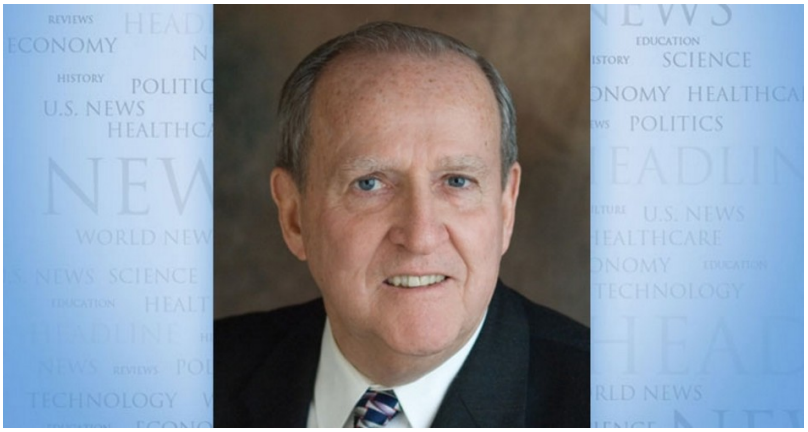
Written by **John F. McManus** on July 14, 2017

Let 'em be Redskins



Yes, the federal government has an office created to protect trademarks. It's at this office that one goes to register a nickname, a team logo, a chosen moniker, even a name that someone might find offensive.

The U.S. Copyright and Trademark Office branch of the federal government is unlike one of those dangerously meddlesome bureaus whose rulings chop away at freedom. The most well known trademark under attack for years has been "Redskins," Washington's professional football team. The team's owner actually registered its long-standing trademark(s) in 1967, 1974, 1978, and 1990.

Busybody liberals have claimed that the term "Redskins" is offensive and have campaigned to force the team to cease using it. Some Washington detractors have suggested that the name Washington Redskins ought to be changed by dropping "Washington" and referring to the team to as "Redskins" alone.

Just before ending its term in June, the Supreme Court issued a ruling favoring the use of the term "Slants" by an Asian-American dance-rock band. In that 8-0 decision (Justice Gorsuch was not yet a Court member when the matter was heard early in 2017), the justices split on their reasoning. Writing for himself and Justices Thomas, Roberts and Breyer, Justice Samuel Alito stated:

> Speech that demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground is hateful. But the proudest boast of our free speech jurisprudence is that we protect the freedom to express "the thought we hate."

Writing for himself and Justices Ginsburg, Sotomayor, and Kagan, Justice Kennedy said the issue amounted to "viewpoint discrimination." He and his three colleagues believed that banning "viewpoint discrimination" in this or any case amounts to "Government censorship." That's a welcome summation.

The "Slants" insisted they weren't trying to disparage anyone. Instead, they felt that using such a term would help make it a "a badge of pride." Justice Kennedy agreed and cited their attitude in his ruling, even labeling the term "Slants" as "happy talk."

For years, some overly sensitive meddlers have sought to force Florida State University to cease calling its team "the Seminoles." But representatives of the Florida's Seminole tribe said they were proud to be so recognized by the university. In North Dakota, a state university bowed to pressure and ceased calling its athletes the "Fighting Sioux." Maybe the ruling about the "Slants" will encourage North Dakota to rethink its decision.

Had common sense not prevailed in the case brought against the "Slants," more mischief loomed on the horizon. Would Holy Cross College be forced by an aggrieved Muslim to junk the use of "Crusaders" for its athletes? Providence College calls its teams "Friars." Surely there are some who would like to

change that. Many other team names likely bother somebody.

Washington Redskins lawyer Lisa Blatt believes the case against her client has essentially been decided with the ruling handed down in the "Slants" case. We hope she is correct. And we hope that the Supreme Court will never again have to render an opinion in such a trivial matter.

John F. McManus is president emeritus of The John Birch Society. This column appeared originally at the insideJBS blog and is reprinted here with permission.