

Offensive

**By Reg P. Wydeven
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After a riveting first two weeks of the NFL season, I must have football on the brain. Two weeks ago I wrote about the secret ballots in the BCS coaches' poll. Last week I wrote about how attorneys are offering to settle fantasy football disputes for \$15 a pop. This week I'm writing another pigskin story, but this one is also about Redskins.

A group of seven Native Americans last week asked the U.S. Supreme Court to decide whether the Washington Redskins name defames all Native Americans. The group has asked the highest court in the land to review the issue after the U.S. Court of Appeals in Washington ruled in favor of the team earlier this year.

The decision was just the latest during a seventeen-year fight between the Native Americans and the Redskins. The Native Americans won a short-lived victory in 1999 when the U.S. Patent and Trademark Office cancelled the team's trademarks. In 2003, however, U.S. District Judge Colleen Kollar-Kotelly overturned the U.S.P.T.O.'s decision on a technicality. Namely, the plaintiffs lost because their suit was filed decades after the first Redskins trademark was issued in 1967, long after the statute of limitations would have run.

In addition to filing late, attorneys for the team argued that millions of dollars have been spent on the Redskins brand and the team would have suffered great economic loss if they lost their trademark registrations.

The group of Native Americans appealed Kollar-Kotelly's decision to the U.S. Court of Appeals. The Court sent the case back down to Kollar-Kotelly, though, noting that the youngest of the plaintiffs was only one year old in 1967, and therefore could not have taken legal action at the time.

Kollar-Kotelly again found in favor of the Redskins when she ruled last summer that the youngest plaintiff turned 18 in 1984 and therefore waited almost eight years after reaching the age of majority to join the lawsuit. A three-judge panel of the Appeals Court upheld her decision this Spring.

The biggest disappointment with the decision, however, was the fact that Kollar-Kotelly noted that her ruling was not based on the larger issue of "the appropriateness of Native American imagery for team names." In other words, the case was decided on a technical issue and no court has actually addressed the key issue of whether the Redskins name is offensive or racist.

Recognizing the offensive nature of Native American nicknames, several sports teams have changed their mascots. Marquette changed from the Warriors to the Golden Eagles, the University of Massachusetts and St. John's University dropped Redmen in favor of Minutemen and Red Storm, respectively, Syracuse University went from the Orangemen to the Orange, and St. Bonaventure Brown Indians (men) and Brown Squaws (women) switched to the Bonnies.

Several teams have not acquiesced, however, including the Kansas City Chiefs, the Cleveland Indians, the Atlanta Braves, the Illinois Fighting Illini, the Utah Utes, the Florida State Seminoles, the North Dakota Fighting Sioux, and the San Diego State Aztecs.

I think the safest way to avoid offending anyone is to simply make up mascots, such as the Rhinelander Hodags or the Oostburg Flying Dutchmen. As a Hollander who cannot jump over an Amish phonebook, I can only assume Flying Dutchmen are fictitious.

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