

C. Richard King

Redskins: Insult and Brand

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Redskins: Insult and Brand covers several important aspects in the ongoing intellectual property litigation regarding the use of the name by the prominent American Football team based in Washington DC. By covering such topics as the origins and uses of the term 'redskin', the book comprehensively explains the background to the legal history using clear language to show how important the trademark dispute (*Pro Football Inc v Blackhorse* 112 F. Supp. 3d 439 [E.D. Va. 2015]) is to American society.

C. Richard King in his Introduction states that the term is 'as much a weapon as a word' (p. 1), which he explains in his thorough history of the word. He is so passionate about his argument that he refuses to use the term in the book, preferring to avoid it where possible, and where absolutely necessary it is referred to by 'r*dskins'. His main argument is that the term is a slur that 'denigrates and dehumanizes' through its connections with 'organized killing and ethnic cleansing' (p. 38). It is as racially motivated and derogatory as pejorative names for other racial groups (such as Mexicans and African-Americans) that have been phased out of society, and yet the NFL persists in supporting it as a brand. That although the use of the term, the logo and the likenesses used in the fight song, by the cheerleaders, mascot and marching band are meant in good fun, they are divisive and create 'hostile environments' (p. 4) that harm not only American Indians but culture as a whole. He concludes his research with an explanation of his fear that although the trademarks have been stripped from the team, the change will be 'superficial or stop with the slur' (p. 166).

He proposes several recommendations: 'Stop Stereotyping' (p. 167); 'Divest' the brand of its belief in the right of Euro-Americans to own American Indian culture (p. 168); 'Recognise [the] Humanity' of indigenous peoples (p. 169); 'Educate' American culture out of its 'thoughtlessness' and lack of critical awareness of Native American history (p. 169); 'Come to Terms' with the racist and violent history suffered by American Indians (p. 170) and 'honor' indigenous groups through acknowledging their autonomy; and finally 'Create New [positive] Images' (p. 171) of American Indians within American culture and society.

The content of the book explains not only why the term is so derogatory, but also how

this controversy sits within the sociological perception of minorities within American culture as a whole and American Indians specifically. It succeeds in its aims of being a no-holds-barred explanation of how popular opinion can be shaped by multi-million dollar consumer brands. The powerful language demonstrates how ‘attachment, entitlement, identity and anxiety shape the debate’ (p. 9) surrounding not only use of the term, but the implicit racism behind it. This is backed up with the use of historical images showing the cultural appropriation of certain aspects of Native American culture by predominantly white members of the team and its leadership.

This book is situated in the context of several trademark disputes regarding the ability of consumer brands to use intellectual property law to protect their use of disparaging or offensive terms under the Lanham Act (15 USC ss1052[a]). This is an important area of discussion for free speech as restricting these forms of trademark has been held to be unconstitutional (In Re Tam 808 F.3d 1321 [Fed. Cir. 2015]). This case has been appealed to the Supreme Court, with a decision expected by June 2017. This empirical development shows the necessity for this debate to be developed using cultural and sociological research such as completed by this book.

This study is vital not just for academics in intellectual property law (such as myself), history and sociology to use in teaching and research, but also for the wider public, especially fans of American Football. It seeks to answer two questions: ‘How do we stop the dehumanization of indigenous peoples? And how do we create new stories and spaces, reimagine self and society, and otherwise transform traditions to rehumanize them?’ (p. 10). In the context of a world where international politics is increasingly fraught, it is important to understand these questions and attempt to undertake thorough evaluations such as King’s to ensure that equality and inclusion remain at the forefront of our thoughts.