



## UTE INDIAN TRIBE

P.O. Box 190

Fort Duchesne, Utah 84026

Phone: (435) 722-5141 • Fax: (435) 722-5072

August 29, 2005

Mr. Bernard Franklin  
Senior Vice President for Governance  
and Membership  
National Collegiate Athletic Association  
700 W. Washington Street  
P.O. Box 6222  
Indianapolis, Indiana 46206-6222

Re: Application of the NCAA's August 4, 2005 Policy to the University of Utah

Dear Mr. Franklin:

The NCAA, as you know, adopted a policy on August 4, 2005 prohibiting member colleges and universities from displaying hostile or abusive racial/ethnic/national origin mascots, nicknames, or imagery at future Association championships. That policy was applied to the University of Utah because its athletic teams are known as the "Utah Utes." The Ute Indian Tribe has formally approved the University of Utah's use of the Ute name and supports the University's continued use of it. The Tribe requests that the NCAA action, insofar as directed at the University of Utah, be reversed.

### BACKGROUND

The approximately 3200-member Ute Indian Tribe resides on millions of acres in northern and central Utah within the exterior boundaries of its Reservation. The Reservation was established in 1861 by President Abraham Lincoln for the use and benefit of the Indians then residing in Utah Territory. Under the constitution adopted by Tribal members, the Business Committee is the governing body of the Tribe and is responsible for pursuit of its interests, including cultivation and preservation of the culture of the Tribe and the Ute People.

For many years the Tribe and the University have maintained an effective partnership. Among other things and by way of example only, the University has sponsored math, science, and other educational programs on the Reservation for Tribal members; provided scholarships to Tribal members; and through its American West Center has assisted the Tribe in memorializing oral

Mr. Bernard Franklin

August 29, 2005

Page 2

histories, cataloguing its historical documents, preparing histories of the Ute People used in Tribal schools, and otherwise preserving the culture of the Tribe and the Ute People. For its part many Tribal members have attended the University; participated in its educational, cultural, and sports programs; and benefited from the many ways the University has helped preserve the Ute culture. The Tribe, the University, and their members and supporters are proud of the Ute name and the culture it represents. Indeed, the Ute name and culture are the predicates of our State's name: Utah.

That is not to suggest that the Tribe/University relationship, like all partnerships, has not had its challenges. From time to time issues have presented themselves, including those involving the University's Athletic Department. When that has occurred the Tribe has duly raised its concerns with the University and the University has responded to them with sensitivity and promptness. If new issues were to arise the Tribe would raise them with the University and expects that they would be resolved as they have been in the past.

#### CONCLUSION

For these reasons the Tribe supports the University's use of the Ute name and requests that the NCAA reverse its August 4, 2005 action, insofar as directed at the University of Utah.

We would be delighted to discuss this matter with you. Please let me know if such a conversation would be helpful.

Sincerely,



Maxine Natchees  
Chairman, Tribal Business Committee

cc: Michael K. Young,  
President of the University of Utah  
Jon Huntsman, Jr., Governor of Utah  
Myles Brand, NCAA President

**WHEREAS**, the Tribal Business Committee (“Business Committee”) of the Ute Indian Tribe of the Uintah and Ouray Reservation (“Tribe”), the Tribe’s governing body, is empowered by Article VI, Section 1(q) of the Constitution and By-Laws of the Tribe to take all actions necessary and advisable to cultivate and to preserve the culture of the Tribe and the Ute People;

**WHEREAS**, the “Ute” name is an integral part of the cultural identity of the Tribe and its members and constitutes an inseparable element of their rich cultural traditions;

**WHEREAS**, for many years the Tribe has maintained a valued relationship with the University of Utah (the “University”);

**WHEREAS**, the Tribe has given the University permission to use the Ute name as the representative symbol for the University’s athletic teams;

**WHEREAS**, the Tribe has found the University’s use of the Ute name to be honoring and respectful of Tribal culture, and the University’s affiliation with the Ute name is a source of pride for Tribal members;

**WHEREAS**, on August 4, 2005 the National Collegiate Athletic Association (“NCAA”) announced a new policy prohibiting colleges and universities from using at NCAA championship athletic events any “hostile or abusive” nicknames or images of racial, ethnic, or national origin (“Policy”);

**WHEREAS**, the NCAA identified the University of Utah as one of the institutions subject to the Policy because of the University’s use of the Ute name;

**WHEREAS**, the Tribe, by and through the Business Committee, does not believe that the University’s use of the Ute name is “hostile or abusive;”

**WHEREAS**, the Business Committee is informed that the University may challenge the NCAA’s imposition of the Policy, insofar as it applies to the University;

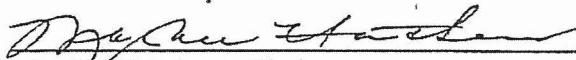
**WHEREAS**, for reasons that include the foregoing, the Business Committee finds it in the best interest of the Tribe to support the University’s use of the Ute name and its challenge to the Policy, insofar as applied to the University;

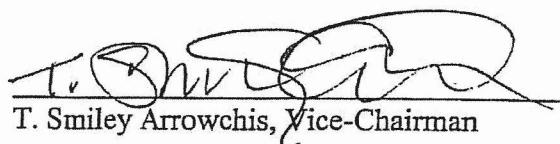
**NOW, THEREFORE, BE IT RESOLVED BY THE UNTAH AND OURAY TRIBAL BUSINESS COMMITTEE OF THE UTE INDIAN TRIBE** that it hereby reaffirms its support for the University of Utah’s continued respectful use of the Ute name as a representative symbol of its athletic organizations;

**BE IT FURTHER RESOLVED** that the Business Committee declares the Tribe’s opposition to the NCAA’s imposition of the Policy against the University of Utah, and

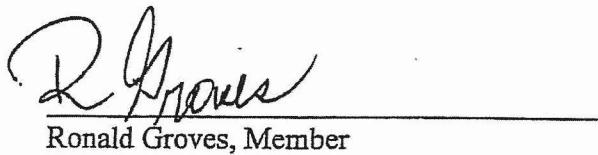
expresses the Tribe's support for the University's challenge to the NCAA's application of the Policy to the University;

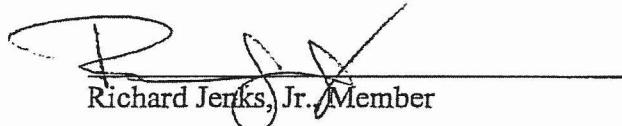
**BE IT FINALLY RESOLVED** that the Chairman or, in her absence, the Vice-Chairman, is authorized to execute any and all documents and to take all other actions as may be necessary and appropriate to carry out the terms, conditions, and intent of this Resolution.

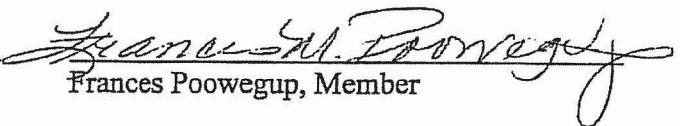
  
Maxine Natchees, Chairman

  
T. Smiley Arrowchis, Vice-Chairman

Absent  
\_\_\_\_\_  
Irene C. Cuch, Member

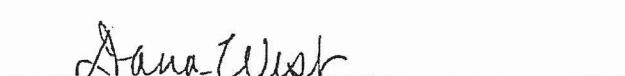
  
Ronald Groves, Member

  
Richard Jenkins, Jr., Member

  
Frances Poowegup, Member

#### CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING Resolution was adopted by the Tribal Business Committee of the Ute Indian Tribe of the Uintah and Ouray Reservation pursuant to the Constitution and By-Laws of the Ute Indian Tribe of the Uintah and Ouray Reservation at a duly called meeting in Ft. Duchesne, Utah on the 24th day of August, 2005, at which time a quorum was present and voted 5 for and 0 against, 0 abstaining and 1 absent.

  
Dana West, Secretary, Tribal Business Committee  
Ute Indian Tribe, Uintah & Ouray Reservation