representative Mueller	X				
Representative Rohr	X				
Representative Rust	X				
Representative Sanford					
Representative Schatz					

Total (Yes) 15 (No) 0

Absent 0

Floor Assignment Representative Kelsch

If the vote is on an amendment, briefly indicate intent: Neither the state Board of Higher Education nor the University of North Dakota may adopt or implement an athletic nickname or corresponding logo before January 1, 2015.

REPORT OF STANDING COMMITTEE

SB 2370, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2370 was placed on the Fourteenth order on the calendar.

A handwritten signature in black ink, reading "Rep. R. Kelsch". The signature is written in a cursive style and is slanted upwards from left to right.

2011 TESTIMONY

SB 2370

SB 2370
Nov. 8, 2011

Sanford to open clinics in Mexico, Ghana & Israel METRO/STATE C1

The Forum

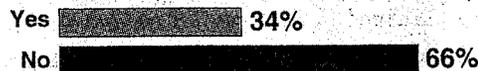
of Fargo-Moorhead

Sunday edition Sunday, August 21, 2011 102,000 readers every day

SIoux SURVEY

The Forum posted a survey online this past week asking readers for their thoughts on the handling of the Fighting Sioux nickname by state leaders. About 3,100 people responded. Here are the results:

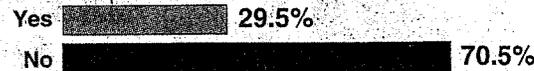
Was it appropriate for the state of North Dakota and Rep. Al Carlson to pursue a bill to retain control of the Fighting Sioux nickname?



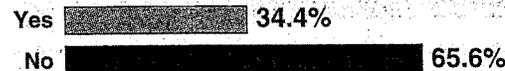
Should state leaders have pursued the Aug. 12 meeting with the NCAA?



Do you think Rep. Al Carlson handled the issue appropriately?



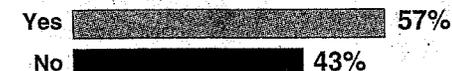
Do you think Carlson is an effective leader for North Dakota?



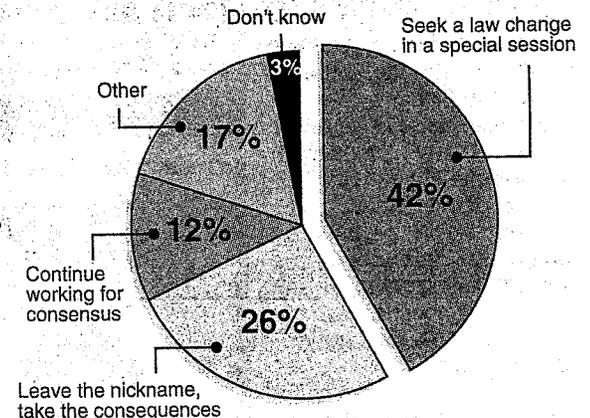
Do you think Gov. Jack Dairymple handled the issue appropriately?



Do you think Dairymple is an effective leader for North Dakota?



Going forward, what should North Dakota do about the UND nickname?



SB 2370
Nov. 7, 2011
Lonnie Laffen
#1

TESTIMONY TO THE SPECIAL SESSION JOINT EDUCATION COMMITTEE
NOVEMBER 7, 2011
LONNIE J. LAFFEN, SENATOR, DISTRICT 43

My name is Lonnie Laffen, Senator from District 43 which is located in Grand Forks. I am here to make the case for why it is time to retire the University of North Dakota's Fighting Sioux nickname and logo. First let me say that I am a fan of the Fighting Sioux, their name and their logo. I voted yes on HB1263 earlier this spring. I still believe it was the right thing to do. Our University has one of the nation's most recognized athletic brands and we all know North Dakota is not often recognized at this level. In April our state and legislature felt it was worth fighting for and didn't want to go down without exhausting all viable options. There was hope that with legislative support and the backing of a large majority of our state's citizens the NCAA might reconsider.

I disagree that the name is hostile. But after years of feeling that we should fight to the bitter end, I feel we have reached that point and a continued fight will harm a great institution. I've changed, not because the opponents wore me down, not because I now believe there is something wrong with the name, and not because I agree with the NCAA. I've changed because I love UND and I'm seriously worried about it's future, its national reputation, and the damage that will ensue if we don't retire the name from our athletic programs. That is the key point I would like to discuss.

I have spoken with everyone who made the trip to the NCAA in August and they all have the same opinion - The NCAA is not going to change. The NCAA have stated, re-stated and fought us in court. They have a policy that affects many other schools. They are not going to let us out of the settlement made between the State of North Dakota and the NCAA. The NCAA made it clear that even approval from the Sanding Rock tribe would not make a difference. The deadline has passed.

For UND at this point success in Division 1 sports requires one key thing: affiliation with an athletic Conference. Conference affiliation is essential to any athletic program and the Big Sky is the best possible affiliation the school could hope for. Is our membership in the Big Sky conference in jeopardy? I believe the answer is yes and here is why.

According to a letter from the conference (attached to my testimony), The Big Sky Conference states that when UND was accepted to the Big Sky Conference - "This issue

(the nickname) was settled", and that "Obviously today there is a new reality". To paraphrase their letter they state:

- a. *The Big Sky is a member conference within the NCAA*
- b. *No institution is forced to continue as a member should the NCAA's policies fail to align with theirs*
- c. *In consideration of this, the Presidents (of the Big Sky Conference member schools) have told UND they have concern over the use of the name.*
- d. *All of the Big Sky schools have a close relationship with at least one Native American tribe in their respective region. If forced to choose they will support the wishes of their neighbor tribes.*
- e. *Recently there were protests on the Campus at the University of California Davis / UND football game. The conference does not want this issue on their school's campuses.*
- f. *It is easy to envision a boycotting from schools in the future - we are aware of many already*
- g. *Couple these issues with post season restrictions and we are concerned that the State Law has **"the possibility of destroying Division 1 athletics at UND"***

Let me restate that: the Big Sky Conference says that keeping the name **"has the possibility of destroying athletics at UND"**. That's a pretty strong statement from the people who control that fate. Is the Big Sky bluffing? That would be hard to say with any certainty, but it's not a bluff that we dare call. It is highly unlikely that UND could gain access to another conference after being dismissed from one, so here is what life would be like without a conference affiliation:

First - One has to remember that schools schedule their conference teams. It's the reason a school belongs to a conference. If UND has no conference - they simply have no one to play. Last weekend the UND football team played an NAIA team, which are two levels below Division 1. They currently they have to "buy" these NAIA teams to come here and play at a cost of \$50K - \$60K. An independent division 1 FCS team costs \$150K. You simply can't sustain an athletic program if you have to buy every team to come here and play.

Second - There are not enough independent Division 1 FCS schools to fill a schedule. There are currently 124 FCS schools - 120 of them play in a conference leaving 4 independents (two in Texas, one in Georgia and one in Alabama). Come January and February the conferences will all play their respective conference schools and UND will find it impossible to fill their schedule. The Big Sky Conference gives UND 8 football and 20 basketball FCS opponents every year in men's sports alone. Additionally, a lack of conference affiliation would virtually eliminate any opportunity to be invited to post season play. This item is so important that the NCAA now requires a school to have a conference affiliation secured before it is allowed to move up to Division 1.

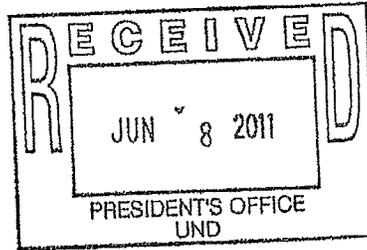
Third - Under the NCAA sanctions, UND is not allowed to host NCAA playoff events on campus. That will likely impact UND in April when the Women's Hockey team - currently ranked 7th in the nation, will begin playoff hockey. If the current law is not repealed UND's teams will be put at a significant competitive disadvantage.

The University of North Dakota's sports tradition includes a great name and logo - given to them by one of our states proud Indian tribes. But there is much more than just this to UND's sports tradition. That tradition includes familiar opponents and strong rivals, fielding strong teams and winning national championships. Capacity crowds at some of the finest facilities in the country. Student athletes that have a higher graduation rate than nearly every other school in the nation. Athletes and coaches that move up and excel at every level of professional sports. Fans and alumni that contribute to UND at record levels. That is the tradition of athletics that is in jeopardy at the University of North Dakota.

The Bill before you simply repeals the action we took this spring and sets an effective date of December 1, 2011.

North Dakota has proud history of caring for, and doing no harm to our citizens. I can't imagine telling our student athletes that we are going to subject them to these kinds of penalties. At this point in UND and North Dakota's history it's the sports program - not the nickname - which deserves to be saved.

2491 Washington, Suite 201 ■ Ogden Utah 84401
Phone: 801.392.1978 ■ Fax: 801.392.5568



June 7, 2011

Dr. Robert O. Kelley, President
The University of North Dakota
300 Twamley Hall
264 Centennial Drive Stop 8193
Grand Forks, North Dakota 58202-8193

Dear Bob:

It was a pleasure to meet you and your wife last week at the Big Sky Conference Spring meetings. I was pleased with the level of involvement of all of the Presidents in the discussions regarding the variety of issues that conferences face.

Of particular interest to the Presidents was your update on the "logo and mascot name" issue that you face at the University of North Dakota. And while the Presidents were comfortable with your personal position and the position that the University has taken, they are forced to consider the ramifications of continued use of the "Fighting Sioux" name and marks.

The Big Sky Conference, as a member conference within the National Collegiate Athletic Association (NCAA), must take very seriously any guidance it receives from the national organization on these matters. The NCAA, as you know, is a membership organization and its regulations and guidance are merely a reflection of the will of the members. No institution or conference is forced to continue as a member in the organization should the NCAA's collective policies fail to align with those of a particular member. In consideration of this, the Presidents have asked that I reiterate their concern regarding the continued use of the "Sioux" name and marks.

It was also noted that nearly all Big Sky institutions have a close relationship with at least one Native-American tribe in their respective regions, and the Presidents feel strongly that if forced to choose, they would support the wishes of the Sioux tribes in this dispute. Certainly then, any sanction issued by the NCAA would also be observed by the Conference, and additional Conference sanctions may also be considered. However, even more disconcerting is the impact the continued use of the marks would have on the individual relationships between schools in the league and the University of North Dakota. We have witnessed the beginnings of this with the protest on the campus of the University of California at Davis during the recent Davis - University of North Dakota football game. When the University of North Dakota was

THE SKY!

considered and accepted for membership, this issue was "settled". The institution had reached an agreement with the NCAA and the Conference accepted that agreement. Obviously, today there is a new reality, and the question has to be asked: Could this lead to a time when league play and possibly league membership itself could be affected?

We understand that our concerns are your concerns as well. We are aware of recent cancellations of contests between the University of North Dakota and other Midwest institutions. It is easy to envision this kind of boycott spreading to other institutions in the future. Boycotts by individual schools or leagues will certainly have a negative effect on all of your programs, including hockey. Couple those issues with postseason restrictions and we are concerned that this state law has the possibility of destroying Division I athletics at the University of North Dakota.

If there is anything we can do to assist you, please don't hesitate to contact us. And, please keep us informed of any progress that you are able to make on this issue.

Sincerely,



Douglas B. Fullerton, Commissioner
Big Sky Conference

SB 2370
Nov. 7, 2011
#2
Senator O'Connell

It is time.

It is time to put an end to the intimidation.

It is time to put an end to the hostility and bullying.

It is time to put an end to the law we passed earlier this spring requiring the University of North Dakota to keep the Fighting Sioux nickname and logo.

Legislators had hoped that the law would give UND leverage against the strong-arm tactics of the NCAA and allow UND to keep using the nickname and logo, but that approach did not work. Now, unfortunately and unintentionally, UND is caught in the middle of a smoldering battle with the NCAA, the state Board of Higher Education, the state of North Dakota, and the Sioux Nation.

Many believe the nickname and logo were born from a proud history. UND adopted the Sioux name in 1930 because the Sioux Warriors were the most courageous warriors. The Sioux represented honor, courage, and pride. For decades, UND students and fans cheered their team to victory as well as respected the American Indian culture and heritage. But 81 years tend to bring about a lot of changes. And it is time to not only face those changes but also embrace them.

Attempts to retire the Fighting Sioux nickname and logo are not new. In 1999, a bill was introduced in the North Dakota House of Representatives to eliminate the nickname, but died in ~~the~~ committee. Then in the summer of 2005, the NCAA stepped in and declared the American Indian nicknames and imagery used by 19 member schools were "hostile and abusive." Fourteen of those schools yielded to the

pressure of the NCAA and changed their nicknames before the ban went into effect in February 2006.

However, the North Dakota legislators refused to give in to the NCAA's bullying tactics and passed a law to keep the nickname and logo. But the NCAA is refusing to back down on their promised sanctions, including the school will be ineligible to host postseason tournaments, and its athletes may not wear the nickname and logo on their uniforms in postseason games. In addition, this dispute could even complicate UND's plans to join the Division I Big Sky Conference next year.

It was never the legislators' intention to sacrifice, punish, or harm our student-athletes with the law that was passed. And while it may be costly to retire the nickname and logo, perhaps \$750,000, the price paid by the school, the students, the athletes, the fans, and the state would prove to be even more costly. Think of the damage to not only the school's reputation but also the state's. And what about missed opportunities for our students and athletes? It is impossible to put a price on those.

It's time to move past the nickname and logo controversy. We have had a harsh reality check—we are not only playing on the NCAA's court, but we are also playing with the NCAA's ball and rules. We did our best to stand up to and overcome the intimidation and abuse of power of the NCAA. But now it's time to repeal the law because it is no longer about preserving heritage or defending North Dakota's culture; it is about safeguarding a strong future for UND as well as its students and athletes.

SB 2370
Nov. 7, 2011
Rick Burgum
3

Good afternoon—

I am Rick Burgum, from Arthur, ND, and I am a very proud 1968 alumnus of the University of North Dakota. It's been 42 years since I received my diploma. Across these decades, I have worked in the grain business in North Dakota and have remained very active in the UND community. I have been on the private sector UND Foundation Board since 2005, and am currently the Chair of that Board. It's a tremendous group of alumni with a wide array of talents and perspectives. It's humbling to represent both the Foundation and Alumni Association here today.

Our Foundation & Alumni Association Board met in Grand Forks just last week, and our members came from across the country. In addition to discussing our regular business (budgets, investments, the National Campaign, governance) it won't surprise anyone here that we also spoke quite a bit about the Sioux name and logo.

There is a proud history and tradition that accompany that logo and the Sioux name. This committee doesn't need me to recount that history. The University needs to memorialize the traditions and the strong emotional ties that the logo and name represent for so many alumni and so many North Dakotans who appreciate the greatness of UND and its athletic and academic programs. In many of our hearts, the Sioux name and logo will always have a place.

In these past months, this Legislature and some of our state leaders have made a last great effort to preserve the name and logo. That effort was itself controversial, I suppose, but many people appreciated the opportunity to make sure that every last stone had been overturned. And, really, that's where we all find ourselves today. I think, in all candor, both sides may sense the same thing.

In business and life, sound decisions require recognition of what is alterable and what is not. A lot of us don't always like to hear that, and I'm no different. But the NCAA has found UND to be in violation of its policy against certain logos. They alone have that power, they have spoken with finality on their decision, and they have communicated that finality to our state's top leadership.

Of course, North Dakota has the power to determine for itself whether to keep the logo and name or allow them to be retired. But the price of that decision is established by the sanctions from the NCAA and the Big Sky conference, and that price is devastatingly high, both for the University and our Division I athletic programs.

UND is under sanctions for this issue, and here is what that means:

- 1.) Either we retire the name, or UND will not be permitted to join the Big Sky conference. That leads to many additional consequences, each of which is negative.
- 2.) With or without a conference affiliation, other NCAA schools are officially discouraged from scheduling games with UND, and those schools are following the NCAA's precedent.
- 3.) Academically, there is a problem with recruiting and retaining top-quality faculty to our University.

Now the question is simpler: If the name is retained, then UND will not have a strong conference affiliation and UND will not be able to schedule athletic competition (including hockey) with strong programs. This will have an undeniably negative impact on recruiting, coaching retention, fan attendance, revenue, and positive exposure for UND, UND student athletes, and the state of North Dakota. We believe that these dire effects of name and logo retention far outweigh any perceived benefit.

I have with me a letter for you to consider in your deliberations on this important issue of whether to vote in favor of the legislation that would rescind last winter's Sioux Logo Bill. The letter is from Jim Kleinsasser and his sister, Sheri (Kleinsasser) Stockmoe. They both grew up in Carrington, played sports for UND and proudly wore their Sioux jerseys while etching out stellar collegiate athletic careers. Jim now plays for the Minnesota Vikings, as you probably are aware! Both are impressive people, proud of their time at UND and their home state. I'll let the letter speak for itself, and I hope you will have a sense of how deeply Jim and Sheri love this state and their University.

I also have a relevant letter from several of the past presidents of the Alumni Association and Foundation. The letter was signed last winter, but I thought it warranted a fresh consideration.

You have been very generous with your time. I plan to stay for some more of the hearing and hope to talk with you individually and informally during breaks. Thank you for your service to our state. We're very fortunate to have a citizen legislature which gathers periodically to choose the way forward for North Dakota.

I sincerely urge your support for this legislation that will lead the way forward for UND and for North Dakota.

SB 2370
Nov. 7, 2011
Rick Burgum
#3a



BOARD OF DIRECTORS

BOARD OF DIRECTORS

The Board of Directors of the UND Alumni Association and Foundation disagree with the NCAA characterization of our University as "hostile and abusive". Further, this statement is not to be taken as establishing a negative position on the Fighting Sioux name and logo.

The damage that our student athletes, our athletic programs, and our University will suffer if the legislation requiring UND to keep the Fighting Sioux name and logo is not repealed during the November 7-11, 2011 special session is absolutely clear to us.

If the legislation regarding the name and logo passed at the legislative session earlier this year is not repealed, UND is put at perilous risk of essentially becoming an "island" within the world of collegiate athletics. Without a strong conference affiliation, our athletic programs will not be able to build a strong competitive schedule nor attract student athletes.

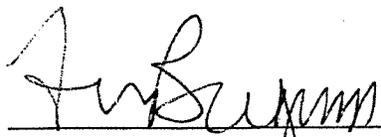
Further, the recent legislation puts the strong national academic reputation earned by the University of North Dakota over many generations at significant risk.

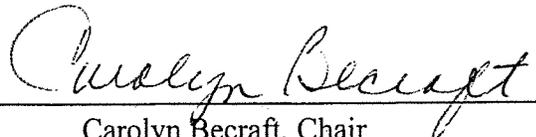
Over the years, our Board members, like individual alumni, have had differing views and opinions regarding the many issues involved with the name and logo. As a result, we have not established a formal position on this matter, feeling it inappropriate and difficult to adopt a single position on this issue.

However, at this time, there is no disagreement that our core mission is to support the University of North Dakota and to help ensure that, for many generations to come, it remains a viable and vibrant institution. For the reasons stated above, we now believe that the continuing use of the name and logo would result in substantial harm to the University of North Dakota.

Consistent with that belief, we therefore urge the repeal of House Bill 1263.

The Board of Directors of the University of North Dakota Alumni Association & Foundation.


Rick Burgum, Chair Date
UND Foundation


Carolyn Becraft, Chair Date
UND Alumni Association

SB 2370
Nov. 7, 2011
Rick Bergeson
36

November 1, 2011

To Whom It May Concern,

As University of North Dakota alumni and former athletes, we proudly wore the Fighting Sioux jersey on the football field and basketball court. Our University represents honor, a winning tradition, dedication and pride and we strongly disagree with the NCAA characterization of it as "hostile and abusive." Today we are writing regarding House Bill 1263 and we urge you to repeal this legislation.

Do we want the University to discontinue use of the Fighting Sioux name? Absolutely not! But we also do not want future University student athletes to be deprived of an experience similar to ours. We feel our beloved University and its student athletes will suffer if House Bill 1263 is not repealed during the November 7-11, 2011 special session.

Requiring the usage of the Fighting Sioux name and logo will put the opportunity of a conference affiliation at jeopardy, which would be debilitating for our athletic programs. We look back on our University days filled with first class coaches, top caliber teammates, challenging competition and the opportunity to compete and win at the national level. Every athlete that steps on the campus of the University of North Dakota should expect no less, but operating as an independent, with no conference affiliation at the Division 1 level will make that virtually impossible.

Again, we proudly represented the Fighting Sioux of North Dakota and would love that proud tradition to continue, but we cannot maintain the past at the expense of the future. We urge you to repeal House Bill 1263.

Respectfully,



Jim Kleinsasser



Sheri Kleinsasser Stockmoe

SB 2370
Nov. 7, 2011
Rick Burqum
#3C

TO: Governor Jack Dalrymple
THRU: Tim O'Keefe
FR: Allen I. Olson
RE: Fighting Sioux Nickname Logo (FSNL)
DT: November 2, 2011

My association with the FSNL issue began with then UND President Kupchella's Advisory Group on the FSNL in the late 1990s followed by a recent similar role on this issue with President Kelley. Until the group of North Dakota representatives met with NCAA executive leadership several months ago when the NCAA rejected the state law requiring UND to retain the FSNL, I was a steadfast supporter of retaining the FSNL and, in fact, was one of the first proponents of the legal challenge to the NCAA determination that the FSNL was "hostile and abusive". I followed the negotiations between ND and the NCAA that resulted from the litigation and agreed with the compromise settlement. I understood the legislative and executive action taken this year as a final, dispositive action that, if rejected by the NCAA, would put an end to the issue.

My views on the consequences to UND of continuation of use of the FSNL are contained in my letter published in the Grand Forks Herald on October 10, 2011, a copy of which is attached to and included as part of this communication. I am aware of the lawsuit in the federal court system initiated by a group of Spirit Lake tribal members and announced November 1, 2011. It should be considered as a matter entirely separate and distinct from legislative action repealing the mandate requiring UND to retain the FSNL. Such legislative repeal needs to be clear and convincing so as to allow UND to proceed with Big Sky affiliation and other related actions free of NCAA sanctions.

Each of us has served as President of either the UND Alumni Association or Foundation Boards. All of us are proud Alums of the University of North Dakota and have gladly devoted many hours to serve. While we are no longer sitting in those chairs, we remain deeply engaged in caring for our Alma Mater's future. And while we were honored to serve, we speak now as concerned Alumni, but with no official capacity.

Each of us has had a keen interest in the way our school has been identified as the "Fighting Sioux". Most, but not all of us, would have wished to see the nickname continue. But we have all reached the conclusion that to continue to fight the NCAA over this matter is counterproductive for the present and future of UND. It is our belief that the Fighting Sioux nickname must be retired quickly.

We are aware of the steps taken by the North Dakota Legislature to enact into law that UND's athletic teams would retain the Fighting Sioux name. And we are aware that the NCAA has informed the school that they intend to enforce 'sanctions' against the school, should the name be retained beyond August 15th of this year. We are also aware that the invitation to join the Big Sky Conference is in jeopardy over the sanctions that will be applied if the name goes forward.

We are also aware that State Leaders have been invited to meet with NCAA leadership over this matter sometime soon.

We are concerned about the corrosive effect this situation has had on the leadership of the school, requiring extraordinary amounts of time and energy that should be going to the primary purpose of providing a quality education. It can be argued that today's students are being 'short-changed' because of all the time and expense this has required of President Kelley and his administration.

Barring a change in the position of the NCAA toward UND and the promised sanctions, we are asking you to move quickly to remove any roadblocks to retiring the Fighting Sioux nickname. If this requires a 'special session' of the legislature to repeal the recent law, it should be done swiftly. It is our feeling that not doing so would have catastrophic results for our school.

This is a real crossroads for the future of our institution. UND is one of the state's greatest assets. To allow our athletic department to lose the opportunity to compete at the highest level possible would have far reaching consequences, none of which appear to be positive.

Nothing short of a speedy settlement of this issue to the satisfaction of the NCAA and the Big Sky Conference is acceptable. There may remain pockets (even large ones) of popular sentiment to retain the name and stand up to "political correctness". However good those intentions, they are shortsighted and will only do great harm to UND.

Please act quickly to protect UND from further damage.

Sincerely,

Karen Bohn, Edina, MN kmbohn@gmail.com
Dr. James Brosseau, Grand Forks jbrosseau@altru.org
Howard Dahl, Fargo hadahl@amitytech.com
Wally Griffin, Golden, CO griffinwallace@comcast.net
Tom Hamilton, Houston tom-hamilton@usa.net
Bob Helland, Minneapolis rvhelland@undalumni.org
Chuck Horter, Bismarck Chuck.M.Horter@supervalu.com
David Iverson, Sammamish, WA david@acookstour.com

Lyle Kasprick, Orono, MN lickasprick@yahoo.com
R. Doug Larson, Fargo rdsal@msn.com
Thoraine Loyd, Tampa thoraineloyd@gmail.com
Gary Marsden, Clear Lake, MN inseine@frontiernet.net
Dale Morrison, Princeton, NJ dalemorrison1@msn.com
Darold Rath, Fargo daroldrath@hotmail.com
Morris Tschider, Bismarck gswanson@tschider-smithlaw.com

SB 2370
Nov. 9, 2011
Kylie Oversen
#4

Testimony to ND State Legislature on Fighting Sioux Logo/Nickname
Kylie Oversen, Student Body President, UND
November 7, 2011

Chairman and Members of the Committee:

Thank you for allowing me the opportunity to speak before you today. My name is Kylie Oversen. I am the Student Body President at the University of North Dakota. So, with that, while I do not represent the people of the state of North Dakota. I do not represent the members of the Spirit Lake Tribe or the Standing Rock Tribe. Most importantly though, I **DO** represent those most directly affected by this issue. I represent the 14,000+ students of the University of North Dakota. I'm here today, on behalf of those very students, to urge you to take the necessary action to repeal NDCC 15-10-46.

Our mission at the University of North Dakota is one of academics and scholarship, of engagement and service. As students of UND we take pride in our academic, service, and athletic achievements.

However, with the controversy and frustration over the Fighting Sioux Logo and Nickname, many have lost sight of the mission of our institution. The political debate and constant media battle over this issue has become extremely detrimental to our institution and more importantly to our students.

Throughout my time at UND and especially over my term as president, I have come to care deeply about the institution and its students, past, present, and future. I have put my whole heart into my position as president and into the work that I do. I can tell you today, with a great deal of confidence, that it is truly in the best interest of our students to repeal this law and allow us the opportunity to move on past this issue.

One of the most significant issues surrounding the debate over the logo and nickname is the negative effect that it has had on our Native American students at UND. The Native American students represent an important part of our campus community and population. Throughout my time, conversation, and interaction with the many Native American students, I have come to greatly appreciate the unique and

beautiful culture that they bring to our campus and our community. Unfortunately, I have heard first hand of the negative impacts that the logo and nickname have had on our Native American students. Not being of Native American descent myself, I can't speak much more than those effects, but I can wholeheartedly assure you that they do exist. In representing those very students, again, I assure you that it would be in their best interests if we were allowed to move on.

Another significant issue is the negative impact that this has had and continues to have on our athletic programs at UND. Not only are we currently under NCAA sanctions, there are also a number of teams and programs across the country that have refused to schedule our teams. We are at a competitive and economic disadvantage if this continues to happen. We worked very hard to be admitted into the conferences that we are a part of and to gain Division I status for our athletic programs. So, again, it would be in the very best interest of our athletic programs and the student athletes at UND to move on past this issue, to restore competition, unity, and spirit within our athletic teams.

UND Student Senate recently passed a resolution which encourages this body to repeal NDCC 15-10-46. The student senate is an elected group representing of the entire student body at UND. Senate is comprised of students from every academic and residential areas of campus. This resolution passed with an overwhelming majority. A copy of this resolution will be attached to the written transcript.

On top of the direct negative impacts that this debate has on our students, there is an overall frustration and exhaustion of this issue. There is a strong negative effect on the overall campus climate. Chairman and members of the committee, as the official representative of the students at the University of North Dakota, I ask you to please allow us to move on past this issue and to focus on our mission as an institute of higher education. I would like to thank you for your time today and once again, in the best interests of the students of the University of North Dakota, I urge to you repeal NDCC 15-10-46.

Senate Resolution

To: The Student Senate of the University of North Dakota

Authors: Jacob Geiermann – Law School Senator; Shane Gerbert – State Governmental Affairs Commissioner

Sponsors: Paul Richter – Education and Human Development Senator; Jonathan Dennington – University Apartments Senator; Adam Swigost – Arts and Sciences Senator; John Kappel – Greek Housing Senator; Kyle Slaathaug – Undeclared Academic Senator; Aaron Hommerding – Aerospace Senator; Kody Rother – Graduate School Senator; Brenden Jehlicka – Off Campus Senator

CC: Kylie Oversen -- Student Body President; Nathan Elness - Student Body Vice President; Tony Trimarco - Student Senate Advisor; Robert Kelly – President of University of North Dakota; Peter Johnson- Executive Associate Vice President of University Relations; Alice Brekke- Vice President of Finance and Operations; Paul LeBel—Vice President of Academic Affairs/Provost; Jack Dalrymple – Governor of North Dakota; Rich Wardner – Senate Majority Leader; Ryan Taylor – Senate Minority Leader; Al Carlson – House Majority Leader; Jerry Kelsh – House Minority Leader

Date: October 23, 2011

Re: Repeal of *NDCC* § 15-10-46

2 WHEREAS there are numerous diverse perspectives regarding the continued use of the Fighting Sioux nickname by the University of North Dakota, and

4 WHEREAS the University of North Dakota has respectfully used the Fighting Sioux nickname for over 80 years, honoring the proud traditions and heritage of the Sioux people, and

6 WHEREAS the North Dakota Legislature has required the continued use of the Fighting Sioux nickname by enacting *NDCC* § 15-10-46, and

8 WHEREAS the State of North Dakota has voluntarily entered into a settlement agreement with the National Collegiate Athletic Association "NCAA", a nonprofit association, regarding the continued use of the Fighting Sioux nickname, and

10 WHEREAS contracting parties have expressed their intent to be bound by the terms of the settlement agreement, and

12 WHEREAS contracting parties have agreed that the continued use of the Fighting Sioux nickname requires the consent of the Spirit Lake Nation and the Standing Rock Sioux Tribe, and

14 WHEREAS the Tribal Council of the Spirit Lake Nation supports the continued use of the Fighting Sioux nickname, and

16 WHEREAS the people of the Spirit Lake Nation have expressed their support, by popular vote, to the continued use of the Fighting Sioux nickname, and

- 18 WHEREAS the Tribal Council of the Standing Rock Sioux Tribe opposes the continued use of the Fighting Sioux nickname, and
- 20 WHEREAS the people of the Standing Rock Sioux Tribe have not expressed their support or opposition, by popular vote, to the continued use of the Fighting Sioux nickname, and
- 22 WHEREAS the State of North Dakota has therefore failed to satisfy the contractual terms governing the continued use of the Fighting Sioux nickname, and
- 24 WHEREAS the NCAA intends to impose significant sanctions against the University of North Dakota due to the continued use of the Fighting Sioux nickname in violation of the settlement agreement, and
- 26 WHEREAS several universities have expressed their intent to refuse scheduling sports events with the University of North Dakota due to the continued use of the Fighting Sioux nickname in violation of the settlement agreement, and
- 28
- 30 WHEREAS the Commissioner of the Big Sky Conference has expressed significant concerns regarding the University of North Dakota's admission to that conference due to the continued use of the Fighting Sioux nickname in violation of the settlement agreement, and
- 32 WHEREAS denial of admission to the Big Sky Conference will have substantial and adverse consequences to the University of North Dakota, and
- 34 WHEREAS the continued use of the Fighting Sioux nickname in violation of the settlement agreement will have substantial and adverse financial consequences to the University of North Dakota, and
- 36 WHEREAS the Fighting Sioux nickname will continue to be a great source of pride and identity to the University of North Dakota Student Body, and
- 38 WHEREAS the sole purpose of SR 1112-04 is to express the University of North Dakota Student Body's position in regards to *NDCC* § 15-10-46.
- 40 THEREFORE, be it resolved that the University of North Dakota Student Body encourages the North Dakota Legislature to repeal *NDCC* § 15-10-46.

Brittany Thomas
University of Mary

SB 2370
Nov. 7, 2011
Brittany Thomas
#5

Mr. Chairman and members of the committee,

My name is Brittany Thomas and I am a freshman at the University of Mary. I am speaking in front of you today as part of an assignment for my political science 101 class. I am in favor of the bill to repeal the Fighting Sioux nickname.

Like many people in North Dakota, I prefer to see the Fighting Sioux name stay, but unfortunately we need to ask ourselves, "What is the best for the University of North Dakota and its students?" I believe there is one clear answer – UND must change their Fighting Sioux name and logo.

UND may lose out on major opportunities by keeping their Sioux name. The nickname controversy could create a lingering stigma against the team when trying to gain admittance into the Big Sky Conference, scheduling games with the conferences and other NCAA teams, and even recruiting well-qualified athletes to play at the University of North Dakota. In my opinion, change is not a bad thing, but a necessary means in helping the University of North Dakota move forward.

As a graduate from a dwindling school district in McClusky, N.D., change was essential to keep our athletics going. We were already consolidated with a neighboring town (Goodrich), which was dying out and inevitably ready to close. From my kindergarten year to my junior year in high school, we were called the Sheridan County coyotes.

As our schools enrollment numbers continued to decrease, however, there was much debate whether to try and make a go of our athletics with the numbers we had or to seek outside consolidation opportunities. If our town would have chosen to continue as is, our program quality would have diminished and the morale and excitement attributed to our sports in the previous years would have died. It was decided that we must consolidate with Turtle Lake and Mercer to become the TLM-M Trojans.

Just as with the state of North Dakota, our town did not want to see our tradition change; that was the name we were known by for many years. The situation is similar to that of the Fighting Sioux nickname. In both cases, changing the name is/was something that had/has to be done to keep the sport organization going. In the end, we often find that change is not as bad as it seems.

Going from a Coyote to a Trojan was hard at first, but by the end of our first volleyball season, it became second nature to call ourselves by the new name. Joining the new team helped us become better and more successful. We even got first in our district; something that would not have happened if we did not implement the necessary change. In the end, all that mattered was the quality and the opportunity implemented to keep our athletics prospering; the name was a trivial detail in the big picture.

Brittany Thomas
University of Mary

I believe my high school consolidation situation is similar to the UND issue. Many of us don't want to see the name changed, but it is something that is essential to keeping UND's athletic programs moving forward. It will be hard to adjust at first, but in the end, it will benefit UND as a whole.

UND's athletic programs are some of the most prestigious athletics found in North Dakota. In a sense, UND and NDSU's sport programs are almost like North Dakota's "Vikings" and "Packers." If we do not allow the name to change, we could lose the quality of competition and excitement that comes with watching a reputable North Dakota team. This would be an unfortunate loss for UND spectators.

In conclusion, I have experienced firsthand the impacts of changing a school mascot. At first, many people are opposed to the change, but as in my town, they will realize that it is for the best in the long run. Let's start a new tradition and not let the past keep us from moving forward.

Mr. Chairman and members of the committee, thank you for listening. I hope that you will keep UND's future in your minds when you vote on this bill. Thanks again.

November 3, 2011

Spirit Lake Tribal Council
Spirit Lake Nation
Fort Totten, ND 58335

Honorable Spirit Lake Tribal Councilmembers,

Dakotas are pretty much a live and let live people. Although we had serious concerns when you granted unlimited, unsupervised authority to the Committee for Understanding Respect we didn't say much. Why? Because we knew the Committee had already lost their fight to keep the name in the ND Supreme court. And the Standing Rock's refusal to agree to let SBHE use our name pretty much ended our involvement in the Fighting Sioux nickname and logo fight. We were content to let the SBHE and ND legislature fight over it.

However, the actions taken by the Committee since your decision to give them unlimited authority to raise and spend money on our behalf has been extreme and do not accurately reflect our culture, history and traditions of our tribe.

As a result we (tribal member) are taking around a petition that we hope will result in the people invoking the authority you have bestowed on the Committee. We are well on the way to collecting the required number of signatures needed to force a referendum on the issue.

However, we would prefer not to have the tribe go through a very costly, very public referendum that will promote vicious infighting among tribal members. This in turn will surely bring more shame and ridicule on our tribe.

Therefore, we respectfully request you (tribal council) take upon your selves rescinding the resolution that gave the Committee unlimited authority. This would bring about an immediate resolution to this crisis.

We have very good reasons for making this request. Reasons that were not made public before but now due to the circumstances, we are forced to air them:

1. Representatives of the tribe in a ten million dollar lawsuit should have exemplary character: At least two members of the Committee have been involved and/or convicted of stealing money from Spirit Lake tribe or, from the US government. At least one has served prison time. Another close supporter and speaker for the committee at public event have also been convicted of a crime regarding tribal funds.
2. The tribal council is duly elected to represent us in local, state and federal issues. One of the qualifications to become a tribal council member is not to have been convicted of a felony.
3. How do we know the committee is not misusing funds that they have raised thus far? With a history of fiscal irresponsibly by several of its member this is a real and grave concern among us tribal members. If some funds they raised are misappropriated it will be our tribe that will have to pay them back.

4. The Committee appeared to take the authority to say and do whatever they want. This arrogance has now been directed towards fellow tribal member. Tribal members were denied their rights to speak at press conference called by the Committee and tribal council. One person close to the committee accused a tribal member who spoke at the conference as "half breed".
5. One member of the committee was not raised on the reservation. He moved here approximately 15 years ago. He does not know the history of our tribe. Therefore, he is disingenuous when he speaks about our culture and history. He does not speak for our ancestors. And he keeps repeating we "gave" UND the name as a gift. This is an outright falsehood. We who were born and raised here on Spirit Lake know our parents and grand parents never gave UND anything.
6. NCAA's policies are not an attack on our culture or our way of life. We were here long before NCAA and we will be here long after NCAA
7. Both UND/SBHE have said repeatedly they want to retire the name. Why are we forcing something on them they no longer want? That is not the Dakota way.
8. As a tribe, we don't even call our self "Sioux" anymore. In 1996 there was a referendum in which the people voted to change our name from the Devils Lake Sioux Indian Reservations to Spirit Lake Nation.
9. We respect the Committee's dedication to keeping the name, but they do not have to drag the entire tribal membership into their fight.

To use the Committee's logic that we gave our name as a gift to UND, let me close with this story that demonstrates how foolish carrying on the fight over a logo has become:

Dear Committee for Understanding and Respect,

Years ago your people generously gave me a jacket; it was fashionable then and I thanked you for it. I wore it many times, but it is now worn out and stained. Moreover, times have changed, and it is no longer fashionable. You know, not everyone liked the jacket. I was often denigrated and ridiculed when I wore it. I realize you take pride in that jacket and that some of you felt honored when I wore it, but please understand I am not going to wear it any longer. I'm sorry if some of you feel hurt and angry with this, but really, it is my jacket, it is my choice, and you have no say in what I wear.

What? You've hired lawyers to try to make me wear that jacket! You got to be kidding! What judge would concede to wearing an outdated, outmoded jacket that even he will find offensive? Save your money! Thank you.

Respectfully,

Erich Longie,
(On behalf of Spirit Lake tribal members who are opposed to the Committee for understanding and Respect)

STANDING ROCK SIOUX TRIBE
LEGAL DEPARTMENT
LETTER OPINION
2009-BAK-3

FILED
DEC 09 2009
RAMSEY COUNTY
CLERK OF DIST. CT.

December 7, 2009

Mr. Tom Iron
P.O. Box 142
McLaughlin, South Dakota 57642

Dear Mr. Iron:

Thank you for your question regarding the legality of a Tribal Council motion/resolution calling for a moratorium on a referendum vote. Based on the following, it is my opinion that a motion/resolution placing a moratorium on a referendum/initiative vote is in violation of Article XI § 1 & 8 of the Constitution of the Standing Rock Sioux Tribe as well as §1302 of the Indian Civil Rights Act of 1968 (25 U.S.C. §§ 1301-03).

PROCEDURAL HISTORY

At the May 8, 2008 Tribal Council meeting a motion (#33) was made by Jesse Taken Alive, seconded by Avis Little eagle, to approve to establish a moratorium on the referendum vote to the U.N.D. logo issue, by resolution (No. 208-08). This motion passed with 7 YES votes, 5 NO votes, 1 NOT voting, and 4 excused.

At the August 11, 2009 Tribal Council meeting a motion (#22) was made by Joe White Mountain, seconded by Robert Cordova, to rescind resolution No. 208-08, passed by the Tribal Council on May 8, 2008 that put a moratorium on the U.N.D. logo. This motion failed with 7 YES votes, 8 NO votes, 1 NOT voting, and 1 excused.

ANALYSIS

Article III § 1 of the North Dakota Constitution states that the people reserve the power to propose and enact laws by the initiative... to approve or reject legislative Acts. Article III § 1 of the South Dakota Constitution states that the people expressly reserve to themselves the right to propose measures... and also the right to require that any laws which the Legislature may have enacted shall be submitted to a vote of the electors of the state before going into effect.

Article XI § 1 of the Constitution of the Standing Rock Sioux Tribal Article and §1302 of the Indian Civil Rights Act of 1968 (25 U.S.C. §§ 1301-03) both state that no Indian tribe in exercising powers of self-government shall make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people



peaceably to assemble and to petition for a redress of grievances. Additionally, Article XI § 8 of the Constitution of the Standing Rock Sioux Tribe states that the Tribe shall not deny any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.

A referendum is defined as; 1) the principle or practice of referring measures proposed or passed by a legislative body to the vote of the electorate for approval or rejection; 2) A direct vote on an issue of public policy, such as a proposed amendment to a state constitution or a proposed law. Referendums, which allow the general population to participate in policy making, are not used at the national level, but are common at the state and local levels. A referendum is often used to gauge popular approval or rejection of laws recently passed or under consideration by a state legislature. A referendum can also be used to initiate legislation.

<http://dictionary.reference.com/browse/referendum>, December 7, 2009. An initiative is defined as a procedure enabling a specified number of voters by petition to propose a law and secure its submission to the electorate or to the legislature for approval.

<http://dictionary.reference.com/browse/initiative>, December 7, 2009. Liberty is defined as freedom from arbitrary or despotic government or control.

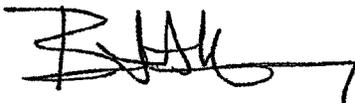
<http://dictionary.reference.com/browse/liberty>, December 7, 2009.

When decisions are made by the Tribal Council, whether it is the adoption of a code or ordinance or the prohibition of certain acts by the people, individuals who may disagree are afforded the right to redress or grieve that issue through the process of referendum or initiative. Taking away that right vests more power in the Tribal Council than the Constitution of the Standing Rock Sioux Tribe permits. Tribal Council actions that limit the peoples' rights are despotic in nature and violate the peoples' right to liberty.

CONCLUSION

The passage of a motion/resolution by Tribal Council placing a moratorium on a referendum/initiative vote regarding any issue negates the peoples' right to redress their grievances regarding that issue. This is a direct violation of Article XI § 1 of the Constitution of the Standing Rock Sioux Tribe as well as §1302 of the Indian Civil Rights Act of 1968 (25 U.S.C. §§ 1301-03). Additionally, it denies the peoples' right to liberty without the due process of law violating Article XI § 8 of the Constitution of the Standing Rock Sioux Tribe.

Sincerely,



Brent A. Kary, Tribal Attorney
Standing Rock Sioux Tribe

Cc: Charles W. Murphy, Chairman
File

SB 2370
Nov. 7, 2011
Frank Black Cloud
#7

(No Subject)

From: **Frank Black Cloud** (frankbc@live.com)
Sent: Mon 11/07/11 3:18 PM
To: Eunice Davidson (eunicedavidson50@hotmail.com)

Good afternoon, my name is Frank Black Cloud; I am an enrolled member of the Spirit Lake Tribe. I appreciate the opportunity to speak before you on the issue of the Fighting Sioux and the honorable way it was bestowed upon the University of North Dakota. First of all, I'd like to personally thank all of you that had the courage to stand up against the NCAA and pass the bill that made it law for UND to be known as the 'Fighting Sioux'. This action was not only brave and gutsy it has proven to the people of this state that the leadership listens to those it represents even hears those that have unfortunately been silenced, such as with the case of my brothers and sisters in Standing Rock. Your vote gave them the voice they so desperately needed.

Spirit Lake has a huge battle ahead of us. We didn't ask for this fight it was brought to our doorstep. Our traditions, ceremonies, and culture are being trampled on. Do you honestly think we would stand idly by and allow an outside entity such as the NCAA take what our relatives gave in the sacred manner it was given? The Elders that knew far more than I ever will, the wisdom they foresaw in the importance of allowing UND the use of the name and logo. This name was bestowed upon UND through the wisdom of our elders who understood the challenges that lie ahead of our people on the reservation, installed as a beacon for our people, especially to our youth providing a path to a higher understanding that would serve our people into the future. These are the ones I speak for, the ones that have gone before us. Whether they are from Standing Rock or Spirit Lake, the Great Spirit tells us we are all related. We are all connected.

Sitting Bull once said, "We never picked up the pen" We were never invited; only told what was right for us. We have learned from our ancestors mistakes when it comes to treaties and agreements with whites. History does not shine a good light on the past performance. One does not have to look very far to see just how the white man views his word, the Black Hills are an example. As Red Cloud said, "Only the white man's language can make right wrong and wrong right".

We find ourselves again facing a deceitful opponent. This time they are not after our land, they are after our name. History has taught us that the white man only serves his own purpose. His ways are not true, his words are not straight. His agreements are never binding and only are if they serve his purpose. With the Pipe ceremony, we gave our word, and our word is binding. We have a history between our two cultures. We are a peaceful people. We are not hostile or abusive. Rather we are a spiritual people, as our ancestors have done; we too follow the Great Spirit. Our customs and traditions are sacred to us. Not unlike yours, the acts baptism, confirmations, etc... we too have sacred rituals that have deep meaning to us. When our people use the pipe, it is a very special

ceremony, not to be disrespected among our people. As in 1969, the pipe was used to extend our word to UND to be known as we are known, the Fighting Sioux. Like similar rituals in your culture, we are to honor that ceremony.

The NCAA has actions that are similar to the past history of our cultures. They are labeling us as hostile and abusive, they are laying false claims around our name, they are disrespecting our religious rights and the freedoms afforded us as citizens of the US under the Constitution. We only seek to keep what is ours. We seek a peaceful resolution. We pray that your hearts will see the truth as we stand on principle in defense of what was given.

Contrary to what some might have you believe, the naming has healed years of hostility between the Sioux Nations and the advancing settlers of the 1800's. These clashing cultures are now drawn together under one name, the Fighting Sioux. This name has healed the past and brought the people of this State together. This name has drawn generations from all across the globe to UND and our State. These people consider themselves Fighting Sioux alumni and many have contributed to UND through endowments and gifts. The naming has created a unique relationship between the Sioux and UND, as well as other native cultures. This relationship has paved the way for many members of the Sioux nation to attend UND. It has served as beacon to the youth of our people and provided a pathway to a better understanding.

Those who bestowed this sacred gift to UND understood the future by learning from the past. It has created a bond to all of those students attending UND while providing a new future for the youth of the Sioux Nation. To retire the name and logo is to tear the heart out of UND. It is attacking the Spirit and energy of what UND has become. The logo brings nothing but pride, honor, respect and spirit to those who embrace it. If this were not true, then this logo would not be the number one most recognized logo in North America and of recently around the world. It would've also been retired decades ago.

We are being challenged as North Dakotans. It is about principle now. It is about freedom of speech. It is about Civil Rights, Religious Freedoms and the First Amendment. What we are witnessing before our eyes is something that history has shown the actions of the NCAA to be audacious, incriminating, discriminating and even bordering on genocidal. It is as though we are standing in the bleachers in the 1800's and watching a group of people being bullied, corralled and told to sit down and not speak for they are not intelligent enough to know what is good for them. It is time to wake up and stand up. This is a gut check. It is a challenge to you as citizens of this state to stand on principle and silence those who seek to tear at our fabric that binds us as one.

Can someone explain to me how it is acceptable for people to stand up against something that they know nothing about? Is there no history here? Why is it a non-profit public funded organization can dictate what a state can or cannot do with the blessings of a namesake tribe? So how is it that we find ourselves defending a name that has been on a part of North Dakota history for the past 80 years against a racist group that allows some logos to be granted and not others, enforces some rules but not all? Some may ask 'How is it that we have come to this point in time in our lives?' it's difficult to say and even harder to understand. The NCAA has asked for only 1 namesake tribe in the other instances where permission has been granted. Why is it that here, in North Dakota, there was a requirement for 2? More importantly... why were we not invited to the discussion? There are so many things that could've happened, should've happened, and still can happen to make this right. After-all, UND has had our permission to use the name for over 80 years already. Why should we have to give them permission again?

In the long run this is a fight that we have to take on and a fight we are willing to go all the way with. This is also a fight we believe we can win. We do need your help and support. We are not just Tribal members; we are educated tribal members and we can speak for ourselves we are also citizens of the great state. We don't need a handful of political correct individuals trying to tell us what is best for us. Our Elders gave a gift. You've recognized the importance of this gift by passing it into law. Stand by that vote. Stand together. Stand with us. Allow us the time we need to let our course of action to play out. So with that I ask you "Please, do not repeal this law".

Thank you

Frank Black Cloud
PO Box 493
Fort Totten, ND 58335

SB 2370
Archie D. Fool Bear
11-7-11
8

1
Freiberg
Good Afternoon ~~Madam~~ Chair and Members of the Education Committee,

My name is Archie D. Fool Bear I am a full blood Sioux Indian from the Standing Rock. For years the United States Government developed policies to do away with many Indian nations, Policies were developed to terminate, relocate and assimilate our people into main stream society and looking for ways to take our homelands, to do away with our heritage our culture and our way of life.

Over 140 years ago, our ancestors had the foresight and seen the need for us to hang onto our way of life, our culture, our values and our homelands, against their beliefs they signed a treaty that established the Great Sioux Nation. .. 42 years ago our Tribal Leader having a similar foresight sent Mr. Ed Loon one of our well known and respected Spiritual Leaders with Bernard Standing Crow and Frank White Buffalo Man to UND and formally gave UND the Right to use the name Fighting Sioux. The name was bestowed upon UND with one of our Highly Respected ceremonies. During the same ceremony, President Starcher was made an honorary Chief. In our Culture once a name is given it can't be taken away with a tribal motion or resolution.

The descendants of the gentlemen who performed the ceremony are proud of what has been accomplished in the past 42 years. Knowing how important this is, we expected our Tribal Government to Respect and Honor the ceremony. . . but that hasn't happened. Instead our

Tribal Council placed a moratorium on anything to do with UND and the name. Our Tribes in house attorney stated this is a violation of the constitution. The Constitution delegates powers to the Tribal Council, and powers not delegated to the Council are reserved for the tribal membership, changes can be accomplished thru amending the constitution. As of this date the constitution has not been amended to give tribal council authority over our ceremonies.

The people know the Tribal Council has no say over our unwritten Tribal Laws, Customs and Practices. The Council does not possess the power to decide what ceremony to honor.. Recognizing council not respecting the naming ceremony .. We turned in a petition with 1004 members of the Standing Rock Sioux tribe exercising our right to petition to redress grievances this has been discarded by the people who took an Oath of office to protect our Constitution. 1004 people were ignored. We live in a democracy but we are overlooked.

In our continued efforts to have our ceremonies recognized, we also want our people of Standing Rock to be recognized as having the same civil rights as all people of this great nation. We to, like other nations have veterans who served and soldiers who paid the ultimate price in the protection of our rights, those sacrifices should not be forgotten.

Our Ceremonies have been recognized by the highest court of this country... but yet the NCAA refuses to recognize them. The NCAA has refused the Sioux People the right to sit

at the same negotiating table with them. One has to ask ..WHY...the NCAA is also refusing to acknowledge the Spirit Lake Nations' vote.. Again one has to ask WHY.. Because our Council has no say over our Ceremonies, our community passed resolutions asking for a referendum vote, those resolutions were ignored..1004 members from Standing Rock Tribe signed a petition demanding a vote ..those people were ignored .. again ..WHY ..

In 2008 ~~the~~ people advocated to change our tribes name, from the Standing Rock Sioux tribe to Oyate.. The name change failed, it was voted down by the people of S.R.

Representing our committee for Equal Rights from Standing Rock we have joined with the Spirit Lake Nations' Committee for Respect and Understanding to move forward and take the necessary action to have our ancestors.. and our Tribal Leaders commitments honored.

This isn't just about a sports team name, this about the Sioux People and the citizens of ND

As we continue to move forward, and into the future, we want to remember those from the past who sacrificed and those who have benefited, we want to see that future generations to come also benefit ... and that our people not become a forgotten people.

Once again the Sioux people are in another policy issue and have no say..

The NCAA like the Govt is forcing a policy on North Dakota and the Sioux People, this should not be allowed.

The Citizens of N.D. and the Sioux People need to take a stance against the NCAA and their policy... their actions need to be recognized as hostile ..And .. abuse of power.

I come before you today asking you to continue supporting HB1263 and let the Law Stand without fear of the NCAA and put to rest all the rumors of the Law hurting UND. The name has been in use for 80 years, in all those years the name never hurt the University.

Committee members, I am asking you not to repeal HB1263.

Thank you for your time and attention.

A handwritten signature in black ink, appearing to be 'J. H. Smith', written in a cursive style.

FIGHTING SIOUX IN HONOR AND RESPECT

OF OUR UNWRITTEN TRIBAL LAWS, CUSTOMS AND PRACTICES



Aljoe Agard
TRIBAL CHAIRMAN



Edward Loon
TRADITIONAL &
SPIRITUAL LEADER



Bernard Standing Crow
TRIBAL JUDGE



Frank White Buffalo Man
TRADITIONAL LEADER

In July of 1969, a group of Standing Rock Sioux tribal leaders, including Aljoe Agard, Edward Loon, Bernard Standing Crow and Frank White Buffalo Man, traveled to the University of North Dakota (UND) and formally gave UND the right to use the name of "Fighting Sioux" for their athletic teams. In a colorful and feathered ceremony, Chief Bernard Standing Crow conferred on Dr. George Starcher, UND President, the name of "Yankton Chief" and Dr. Starcher was adopted into the Standing Rock Sioux tribe.



Bernard Standing Crow closed the ceremony with this prayer: "Great spirit we humbly pray that you guide and protect the people here tonight and all over the world so that they will open their hearts to everyone, treat everyone as blood brothers so peace always will be with us, we humbly pray to you Great Spirit."

ORDINANCE NO.

BE IT FURTHER RESOLVED, that TITLE XV - ELECTIONS of the Tribal Code of Justice of the Standing Rock Sioux Tribe, be and the same is hereby amended.

[DOCUMENT ATTACHED - 64 PAGES]

RESOLUTION NO.

WHEREAS, the Standing Rock Sioux Tribe is an unincorporated Tribe of Indians, having accepted the Indian reorganization Act of June 18, 1934 [48 Stat. 984], with the exception of Section 16; and the recognized governing body of the Tribe is known as the Standing Rock Sioux Tribal Council; and

WHEREAS, it is the duty and responsibility of Tribal Council Judicial Committee [hereinafter "Judicial Committee"] to provide the Tribal Council with recommendations regarding "rules governing nominations and elections of members of the Tribal Council, including enlarging or diminishing election districts or altering their boundaries" pursuant to Section 19-205[c][3] of the Code of Justice of the Standing Rock Sioux Tribe; and

WHEREAS, on May 10, 2011, the Judicial Committee recommended, by motion, that the Tribal Council vote to approve and adopt the attached document as ~~TITLE XV - ELECTIONS~~ of the Code of Justice of the Standing Rock Sioux Tribe;

NOW THEREFORE BE IT RESOLVED, that pursuant to the power vested in the Standing Rock Sioux Tribal Council under Article IV of the Constitution of the Standing Rock Sioux Tribe, that ~~TITLE XV - ELECTIONS~~ of the Code of Justice of the Standing Rock Sioux Tribe [previously amended by Resolution No. 274-09], be and the same is hereby further amended and replaced with the attached new ~~TITLE XV - ELECTIONS~~; and

BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Tribal Council are hereby authorized and instructed to sign this resolution for and on behalf of the Standing Rock Sioux Tribe.

CERTIFICATION

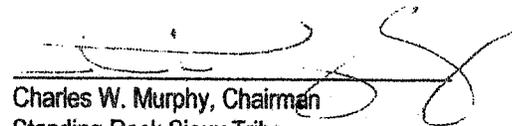
*No Veto power
mandated to sign*

We, the undersigned, Chairman and Secretary of the Tribal Council, hereby certify that the Tribal Council is composed of [17] members, of whom , constituting a quorum, were present at the meeting thereof, duly and regularly called, noticed, convened, and held on the day of MAY, 2011, and that the foregoing resolution was duly adopted by the affirmative vote of members, and opposing, and with not voting. **THE CHAIRMAN'S VOTE IS NOT REQUIRED, EXCEPT IN CASE OF A TIE.**

DATED THIS DAY OF MAY, 2011.

ATTEST:


Adele M. White, Secretary
Standing Rock Sioux Tribe


Charles W. Murphy, Chairman
Standing Rock Sioux Tribe

[OFFICIAL TRIBAL SEAL]

Meeting Date: 05-11-2011
Motion No. 78

SB 2370
Nov. 7, 2011
David Davidson
H 9

Good afternoon Education Committee Members,

My name is David Davidson, and I have been married to Eunice for 43 years. Thank you for the opportunity to address you today.

I have supplied you with a packet that verifies my testimony today. I would like to share some thoughts with you today. Because of all the mis-information it will be hard for you to make a wise decision on this issue. This issue regardless of how it has been portrayed is one of the biggest issues for the citizens of North Dakota. It is very important to North Dakotans; you need to have the facts, not innuendo and distortions.

I would like to clear up the distorted stories about Spirit Lake and the truth of what the people feel. According to the US Federal census, of 2000, Spirit Lake Reservation has a population of 4,435, of that population 3,317 are Native Americans. Of that number nearly 3,000 are enrolled members of Spirit Lake. Of that number 1,289 are eligible voters living on the reservation. The vote in the primary of April of 2009 had 1,152 eligible ballots cast. That is 90% of eligible voters, incidentally the 2008 Presidential election was the highest turn out since 1968, but it only had a 56% turnout. But of that 90% turnout in a primary election, 67% voiced their support for the name and logo.

The opposition on Spirit Lake has tried to cloud the issue but continually claiming to have a petition opposing the name and logo. March 6, 2009 but none was turned in. April 22, 2009 again nothing comes of it. September 24, 2009 again and they can't get enough signatures. April 4, 2010 again and again nothing. This goes on and on to many to list. But November 2, 2011 when they indicate they have 500 signatures, yet turn in a paper with 7 signatures on it. Seven names out of 1,289 is pretty slim pickens. But it sounds good in the press. **So put out of your mind that Spirit Lake is divided on the issue.**

Now to the Big Sky. For 2 ½ years it was said we need to go to the Summit league. It was the justification for the State Board to violate the settlement agreement. On the very day we were to be accepted into the Summit league, November 2010. The meeting was cancelled, prompting a response from President Douple of the Summit league on January 2011. In which President Douple suggests he was pressured by Kelley and members of the State Board to oppose the name and logo. From where I stand, the only logical reason for that accusation is “he felt used”. Had our request for information under the freedom of information law been fulfilled, I would be able to better answer that question today. But it is up to you what you make of it, but from where we stand it feels like it is happening again.

So let's look at it clearly. The day it was announced that UND was joining the Big Sky the Montana papers proclaimed in bold print “**The Sioux are Coming**”, they didn't say UND is coming, but the Sioux are coming. Does that sound like they had a problem with the name? Let's look deeper. Who benefits the most from UND joining the Big Sky? The Big Sky!

How can I say that? Simply by looking at the Big Sky. The average attendance in the Big Sky is down. The only two schools that actual compare in attendance with UND are Montana and Montana State. The seven other schools average attendance is less than UND's. In fact Portland state average attendance is 4,895 compared to UND's 9,489. They are adding three other schools besides UND, but two of those schools Cal. Poly and UC Davis won't play basketball. The second biggest sport and revenue builder. Does that not marginalize the conference much more than a name that is the number one draw?

In recent years the Big Sky has lost their top teams. Boise State, University of Idaho, University of Nevada, and others. They need to replace them with quality teams. Again I have supplied the stats.

Dr. Fullerton, President of Big Sky only said they will have to see if UND will marginalize the conference. Regardless of how people try to play the sanctions. They are what the NCAA has said they are “no home field playoffs and no logo’s in play-off games”. And nothing else.

Will the sanctions hurt? Ask the Alcorn State Braves whose attendance is 12th out of over 100 schools and have said they get along with the sanctions just fine.

The NDSU study in 2009 found that 85% of Grand Forks County support the name and logo and don’t want it changed. I’m sure you are well aware that the vast majority of North Dakotan’s whether Sioux or not, don’t want the name and logo to go. So the question for you becomes, are you going to stand with North Dakota or the NCAA, President Kelley, the North Dakota State Board of education who have finally admitted they oppose the name and logo.

With all being said I respectfully ask you to not repeal the law and stand with the majority of Native Americans and majority of Citizens of North Dakota.

I thank you for this opportunity to speak...

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic Area: Spirit Lake Reservation, ND

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	4,435	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	4,435	100.0
Male.....	2,229	50.3	Hispanic or Latino (of any race).....	44	1.0
Female.....	2,206	49.7	Mexican.....	31	0.7
Under 5 years.....	495	11.2	Puerto Rican.....	1	-
5 to 9 years.....	509	11.5	Cuban.....	-	-
10 to 14 years.....	557	12.6	Other Hispanic or Latino.....	12	0.3
15 to 19 years.....	487	11.0	Not Hispanic or Latino.....	4,391	99.0
20 to 24 years.....	285	6.4	White alone.....	1,052	23.7
25 to 34 years.....	515	11.6	RELATIONSHIP		
35 to 44 years.....	546	12.3	Total population	4,435	100.0
45 to 54 years.....	437	9.9	In households.....	4,425	99.8
55 to 59 years.....	177	4.0	Householder.....	1,254	28.3
60 to 64 years.....	133	3.0	Spouse.....	525	11.8
65 to 74 years.....	164	3.7	Child.....	1,820	41.0
75 to 84 years.....	103	2.3	Own child under 18 years.....	1,441	32.5
85 years and over.....	27	0.6	Other relatives.....	507	11.4
Median age (years).....	22.8	(X)	Under 18 years.....	361	8.1
18 years and over.....	2,542	57.3	Nonrelatives.....	319	7.2
Male.....	1,281	28.9	Unmarried partner.....	153	3.4
Female.....	1,261	28.4	In group quarters.....	10	0.2
21 years and over.....	2,325	52.4	Institutionalized population.....	-	-
62 years and over.....	373	8.4	Noninstitutionalized population.....	10	0.2
65 years and over.....	294	6.6	HOUSEHOLD BY TYPE		
Male.....	139	3.1	Total households	1,254	100.0
Female.....	155	3.5	Family households (families).....	987	78.7
RACE			With own children under 18 years.....	598	47.7
One race.....	4,381	98.8	Married-couple family.....	525	41.9
White.....	1,056	23.8	With own children under 18 years.....	279	22.2
Black or African American.....	3	0.1	Female householder, no husband present.....	321	25.6
American Indian and Alaska Native.....	3,317	74.8	With own children under 18 years.....	220	17.5
Asian.....	-	-	Nonfamily households.....	267	21.3
Asian Indian.....	-	-	Householder living alone.....	232	18.5
Chinese.....	-	-	Householder 65 years and over.....	85	6.8
Filipino.....	-	-	Households with individuals under 18 years.....	721	57.5
Japanese.....	-	-	Households with individuals 65 years and over.....	222	17.7
Korean.....	-	-	Average household size.....	3.53	(X)
Vietnamese.....	-	-	Average family size.....	3.89	(X)
Other Asian ¹	-	-	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	-	-	Total housing units	1,534	100.0
Native Hawaiian.....	-	-	Occupied housing units.....	1,254	81.7
Guamanian or Chamorro.....	-	-	Vacant housing units.....	280	18.3
Samoan.....	-	-	For seasonal, recreational, or		
Other Pacific Islander ²	-	-	occasional use.....	102	6.6
Some other race.....	5	0.1	Homeowner vacancy rate (percent).....	2.9	(X)
Two or more races.....	54	1.2	Rental vacancy rate (percent).....	6.9	(X)
Race alone or in combination with one or more other races: ³			HOUSING TENURE		
White.....	1,106	24.9	Occupied housing units	1,254	100.0
Black or African American.....	6	0.1	Owner-occupied housing units.....	724	57.7
American Indian and Alaska Native.....	3,368	75.9	Renter-occupied housing units.....	530	42.3
Asian.....	1	-	Average household size of owner-occupied units.....	3.24	(X)
Native Hawaiian and Other Pacific Islander.....	-	-	Average household size of renter-occupied units.....	3.92	(X)
Some other race.....	9	0.2			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Tu-Uyen Tran, Published March 06 2009

Nickname prompts two petitions



UND Fighting Sioux logo

Both sides of the UND Fighting Sioux nickname debate in the Spirit Lake Dakota Nation are putting together petitions.

Supporters of the nickname decided Friday to seek a referendum on the issue during the general election in May, said Eunice Davidson, on the pro-nickname side.

A longtime opponent of the nickname, Erich Longie, said he, too, has a petition, which would ask the tribal council to rescind an old resolution that offered lukewarm support for the nickname.

For several weeks, Tribal Council members were said to be mulling a referendum but have not yet taken action. A petition for a referendum would force their hand.

UND needs the support of Spirit Lake and the Standing Rock Sioux Tribe to retain the nickname, which the NCAA considers "hostile and abusive" to the Sioux people. Nickname supporters at Standing Rock also are working to retain the nickname.

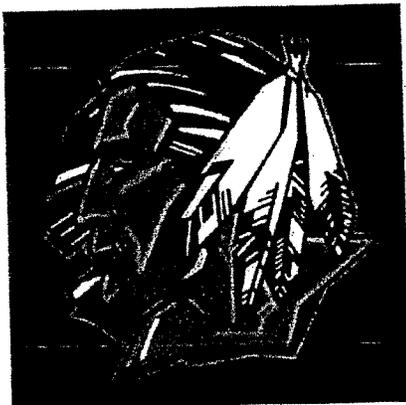
Spirit Lake nickname supporters appear confident that they will not only succeed in getting the issue on the ballot, but that their side would win. This would require the council to issue a resolution of support for the nickname.

Supporters had done a survey a few years ago to decide whether they should push for a referendum, and of the 800 or so surveyed, some 90 percent showed support for the nickname, said Davidson and John Chaske, the leader among nickname supporters.

All they need to gather now is 300 signatures, or 20 percent of the last voter turnout, Davidson said.

Tu-Uyen Tran, Published April 22 2009

Unknowns remain after nickname vote



UND Fighting Sioux logo

Many issues are still up in the air despite a decisive vote of 774-378, according to official results, in support of UND's Fighting Sioux nickname on the Spirit Lake Dakota Nation.

A State Board of Higher Education committee researching how the state's two namesake tribes feel about the nickname will still meet with Spirit Lake tribal members in the next few months.

There are unanswered questions, such as where the tribe wants to go from here, committee Chairman Grant Shaft said.

Spirit Lake nickname opponents say they hope to undo the referendum and turn the tribe against the nickname.

Anti-nickname organizer Erich Longie said he hopes Tribal Council members who win after next month's election will vote to oppose the nickname in spite of the referendum. Failing that, he'd like to put together another referendum.

In the meantime, the biggest wildcard is the Standing Rock Sioux Tribe, whose Tribal Council is still officially opposed to the nickname. Nickname supporters are gathering a petition to force the Tribal Council's hands.

That council will be facing a primary election in July just as the Spirit Lake council faced a primary election Tuesday.

Nickname committee

For the State Board of Higher Education nickname committee, Shaft said, "There are a couple of

GrandForksHerald.com

Published September 24 2009

Nickname opponents will seek resolution reversal

UND nickname opponents at Spirit Lake Indian Reservation plan to meet Monday with the Spirit Lake Tribal Council to try to convince council members to reverse a resolution last week that grants UND the "perpetual" use of the Fighting Sioux nickname.

By: Kevin Bonham, Grand Forks Herald

UND nickname opponents at Spirit Lake Indian Reservation plan to meet Monday with the Spirit Lake Tribal Council to try to convince council members to reverse a resolution passed last week that grants UND the "perpetual" use of the Fighting Sioux nickname.

"We'll ask the council where they get the authority to give 'perpetual' permission," nickname opponent Erich Longie said Thursday.

The resolution might say "perpetual," but he contends that resolutions cannot be perpetual, meaning future councils could issue new resolution the nickname.

The new resolution says, in part: "The Tribal Council hereby amends tribal resolution No. A05-09-186 and affirmatively approves and supports of the current nickname and related imagery, and hereby confirms Spirit Lake Tribe's full permission for UND to continue using the Fighting Sioux nickname and logo and the duration of this authorization shall be perpetual commencing Oct. 1, 2009."

Under a settlement between the state of North Dakota and the NCAA, which considers American Indian nicknames to be "hostile and abusive," to win approval from the state's two Sioux tribes. It has until February to do that, but the State Board of Higher Education had moved the deadline Oct. 1.

The board also required a 30-year agreement allowing use of the nickname from both tribes.

Standing Rock Indian Reservation nickname supporters are working on a petition to get the council there to issue a referendum on the nickname will not be ready by the Oct. 1 deadline.

Longie said if Spirit Lake nickname opponents fail to get a reversal by the council next week, they likely will start a new petition in opposition to the nickname.

Erich Longie, Published April 04 2010

VIEWPOINT: Expect Spirit Lake to vote again on nickname

FORT TOTTEN, N.D. — It was with great interest that we watched the events unfold at the Standing Rock Indian Reservation, events that led to a petition that was submitted to the tribe's tribal chairman.

As soon as it became apparent that pro-logo supporters at Standing Rock were carrying a petition to put the Fighting Sioux nickname and logo to a vote, those of us here at Spirit Lake who oppose the use of the logo decided to collect signatures for a petition of our own. This is something we had planned on and talked about for the past year.

Our petition expressly requests that the Spirit Lake Tribal Council hold another election to determine if the majority of Spirit Lake tribal members still are in favor of UND's use of the Fighting Sioux nickname and logo.

We haven't been idle this past year. Since the vote last year, we have been working hard to educate tribal members on how the Fighting Sioux nickname is used as an avenue for racist behavior.

We know we have been changing a lot of minds.

When we presented our petition to tribal members, we showed examples of the disrespectful uses and images that always accompany the use of the logo — albeit in the background, just out of sight of most of the public.

The pictures that helped us the most were pictures of a sorority party where UND students dressed up in costumes that mimicked American Indians, costumes that were extremely disrespectful toward American Indians. The students at the party used gunnysacks as dresses and red paint to paint handprints on their bodies. One picture showed them in a sexually suggestive pose — and, no, this was not 20 years ago, but only a few years ago.

We had hoped we would not have to carry a petition against the Fighting Sioux nickname and logo because there is too much division over the name here on Spirit Lake. The mention of the nickname often starts an argument between opposing sides.

One young tribal member who was carrying the petition for us had an older lady tear the petition up in front of her face and throw it in the garbage. It was retrieved from the garbage, taped together, and will be among those signatures we are turning in with our petition.

On the other hand, the ease and speed with which we were able to collect 300 signatures was heartening. We heard positive comments to the effect that, "If you had shown these pictures the last time, we would

Kelley denies pressuring Summit League on nickname issue

UND President Robert Kelley repeated Wednesday his denial that he ever asked Summit League Commissioner Tom Douple to publicly come out against accepting the Fighting Sioux as a league member until the school's controversial nickname issue was resolved.

By: Chuck Haga, Grand Forks Herald

BISMARCK — UND President Robert Kelley repeated Wednesday his denial that he ever asked Summit League Commissioner Tom Douple to publicly come out against accepting the Fighting Sioux as a league member until the school's controversial nickname issue was resolved.

"Tom has been very consistent with me that once we resolved the logo issue, the Summit League would review our appeal," Kelley said Wednesday as he waited for the House Education Committee to begin hearings on three bills that would require UND to retain the nickname and logo.

"I am very surprised to find Tom thought there was pressure put on him to speak out on this issue," Kelley said.

"There has been some urgency on our part to get this resolved. I think he felt some urgency on our part. But I don't recall ever putting pressure on Tom as he implied."

Kelley said he has not spoken with Douple about the commissioner's statement.

"I have not had any conversations with Tom since our acceptance into the Big Sky Conference in November," he said.

"I can't speculate on where this is coming from or why at this time."

Kelley also said he "can't speculate on what he might have understood," or whether Douple may have heard something from someone else at UND.

"I have the highest respect for Tom, and I thought he understood perfectly that this (retirement of the logo) was the responsibility of the state board, and once it was resolved we would be able to move forward.

"My responsibility is to move ahead, and that's what we're doing."

Tags: robert kelley, fighting sioux nickname, und nickname, summit league, college sports, updates, und



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AVG. BIG SKY FB HOME ATTENDANCE

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 6 posts • Page 1 of 1

AVG. BIG SKY FB HOME ATTENDANCE

by [ajwildcat](#) » Thu Jul 19, 2007 8:59 am

BIG SKY AVG. HOME ATTENDANCE

UM 23,499
 MSU 12,697
 ISU 7436
 EWU 7116
 PSU 7071
 NAU 6609
 WSU 5996
 SAC 5822
 UNC 4810

It seems to me that some of these numbers are a little inflated (ISU) but anyway this was the avg. attendance for last year. I wonder how accurate these are.

[ajwildcat](#)

Posts: 11
Joined: Wed Jul 18, 2007 11:19 am
I am a fan of: Weber State

[Top](#)

Re: AVG. BIG SKY FB HOME ATTENDANCE

by [JacksonHole CAT](#) » Thu Jul 19, 2007 2:48 pm

I feel that MSU's number is pretty close. However, when you look at the empty booster seats below the luxury boxes, it makes me feel like it isn't as full as it could be. I wish the folks that have those boxes/seats would brave the elements and cheer for the 'Cats from the stands where they can hear them. I would like to hear from fellow 'Cat fans how they feel about this.
 "Can't wait 'til Saturday"

School	G	Attendance	Average
Utah	6	272,754	45,459
Utah St.	6	107,265	17,878
UTEP	6	176,097	29,350
Vanderbilt	7	232,885	33,269
Virginia	7	318,212	45,459
Virginia Tech	7	463,631	66,233
Wake Forest	6	182,843	30,474

School	G	Attendance	Average
Washington	6	397,581	66,264
Washington St.	6	147,194	24,532
West Virginia	7	394,274	56,325
Western Ky.	5	72,884	14,577
Western Mich.	6	85,528	14,255
Wisconsin	7	559,035	79,862
Wyoming	6	124,747	20,791

2010 NCAA DIVISION I FCS TEAM-BY-TEAM ATTENDANCE

School	G	Attendance	Average
Alabama A&M	5	32,280	6,456
Alabama St.	6	67,061	11,177
Albany (NY)	4	12,096	3,024
Alcorn St. <i>BR AVERS</i>	6	68,459	11,410
Appalachian St.	8	205,719	25,715
Ark.-Pine Bluff	4	44,121	11,030
Austin Peay	5	22,255	4,451
Bethune-Cookman	7	42,977	6,140
Brown	5	39,852	7,970
Bucknell	6	22,758	3,793
Butler	5	16,023	3,205
Cal Poly	5	43,799	8,760
Campbell	6	19,679	3,280
Central Ark.	6	51,721	8,620
Central Conn. St.	5	15,884	3,177
Charleston So.	6	19,768	3,295
Chattanooga	5	63,494	12,699
Citadel	6	68,669	11,445
Coastal Caro.	6	46,569	7,762
Colgate	4	25,033	6,258
Columbia	6	31,153	5,192
Cornell	5	34,388	6,878
Dartmouth	5	29,857	5,971
Davidson	5	18,041	3,608
Dayton	6	19,716	3,286
Delaware	10	177,526	17,753
Delaware St.	5	14,740	2,948
Drake	5	12,830	2,566
Duquesne	6	10,006	1,668
Eastern Ill.	5	28,343	5,669
Eastern Ky.	5	31,100	6,220
Eastern Wash.	8	51,784	6,473
Elon	5	40,879	8,176
Florida A&M	4	63,651	15,913
Fordham	5	18,861	3,772
Furman	6	63,561	10,594
Ga. Southern	6	105,763	17,627
Gardner-Webb	5	24,360	4,872
Georgetown	5	12,446	2,489
Grambling	4	34,876	8,719
Hampton	4	42,204	10,551
Harvard	5	84,589	16,918
Holy Cross	5	33,035	6,607
Howard	5	24,339	4,868

School	G	Attendance	Average
Idaho St.	5	26,940	5,388
Illinois St.	6	41,746	6,958
Indiana St.	6	32,868	5,478
Jackson St.	5	120,698	24,140
Jacksonville	5	18,804	3,761
Jacksonville St.	6	103,977	17,330
James Madison	6	99,584	16,597
Lafayette	5	39,164	7,833
Lehigh	5	34,043	6,809
Liberty	5	73,149	14,630
Maine	5	29,901	5,980
Marist	6	13,188	2,198
Massachusetts	5	65,023	13,005
McNeese St.	5	68,852	13,770
Mississippi Val.	3	7,805	2,602
Missouri St.	5	45,138	9,028
Monmouth	6	13,757	2,293
Montana	6	152,689	25,448
Montana St.	7	100,089	14,298
Morehead St.	5	20,594	4,119
Morgan St.	5	29,264	5,853
Murray St.	5	29,945	5,989
N.C. A&T	5	66,941	13,388
New Hampshire	5	38,669	7,734
Nicholls St.	5	21,831	4,366
Norfolk St.	5	59,393	11,879
North Dakota St.	7	111,607	15,944
Northern Ariz.	5	36,991	7,398
Northern Colo.	5	27,919	5,584
Northwestern St.	5	40,653	8,131
Old Dominion	7	138,474	19,782
Penn	5	59,629	11,926
Portland St.	4	19,579	4,895
Prairie View	3	19,424	6,475
Princeton	6	46,349	7,725
Rhode Island	5	23,068	4,614
Richmond	6	51,400	8,567
Robert Morris	5	13,737	2,747
Sacramento St.	5	37,882	7,576
Sacred Heart	5	11,014	2,203
Sam Houston St.	4	25,346	6,337
Samford	5	36,605	7,321
San Diego	6	15,043	2,507
Savannah St.	2	8,485	4,243

2010 NCAA DIVISION I FBS CONFERENCE ATTENDANCE

Rank	Division I FBS	Total Teams	Games	2010 Attendance	Average	Change In Avg.
1.	Southeastern	12	85	6,521,151	76,719	432
2.	Big Ten	11	76	5,480,023	72,106	336
3.	Big 12	12	83	5,226,903	*62,975	100
4.	Pacific-10	10	62	3,336,793	53,819	-367
5.	Atlantic Coast	12	79	4,067,984	51,493	244
6.	Big East	8	53	2,386,461	45,028	224
7.	Mountain West	9	54	1,861,071	34,464	1,263
8.	Conference USA	12	76	2,162,509	28,454	1,854
9.	Western Athletic	9	58	1,356,797	23,393	644
10.	Sun Belt	9	48	*862,502	17,969	1,506
11.	Mid-American	13	74	1,155,099	15,609	293
12.	Independents	3	17	887,165	52,186	3,559

*Conference record.

2010 NCAA DIVISION I FCS CONFERENCE ATTENDANCE

Rank	Division I FCS	Total Teams	Games	2010 Attendance	Average	Change In Avg.
1.	Southwestern Athletic	10	54	788,684	14,605	2,347
2.	Southern	9	52	*681,275	*13,101	1,078
3.	Colonial #	10	59	*661,110	*11,205	2,682
4.	Missouri Valley Football	9	53	582,028	10,982	183
5.	Mid-Eastern Athletic	9	47	513,697	10,930	789
6.	Big Sky	9	50	488,437	9,769	-448
7.	Ivy	8	43	413,370	9,613	605
8.	Southland #	8	44	399,643	9,083	334
9.	Ohio Valley	9	45	373,879	8,308	1,296
10.	Great West	3	15	119,758	7,984	-155
11.	Big South	6	31	213,251	6,879	-248
12.	Patriot	7	35	185,340	5,295	-164
13.	Pioneer	10	54	164,779	3,051	-41
14.	Northeast	8	40	93,711	2,343	114
15.	Independents	2	9	146,959	16,329	2,639

*Conference record. # Different alignment than in prior year.

2010 NCAA DIVISION II FOOTBALL CONFERENCE ATTENDANCE

Rank	Division II	Total Teams	Games	2010 Attendance	Average	Change In Avg.
1.	Southern Intercollegiate	10	53	379,225	7,155	21
2.	Mid-America	10	62	332,158	5,357	-98
3.	Lone Star #	14	77	390,045	5,066	-550
4.	Gulf South	11	60	290,033	4,834	-235
5.	Central Intercollegiate #	13	61	224,859	3,686	860
6.	Great Northwest	4	20	67,566	3,378	-297
7.	Great Lakes Intercol. #	14	78	258,793	3,318	-227
8.	South Atlantic	8	44	142,688	3,243	186



Also visit:

[Alerus Center Home](#)

UND's historical stadium:

[Memorial Stadium](#)

North Dakota is in its sixth season of playing its football home games at the Alerus Center, a 12,283-seat stadium located just minutes from the UND campus in Grand Forks.

The Alerus features an AstroTurf Magic Carpet playing surface like that used in the Silverdome in Pontiac, Mich., America's Center in St. Louis, Mo., and the Astrodome in Houston, Texas. The Magic Carpet system allows for rapid field conversion, with a playing surface that has no seams.

Locker rooms are adorned in UND colors and are dividable into four 25-locker sections. There are also dressing rooms for coaches and officials.

State-of-the art scoreboards, 15-by-30 Daktronics video replay boards and a BOSE sound system make the stadium one of the most exciting places in the nation to watch Division II football.

The Alerus has 18 luxury VIP suites, eight concession stands, two vending stands, 14 ticket windows in three locations and four merchandise stands. There are 4,075 parking spaces available.

Home-field Advantage

The Fighting Sioux posted a 35-5 record at Alerus Center in five seasons -- including an 8-0 postseason record -- and won a school-record 23 straight home games from 2002 to 2005.

In 2004, UND led the nation in total attendance for the second straight year, with 75,110 fans passing through the gates to watch Fighting Sioux football, an average of 9,389 per game.

UND's fans have been enthusiastic ever since the Alerus Center opened, but one of the most vocal crowds cam in the 2001 NCAA semifinal game against UC Davis. In that game, UC Davis was flagged seven times for illegal procedure among its 12 penalties on the day. After the game, UC Davis players cited the noise level of the Alerus Center crowd as one of the reasons for the penalties.

For the season, more then 100,000 fans turned out to watch the Sioux play at the Alerus, and UND's regular season average attendance of 10,517 was a school record. The previous school record was 9,150 in 1976, when the Sioux drew an estimated 36,600 for four games at Memorial Stadium.

UND's average attendance was also the third-best figure nationally in NCAA Division II for 2001.

UND finished fourth nationally in Division II attendance in 2000, its final season at Memorial Stadium.

Alerus Attendance

Regular Season Total (33 games)	314,738
Regular Season Home Average	9,537
Playoff Home Total (8 games)	64,819
Playoff Home Average	8,102
Overall Home Total (40 games)	379,557
Overall Home Average	9,489

Big Sky Conference

From Wikipedia, the free encyclopedia

The **Big Sky Conference (BSC)** is an intercollegiate college athletic conference affiliated with the NCAA's Division I, with football competing in the Football Championship Subdivision. The BSC was founded in 1963. Member institutions are located in the western United States in the states of Arizona, California, Colorado, Idaho, Montana, Oregon, Utah, and Washington. In 2012, the conference will add a school in Utah and add a school from North Dakota. Two new members, from California, will also be added as football-only schools.

Big Sky Conference



Established	1963
Association	NCAA
Division	Division I FCS
Members	9 full-time (2 future full-time in 2012, 2 future affiliate in 2012)
Sports fielded	14 (15 in 2012) (men's: 6; women's: 8 (9 in 2012))
Region	Western United States
Headquarters	Ogden, Utah
Commissioner	Douglas Fullerton (since 1995)
Website	bigskyconf.com (http://www.bigskyconf.com)

Locations



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Membership

Current members

Institution	Location	Founded	Affiliation	Enrollment	Endowment	Nickname	Year Joined
Eastern Washington University	Cheney, Washington	1882	Public	12,130	\$26 million	Eagles	1987
Idaho State University	Pocatello, Idaho	1901	Public	13,802	\$37 million	Bengals	1963
University of Montana	Missoula, Montana	1893	Public (University of Montana System)	15,352	\$108 million	Grizzlies	1963
Montana State University	Bozeman, Montana	1893	Public (Montana State University System)	14,060	\$85 million	Bobcats	1963
Northern Arizona University	Flagstaff, Arizona	1899	Public	18,824	\$77 million	Lumberjacks	1970
University of Northern Colorado	Greeley, Colorado	1889	Public	12,392	\$66 million	Bears	2006
Portland State University	Portland, Oregon	1946	Public (Oregon University System)	24,284	\$50 million	Vikings	1996
California State University, Sacramento	Sacramento, California	1947	Public (California State University System)	27,972	\$24 million	Hornets	1996
Weber State University	Ogden, Utah	1889	Public (Utah System of Higher Education)	23,335	\$69 million	Wildcats	1963

Future full members

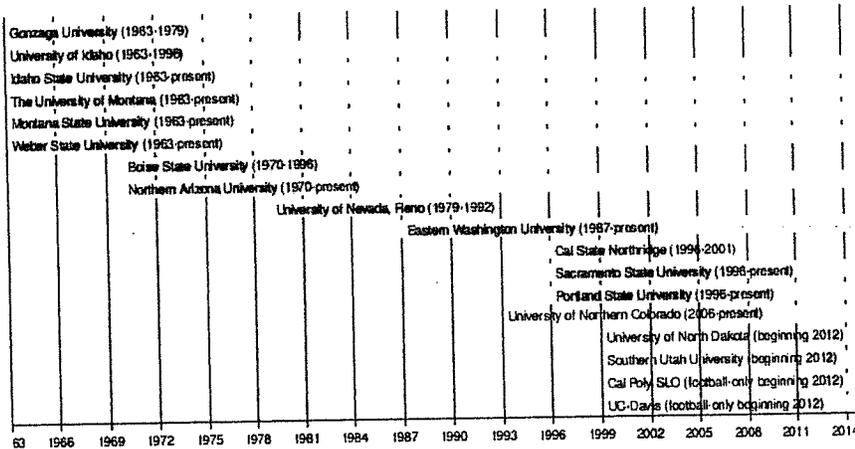
Institution	Location	Founded	Affiliation	Enrollment	Endowment	Nickname	Year Joins
University of North Dakota	Grand Forks, North Dakota	1883	Public (North Dakota University System)	14,194	\$94 million	Fighting Sioux	2012

Institution	Location	Founded	Affiliation	Enrollment	Endowment	Nickname	Year Joins
Southern Utah University	Cedar City, Utah	1897	Public (Utah System of Higher Education)	7,509	\$12 million	Thunderbirds	2012

Future affiliate members

Institution	Location	Founded	Affiliation	Enrollment	Endowment	Nickname	Year Joins	Primary Conference	Sport
California Polytechnic State University	San Luis Obispo, California	1901	Public (California State University System)	18,722	\$149 million	Mustangs	2012	Big West Conference	Football
University of California, Davis	Davis, California	1905	Public (University of California System)	27,530	\$744 million	Aggies	2012	Big West Conference	Football

Membership timeline



Former members

Institution	Nickname	Year Joined	Year Left	Conference Joined	Current Conference
Boise State University	Broncos	1970	1996	Big West Conference (1996–2001) Western Athletic Conference (2001–2011)	Mountain West Conference (2011–present)
California State University, Northridge	Matadors	1996	2001	Big West Conference (2001–present)	
Gonzaga University (never played football in the Big Sky)	Bulldogs	1963	1979	West Coast Conference (1979–present)	
University of Idaho	Vandals	1963	1996	Big West Conference (1996–2005)	Western Athletic Conference (2005–present)
University of Nevada	Wolf Pack	1979	1992	Big West Conference (1992–2000)	Western Athletic Conference (2000–2012)

Note: Nevada will move to the MWC in July 2012.

Sports

The Big Sky sponsors championships in men's and women's basketball, men's and women's cross country, football, women's golf, women's soccer, men's and women's tennis, men's and women's indoor and outdoor track, and women's volleyball.

In 2012, the Big Sky will begin sponsoring a championship in softball. The recent expansion of the Big Sky will provide the league with enough softball-playing institutions to form a softball conference.^[1]

Cal Poly SLO and UC Davis will participate as football-only affiliates, with the rest of their sports participating in the Big West Conference.

The Big Sky is notable in that it is the only Division I conference that does not sponsor baseball. Thus, there are only 30 automatic bids to the NCAA Division I Baseball Championship.



Locations of Big Sky Conference member institutions, starting in 2012.

Conference facilities

School	Football stadium	Capacity	Basketball arena	Capacity
Cal Poly SLO	Alex G. Spanos Stadium	11,075	<i>Will not participate in Big Sky</i>	
Eastern Washington	Roos Field	11,702	Reese Court	7,000
Idaho State	Holt Arena	12,000	Holt Arena and Reed Gym	8,000 (Holt Arena) 3,040 (Reed Gym)
Montana	Washington–Grizzly Stadium	25,203	Dahlberg Arena	7,500
Montana State	Bobcat Stadium	17,500	Worthington Arena	7,250
North Dakota	Alerus Center	13,500	Ralph Engelstad Arena	13,280
			Betty Engelstad Sioux Center	3,300
Northern Arizona	Walkup Skydome	15,000	Walkup Skydome	8,000
Northern Colorado	Nottingham Field	6,500	Butler–Hancock Sports Pavilion	2,941
Portland State	Jeld-Wen Field	20,000	Peter Stott Center	1,500
Sacramento State	Hornet Stadium	21,195	Colberg Court	1,200
Southern Utah	Eccles Coliseum	6,200	Centrum Arena	5,300
UC Davis	Aggie Stadium	10,367	<i>Will not participate in Big Sky</i>	
Weber State	Stewart Stadium	17,500	Dee Events Center	12,000

- Future members highlighted in gray.

Rivalries - Basketball

Conference

- Eastern Washington and Portland State
- Idaho State and Weber State
- Idaho State and Montana
- Montana and Montana State
- Weber State and Montana
- Eastern Washington and Montana

Non-conference

- Weber State and Utah State/Utah/BYU/Southern Utah/Utah Valley
- Eastern Washington and Gonzaga
- Montana and Idaho
- Montana State and Wyoming
- Sacramento State and UC Davis
- Portland State University and University of Portland
- University of Northern Colorado and Colorado State University
- University of Northern Colorado and University of Denver

Rivalries - football

Conference

Schools	First	Game	Trophy	Winner	All-time Record
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		Meeting			(Last Meeting)		
Cal Poly SLO	UC Davis	1939	Battle for the Golden Horseshoe	The Golden Horseshoe	UC Davis	UC Davis leads 17-16-2	
Eastern Washington	Portland State	1986	The Dam Cup	Dam Cup	Eastern Washington	Portland State leads 18-14-1	
Eastern Washington	Montana	1938	The EWU-UM Governors Cup	Governors Cup	Eastern Washington	Montana leads 25-11-1	
Idaho State	Weber State	1962			Weber State	Weber State leads 35-14	
Montana	Montana State	1897	Brawl of the Wild	The Great Divide Trophy	Montana State	Montana leads 69-36-5	
UC Davis	Sacramento State	1954	Causeway Classic	Causeway Carriage	UC Davis	UC Davis leads 39-18	
Cal Poly	Sacramento State	1967	Green and Gold Game		Cal Poly	Cal Poly leads 16-15	

- Future conference rivalries highlighted in gray.

Non-conference

Schools	First Meeting	Game	Trophy	Winner (Last Meeting)	All-time Record	Note
Idaho	Idaho State	1916		Idaho	Idaho leads 28-11	Last competed for in 2008
Idaho State	Boise State	1968		Boise State	Boise State leads 24-6	
Montana	Idaho	1903	Little Brown Stein	Montana	Idaho leads 55-27-2	Last competed for in 2003
Northern Colorado	Colorado State	1893		Colorado State	Colorado State leads 18-1-1	CSU 33 UNC 14 Final score from Sept. 10 2011. First game in 25 years.
North Dakota	North Dakota State	1894	Nickel Trophy	North Dakota	North Dakota leads 62-45-3	Defunct - No longer competed for

- Future non-conference rivalries highlighted in gray.

Commissioners

- 1963 – Jack Friel
- 1971 – John Roning
- 1977 – Steve Belko
- 1981 – Ron Stephenson
- 1995 – Doug Fullerton

Headquarters

- 1963 – Pullman, Washington
- 1971 – Boise, Idaho
- 1996 – Ogden, Utah

Big Sky championships

Big Sky men's basketball

See also: *Big Sky Conference Men's Basketball Tournament*

Season	Regular Season Champion	Tournament Champion
1964	Montana State	<i>no tournament</i>
1965	Weber State	<i>no tournament</i>
1966	Weber State, Gonzaga	<i>no tournament</i>
1967	Gonzaga, Montana State	<i>no tournament</i>
1968	Weber State	<i>no tournament</i>
1969	Weber State	<i>no tournament</i>
1970	Weber State	<i>no tournament</i>
1971	Weber State	<i>no tournament</i>
1972	Weber State	<i>no tournament</i>
1973	Weber State	<i>no tournament</i>
1974	Idaho State	<i>no tournament</i>
1975	Montana	<i>no tournament</i>
1976	Weber State, Boise State, Idaho State	Boise State
1977	Idaho State	Idaho State
1978	Montana	Weber State
1979	Weber State	Weber State

1980	Weber State	Weber State
1981	Idaho	Idaho
1982	Idaho	Idaho
1983	Weber State, Nevada	Weber State
1984	Weber State	Nevada
1985	Nevada	Nevada
1986	Northern Arizona, Montana	Montana State
1987	Montana State	Idaho State
1988	Boise State	Boise State
1989	Boise State	Idaho
1990	Idaho	Idaho
1991	Montana	Montana
1992	Montana	Montana
1993	Idaho	Boise State
1994	Weber State, Idaho State	Boise State
1995	Weber State, Montana	Weber State
1996	Montana State	Montana State
1997	Northern Arizona	Montana
1998	Northern Arizona	Northern Arizona
1999	Weber State	Weber State
2000	Montana	Northern Arizona
2001	CS-Northridge	CS-Northridge
2002	Montana State	Montana
2003	Weber State	Weber State
2004	Eastern Washington	Eastern Washington
2005	Portland State	Montana
2006	Northern Arizona	Montana
2007	Weber State, Northern Arizona	Weber State
2008	Portland State	Portland State
2009	Weber State	Portland State
2010	Weber State	Montana
2011	Northern Colorado	Northern Colorado

Basketball championships (by school)

School	member years	total titles	Last won
Weber State	1963–present	19	2010
Montana	1963–present	7	2000
Montana State	1963–present	5	2002
Northern Arizona	1970–present	5	2007
Idaho	1963–95	4	1993
Idaho State	1963–present	4	1994
Boise State	1970–95	3	1989
Gonzaga	1963–79	2	1967
Nevada	1979–92	2	1985
Northern Colorado	2006–present	2	2011
Portland State	1996–present	2	2009
Eastern Washington	1987–present	1	2004
CS-Northridge	1996–2001	1	2001
Sacramento State	1996–present	0	N/A

Big Sky Women's Basketball

See also: Big Sky Conference Women's Basketball Tournament

Season	Tournament Champion	Tournament Runner-Up
1983	Montana	Weber State
1984	Montana	Eastern Washington

1985	Idaho	Montana
1986	Montana	Eastern Washington
1987	Eastern Washington	Montana
1988	Montana	Eastern Washington
1989	Montana	Idaho
1990	Montana	Idaho

SIoux NICKNAME: Alcorn State still home of the Braves

School opted to keep name, accept NCAA sanctions

Except for UND, still home of the Fighting Sioux, Alcorn is the only NCAA member school resisting the association's 2005 ban on use of American Indian names, mascots and imagery.

By: Chuck Haga, Grand Forks Herald

As a student at Alcorn State University in Mississippi from 2000 to 2004, Latoya Shields was a devoted fan of Alcorn Braves athletics.

As the school's sports information director today, she still is.

"Once a Brave, always a Brave," she said.

Except in the post-season.

Alcorn State is a small, historically black college, and it boasts among its alumni the civil rights figure Medgar Evers, "Roots" author Alex Haley, the late NFL quarterback Steve McNair and Leslie Frazier, head coach of the Minnesota Vikings.

Except for UND, still home of the Fighting Sioux, Alcorn is the only NCAA member school resisting the association's 2005 ban on use of American Indian names, mascots and imagery.

Vigorously backed by its alumni, Alcorn chose to keep its nickname and accept NCAA sanctions. Thus, its athletic teams still take the field as the Braves — until a Braves team reaches post-season play. Then, the only symbol identifying Alcorn State athletics is a brave capital A — a symbol that bears no small resemblance to a teepee.

Of the 18 schools originally challenged by the NCAA, most agreed — if grudgingly — to abide by the policy. Thus, Arkansas State dropped its longtime "Indians" nickname (and a mascot named Chief Big Track, head of an "Indian family" that included a princess and a brave) and in 2008 became the Red Wolves.

A few schools, including Florida State, Utah and Central Michigan, were able to retain Indian-based nicknames — the Seminoles, Utes and Chippewas, respectively — because they obtained authorization from namesake tribes.

UND, having failed to win namesake approval from the Standing Rock Sioux Tribe, is the last school (except for Alcorn) to be in non-compliance. That could end within the next few weeks as the North Dakota Legislature reconsiders its NCAA-defying mandate that the university keep its Fighting Sioux name and logo.

'The reservation'

There have been other adjustments at Alcorn State.

Even during regular season play, when Alcorn athletes suit up as Braves, the capital A identifies them. The logo used to be the feathered head of an Indian warrior, and football players wore helmets bearing spears. Game stories in area newspapers referred to Alcorn's campus as "the reservation."

Tradition still has a pull. It's still possible to buy Alcorn State jerseys and other gear bearing one of two old Indian-head logos at one online shopping site not affiliated with the school.

"We haven't received any request from the college nor our customers to remove the Indian-head design from the site," said Dena Becker, director of marketing for Prep Sportswear in Seattle.

Becker couldn't cite sales figures except to say that orders for Alcorn State gear over the previous two weeks indicate that "some kind of Indian-head design is appearing on less than half the orders."

Shields said she "grew up around Alcorn" — and remembers when the Indian-head logo "was on cups and everything."

The Braves name referred to no particular Indian tribe, she said, and "didn't offend anybody." While there is an Indian tribe in the immediate area, the Choctaw, there had been no protests, no demands from the tribe that the Braves name go.

So losing the traditional symbols hurt. "To go from having an actual mascot to just a letter, it was a hard feeling," Shields said. "Something you love has been taken away."

As UND officials began what they thought was a transition away from the Fighting Sioux nickname last year, President Robert Kelley said the university would take time before considering a new nickname. In the meantime, he said, the university would use the interlocking letters "ND."

Alcorn State tried twice to come up with a nickname and mascot to replace Braves. The first was Ravens. The second was Brave Hawks.

Both attempts were unsuccessful," Shields said.

She said she doesn't believe being on NCAA sanctions has affected Alcorn's athletic scheduling, recruitment or conference affiliation — all worries expressed by UND officials and supporters. They cite scheduling decisions already made or signaled by such traditional opponents as Minnesota and Wisconsin and concerns expressed by the Big Sky Conference, which UND hopes to join next year.

SB 2310
Renita Delorme
#10
11-7-11

Good afternoon, Honorable Education Committee and Citizens of North Dakota.

I stand before you today, to ask you not to repeal the historical law you just passed a few months ago.

As you can see I am not Caucasian, I am a full blood Dakota Sioux and a graduate of UND. I had heard the stories about UND and I was quite apprehensive about attending there. But I needed the education.

As a former student at UND, I cannot tell you how important UND is to us as Native Americans people, words cannot describe the importance. I want you to know that my two and a half years at UND as an older than average student were among the most wonderful surprises I have experienced.

As I said, I was older than average and I also was a mother, which at times could have been very inconvenient. But I want to tell you that my fellow students and instructors played a large part in my being able to complete my education at UND.

From the first day I arrived, I was treated with nothing but respect. One would expect that, but what you would not expect is how my fellow students and instructors went beyond respect.

There were a few occasions when I didn't have a babysitter for my daughter and nephew, my fellow students and instructors would not hear of me missing class, they volunteered to babysit at UND while I completed my assignment. College is hard enough without any distraction and I don't know if I could have completed college without their help.

To repeal the law is to say all the stories of a hostile and abusive environment at UND and Grant Forks are true. That tragedy cannot be measured in Dollars and Cents. But for us Native Americans, we will lose one of the greatest Universities and opportunities that have become available to educate our young and older students.

Of all the prophecies of doom and gloom, I can make one that is more realistic. As the Fighting Sioux fade into obscurity, so will the Native American programs at UND. They will say that won't happen, but you as well as I, without that name and logo, we will be on the chopping block first. UND's and our rich history will fade away. It will all be based on lies, distortions and bigotry from the NCAA, with whom we have filed a law suit against.

It is my hope as well as many of our people that you will not allow the NCAA to shut the door on the opportunities our people have at UND. We know that many supporters just want to keep the name and logo, but for us Native Americans we fight for our future. Please do not turn your back on us, do not repeal this law.

I thank you for your time today...

Renita Delorme

SB 2370

Trista Dauphinais

11-7-11

#11

Good afternoon

My name is Trista Dauphinais ~~and I am~~ ^{am} an enrolled member of the Spirit Lake Sioux Tribe.

I am asking that you please do not repeal The Bill 2370.

My grandmother was a 1st generation college graduate and my father was a 2nd generation college graduate. I plan on being a 3rd generation graduate. My plans are to attend UND and be a fighting Sioux. Please ~~allow~~ allow me the chance to fulfill my dreams.

Do not repeal Bill 2370.

Thank you.

A very proud Dakota Sioux, I say this because of my heritage + ancestry. I try to teach my grandchildren about our past / ancestors.

^{after war}
In 1863 - Minnesota uprising - of the hundreds of Dakota prisoners, stood my great grandfather Moxikya. He was only 12 yrs old. He was sentenced to hang in ~~one~~ this country's greatest mass hanging. ~~Today~~
President Abraham Lincoln pardoned him, or I wouldn't be here today. Our history is rich, our stories never heard - outside our immediate families.

Aside from being a proud Dakota Sioux I also have an education. I am a 1985 graduate of UND. You know when I attended UND.

SB 2370 SAVING THE UND SIOUX LOGO "and" FIRST CLASS ATHLETIC
11-7-11 By Marilyn Schoenberg, Helron, ND 58638 Phone (701) 260-863

MARILYN
SCHOENBERG

#12

Why do some people in power or authority think we have to choose between keeping the Fighting Sioux logo and losing Division I athletic standing? Why can't those with defeatist attitudes see the simplicity of the situation?

The NCAA is the enforcer; but the real enemy is a "mindset" of political correctness which drives government leaders to give in to minority, special interest groups with victim mentalities.

Perhaps it is national guilt and shame over what white rulers did to negro slaves and conquered America Indians that started this penance movement. Now the government seems to cave in to any minority group which complains about mistreatment.

The public has been trained by this example to be careful not to offend negative victim groups or persons.

It is time to stop this downward spiral. It is dampening the spirit of a nation founded, rooted and built on standing up to tyrants, fighting for freedom and living in victory not victimization.

If over 60% of Native Americans want to keep the Sioux logo and nickname, and if this is still a democratic country where the majority vote wins, then the NCAA is wrong, and must back down and back off.

Bob Sternheim told me he got more mail on the Sioux logo than any other issue. I asked why people were so adamant to save it and protest the NCAA ruling against it. He said, "They don't see it as racist."

The people see the NCAA is wrong. The people want the logo; and the will of the people always prevails in the end. Why would any legislator not want to support the will and the heart, the mind and the spirit of the people?

The power is to the people; and we will win by petition, by vote and through the courts. I invite all legislators to stand with the people they govern and claim victory for democracy. Please buy us the time we need to get our petitions done and referendums established.
Marilyn Schoenberg, Helron and Dickinson, ND (701) 260-8633

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