

# Duke it Out in Court

By Reg P. Wydeven  
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While channel surfing recently, I came across 'True Grit' on AMC. The 1969 western stars John Wayne as Rooster Cogburn, a U.S. Marshall tasked with tracking down outlaws.

In the movie, young Mattie Ross hires Cogburn to track down her father's killer, Tom Chaney. On the run, Chaney joins up with "Lucky" Ned Pepper, played by Robert Duvall, and his gang of bandits. Cogburn and Mattie are accompanied by Glen Campbell, who stars as La Boeuf, a Texas Ranger who is also hunting Chaney.

Cogburn is an old curmudgeon who dons an eye patch and is a raging alcoholic. The Marshall gets his man in the end, despite his love of whiskey, because he has "true grit." Wayne won the Academy Award for best actor for his portrayal of Cogburn.

It was roles like this that made John Wayne an American icon. Tough, surly heroes with a weakness for booze and damsels in distress were his forte. That's why his family launched "Duke" brand bourbon, "inspired by bottles from John Wayne's personal whiskey collection, preserved for over 50 years and only recently discovered."

While John Wayne and booze seem like a match made in heaven, not everyone agrees.

Duke University, the famed basketball powerhouse led by Coach Mike Krzyzewski, filed a notice of opposition to Wayne's heirs' company, John Wayne Enterprises' trademark application for an emblem that appears on the bottle of bourbon featuring a picture of Wayne and the word "Duke." This is the university's third attempt to prevent John Wayne Enterprises from trademarking the name 'Duke' since 2005.

Duke spokesman Michael Schoenfeld explained that "the university doesn't object to the use of 'Duke' on alcoholic beverages, as long as it is clearly linked to John Wayne's likeness." The university claims that using the name "Duke" for bourbon will "cause confusion and dilution that hurts the school's recruiting and reputation." I would think that if anyone was worried about their product being diluted, it would be the bourbon company, but I digress...

Schoenfeld goes on to quote Wayne by saying, "Words are what men live by ... words they say and mean."

Wayne's family responded with a lawsuit of their own, presumably inspired by a quote by Wayne's Rooster Cogburn: "Young fella, if you're looking for trouble, I'll accommodate ya."

Filed in Orange County federal court, John Wayne Enterprises' suit is seeking a declaratory judgment that the company and the university can both use the word "Duke." The family counters that the school "has never been in the business of producing, marketing, distributing or selling alcohol." Their complaint further alleges that Duke University "seems to think it owns the word 'Duke' for all purposes and applications."

I just wish John Wayne was still alive to deal with this matter. His character, Tom Doniphon, from 'The Man Who Shot Liberty Valance,' explained to a lawyer new to the West played by Jimmy Stewart, "I know those law books mean a lot to you, but not out here. Out here a man settles his own problems."

As a North Carolina Tarheels basketball fan, I would love to see the Duke settle this problem. Pilgrim.

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