

Tribal Sports: Cultivating Healthy Indians – and Tribal Economies

By Gabriel S. Galanda & Julio V.A. Carranza



The world just witnessed how the Olympic Games instilled an overwhelming sense of national pride in Chinese citizens. In addition to an influx in pride, the Olympics generated several *billion* dollars in revenue for the city of Beijing. Although witnessed by many less people, the North American Indigenous Games, which drew 4,500 athletes to Vancouver Island, Canada the week prior to the Olympics, instilled the same sense of pride in indigenous people throughout the Americas. The indigenous games also no doubt infused Western Canada with significant tourist dollars.

This summer Indian Country should pause to focus on its tremendous athletic successes and the pride Indian athletes have instilled in their tribal nations over the years. American Indians should also pause to think about how to leverage tribal athletics into not just physical and spiritual, but also economic, success for reservation communities.

We all know about Indian athletic heroes Jim Thorpe (Sac and Fox), Billy Mills (Lakota) and Notah Begay III (Navajo). Inspired by these tribal icons, Indian Country's recent generations have ascended into professional sports like never before. Consider Jonathan Cheechoo (Moose Cree), right wing for the NHL's San Jose Sharks, and Cory Witherill (Navajo), an Indy Racing League Driver. And then there are Major League Baseball phenoms Kyle Loshe (Nomlaki), Joba Chamberlin (Winnebago) and Jacoby Ellsbury (CRIT/Navajo), who play for three of the most storied franchises in America's Past-time – the St. Louis Cardinals, New York Yankees and Boston Red Sox. Indian Country has reached the Big Leagues.

Today's Indian athletes/heroes not only inspire us to live our lives to the fullest but they embody yet another mode of creating and sustaining diversified tribal economies. Recognizing that potential, some tribes have expanded into professional sports – basketball, baseball, rodeo, boxing and more. Leveraging tribal sports markets attracts paying spectators to the reservation, who spend monies at Indian casinos, hotels and other hospitality businesses. All the while, Indian athletes are given a greater platform on which to shine, and inspire tribal families and children. Tribal sports is a win, win, win situation.

Consider these opportunities for Indian Country to further leverage tribal sovereign advantages into Indian sports and entertainment business development:

Tribal Sports Law & Athletic Commissions. Tribes have the inherent right to make their own laws and be ruled by them. Indian gaming has affirmed that tribes can make their own

commercial laws and regulate lucrative activities on tribal lands. Tribal governments should now parlay tribal gaming systems, into tribal sports infrastructure. Tribes can pass sports regulations and establish athletic commissions to regulate, e.g., boxing, mixed martial arts (MMA), rodeo and action sports, on the reservation. As with gaming, tribal sports commissions can license and supervise the athletes, coaches and promoters, to ensure that reservation sports activities are conducted safely and honestly.

Indian Franchise Ownership. Perhaps nowhere has proof of the potential of tribal sports taken a more tangible form than in the area of franchise ownership. The Mohegan Sun of the WNBA, the Rochester Knighthawks of the National Lacrosse League, and the Rochester Americans of the American Hockey League have all recently become Indian-owned (Matt Higgins, “Blazing a Trail from a Reservation Into Ownership,” *New York Times*). Owning sports franchises – and better yet situating them on reservations – not only generates tribal jobs and revenues, but inspires tribal communities. Care must be given, however, when negotiating with the franchise sellers, as well as the professional sports league that regulates the team, to ensure the tribe is making a good business decision when embarking upon franchise ownership.

Tribal Sporting Events & Promotion. Many tribes already have the infrastructure needed to host sporting events – boxing rings, golf courses, rodeo grounds, basketball courts and baseball diamonds. In recent years, the Pechanga Band of Luiseño Indians and Puyallup Tribe have hosted HBO and Showtime boxing; the Sycuan Tribe started a boxing promotion company, with a stable of 20 fighters; the Oneida Nation hosted a four-day, “major” Professional Golf Association tournament; and the Seminole Tribe promoted and hosted the Seminole Classic Bull Riding Championships, which aired on ESPN. As with Sycuan and Seminole, tribes are moving beyond merely hosting sporting events, towards also promoting the events. Sports promotion presents a whole new business opportunity for tribes; in addition to reaping the benefit of the monies spectators spend at Indian casinos and resorts, tribes can share in the profits of the event.

Representing Tribal Athletes. The Indian athletes/heroes mentioned above illustrate that tribal people are participating in all forms of amateur and professional sports. Gaming has infused unprecedented capital into Indian Country, which tribes have used to build schools, buy textbooks and computers and hire teachers, as well as build gymnasiums and athletic fields and sponsor youth sporting events. As a result, reservations are producing varsity athletes and world-class sports talent like never before. From Notah to Joba and Jacoby, Natives are enjoying unprecedented success in professional sports. As the number of aspiring professional Indian athletes grows, so does the need for tribal sports agents and transactional counsel who can ensure the athletes and their families get what they deserve.

Tribal Civil Rights Advocacy. Despite the emergence of tribal varsity athletes, Natives are one of the most under-represented minorities in NCAA sports (Greg Boeck, “Native American Athletes Face Imposing Hurdles,” *USA Today*). There is no excuse for collegiate athletic programs to turn a blind eye to reservations. Doing so only perpetuates anti-tribal prejudice and socio-economic discrimination. Native people must address the dramatic shortcoming in the recruitment of Indian athletes. Federal Title IX-esque civil rights advocacy – and perhaps litigation – will ensure that tribal athletes get equal opportunity to play collegiate sports and make their way towards the pros.

Indian Mascots No More. In addition to the challenging the under-representation in collegiate athletics, tribes are poised to successfully end the exploitation of Indian symbols as sports mascots. The NCAA has banned the University of South Dakota's use of the Fighting Sioux nickname and mascot, with the support of the neighboring Standing Rock and the Sisseton-Wahpeton Sioux Tribes – but not without a fight from the university. This summer, a legal challenge to the Washington Redskins' trademarked use of the racist "redskin" nickname and image, was decided against Indian Country on a technicality. In that lawsuit, which Suzan Shown Harjo initiated in 1992, a Washington, DC federal court cowardly refused to make "any statement on the appropriateness of Native American imagery for team names" (*Pro Football Inc. v. Harjo*). Tribal people must, therefore, cause a definitive legal statement to be made about the inappropriateness of using Indian imagery in non-tribal sports.

Tribal sports presents opportunity for Native people on multiple levels: sovereignty, self-governance, business, community, family, individual, mind, body, spirit. While properly balancing a respect for tribal athletic tradition, with an emphasis on healthy, diversified tribal economies, Indian Country is poised to go for the gold.

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