

Smoke Signals Radio Archive Episode 1999-04-17
Segment 2
Episode Air Date: 1999-04-17

Dan Smoke reads an article from the Washington Post discussing the use of Native names and terms by sports teams in the United States. In this article, it is announced that the Washington Redskins will not be allowed to trademark their nickname because it is disparaging to Indigenous peoples, which marks the first time a federal agency has ruled on their side.

Host(s): Dan Smoke, Mary Lou Smoke

DAN SMOKE: Koolamalsi! Sge:no! Aanii! Tunngasugitsi. Waajiiye! I'd like to read to you an article that appeared in the Washington Post. It's by Brooke Masters. And the headline is "Redskins are Denied Trademarks." Down in the United States there has been an ongoing controversy over the use of Native names, such as for sports teams. The sports teams contend that they are honouring the Native people when they named their teams the Cleveland Indians or the Washington Redskins. On the other hand, the Native people say how would it be if the name was on the other foot? How would it be if there was names that were meant to honour the, for example, the Jewish people or the Black people? Or the Chinese people? Or the Mexican people? How would it be to them if there were sports teams with those names? They say that these names are not honouring them, and they do not feel any honour. It's amazing that in the year 1999, we still have sports teams that use, that employ, Native connotations and the sports fans then go into the derogatory actions of using a Tomahawk Chop, all very stereotypical. Not based on truth whatsoever. Yet they all feel this is their image of what Native people are all about. And then they claim that this is meant to honour Native people.

Anyways, the article says that "The Washington Redskins have no right to trademark their nickname because it is disparaging to Native Americans, a three-judge panel of the US Patent and Trademark Office ruled yesterday. In a decision that gave nearly total victory to a group of Native Americans who filed a complaint in 1992, the board ordered the cancellation of federal registrations for seven Redskins trademarks, including the team's name and the helmet logo showing an Indian's head in profile. The 145-page ruling does not prevent the team from continuing to use the Redskins name and the related logos, but it could jeopardize the millions in dollars of revenue that all national football league teams reap from the sale of Redskins merchandise, because the team would no longer be able to use federal law to prevent others from putting the logos on items such as t-shirts, caps, and pennants. The board's decision will not take effect until the Redskins have had a chance to appeal." "This is fabulous," said lead plaintiff, Suzan Shown Harjo, a district resident and a member of the **Cheyenne** tribe. "I never expected to see justice done in my lifetime. This is an absolutely mighty landmark of societal change that we are watching."

"The Redskins have no plans to change the team's name, and they will appeal the decision to the US Court of Appeals for the Federal Circuit," said the team's attorney, Jean Paul Reiner. "The team also plans to use state patent law to protect the logos and name from infringement," he said. "We regret the opinion, and we think it's wrong," Reiner said. "We are going to continue to protect the marks vigorously." National Football League spokesman, Greg Aiello, declined to comment on the decision. Though Native groups have long protested the names and symbols they find offensive, including the Cleveland Indians logo and the Tomahawk Chop used by Atlanta Braves fans, this marks the first time that a federal agency has come down on their side. On the state level, the **Utah State Supreme Court** ruled this year in a case involving complaints by Native Americans about several licence plates that bore variations on the word "redskin." The

state agency had rejected the challenge, but the Supreme Court ordered the agency to reconsider. In 1946, **Federal Trademark Law** says names cannot be protected if they are disparaging, scandalous, contemptuous, or disreputable.”

DS: We are now going to listen to...what is the next song there, Mary Lou?

MARY LOU SMOKE: The next song is a brand-new CD that we just had sent to us from British Columbia by a fellow by the name of **Art Napoleon**. You've been trying for a long time to get a hold of this guy, Dan. And he finally did send out his CD and it's a really good one. We're still previewing it at home, but I really like this number five song on here, it's called "**Treaty 8**." So, if you like it, give us a call and let us know.