



Coalition of Bar Associations of Color

**RESOLUTION SUPPORTING  
THE DISCONTINUED USE OF THE SPORTS NAME R\*DSKINS AND LEGAL BAR TO  
TRADEMARK REGISTRATION OF THE NAME**

Endorsed March 2016

**WHEREAS**, the Coalition of Bar Associations of Color (“**CBAC**”), organized in 1992, is a coalition created to act as a collective voice for issues of common concern to its member organizations; and

**WHEREAS**, the member organizations of CBAC are the Hispanic National Bar Association (“**HNBA**”), the National Asian Pacific American Bar Association (“**NAPABA**”), the National Bar Association (“**NBA**”), and the National Native American Bar Associations (“**NNABA**”); and

**WHEREAS**, the member organizations of CBAC are the national voices of their respective legal communities in the United States and its territories and possessions; and

**WHEREAS**, CBAC seeks to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among people of color and all other segments of our society; and

**WHEREAS**, the Washington D.C. National Football League franchise operates using the name Redskins (“**R\*dskins**”<sup>1</sup>) and owns U.S. trademark registrations for the name;

**WHEREAS**, members of the Native American community have protested the use of the name, and since at least as early as 1992 have formally challenged the registrability of the name as a trademark; and

**WHEREAS**, in 1993, the National Congress of American Indians, the oldest and largest alliance of Native Nations in the nation, representative of more than 250 Native Nations, passed Resolution 93-11, publicly stating that “the term R\*DSKINS is not and has never been one of honor or respect, but has always been and continues to be a pejorative, derogatory, denigrating, offensive, scandalous, contemptuous, disreputable, disparaging and racist designation for Native American’s [sic]”<sup>2</sup>; and

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<sup>1</sup> All further references to the official team name have been altered with an asterisk out of respect for the human rights of indigenous peoples and in an attempt to avoid continued use of the name.

<sup>2</sup> Quoted in *Blackhorse et al v. Pro-Football, Inc.*, Cancellation No. 92046185, 65 (USPTO 2014), available at <http://ttabvue.uspto.gov/ttabvue/v?pno=92046185&pty=CAN&eno=199>.

**WHEREAS**, the United States ratified the International Convention on the Elimination of All Forms of Racial Discrimination (“**CERD**”) in October 1994 and Article 7 of CERD requires the national government “to adopt immediate and effective measures, particularly in the field of teaching, education, culture and information with a view to combating prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship”; and

**WHEREAS**, the United States endorsed the United Nations Declaration on the Rights of Indigenous Peoples (the “**Declaration**”) on December 16, 2010 and Article 15 of the Declaration recognizes the right of Indigenous Peoples “to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information” and places an obligation on the national government to “take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society”; and

**WHEREAS**, Article 22 of the Declaration provides that the national government “shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination”; and

**WHEREAS**, Article 24 of the Declaration recognizes that “[i]ndigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health” and places a duty on the national government to “take the necessary steps with a view to achieving progressively the full realization of this right”; and

**WHEREAS**, Indigenous Peoples have the right and authority to determine and define for themselves what actions, logos, and names serve to honor them, their history, their heritage, and their ancestors; and

**WHEREAS**, the American Psychological Association in 2005 strongly urged the banning of all Native American mascots from sports teams in “acknowledgment of the catastrophic effects of prejudice on the Native American population”<sup>3</sup>; and

**WHEREAS**, the term “R\*dskins” has a lengthy history that harkens to the early days of our republic when Indigenous Peoples were openly treated as subhuman; the name “is rooted in the commodification of native skin and body parts as bounties and trophies” and was based on a European history of “chopping off enemies’ heads and mounting them on stakes, and of scalping, skinning, dismembering, and other tortures and trophy-hunting”<sup>4</sup>; and

**WHEREAS**, the term “R\*dskins” has a pejorative meaning historically used to degrade and dehumanize Indigenous Peoples, who continued throughout this nation’s history to suffer national efforts to eliminate their physical, cultural, and political existence; and

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<sup>3</sup> <http://indiancountrytodaymedianetwork.com/2013/09/27/harmful-psychological-effects-washingtons-redskins-mascot>.

<sup>4</sup> <http://www.theguardian.com/commentisfree/2013/jan/17/washington-redskins-racism-pro-football>. For additional history on the Team name see <http://www.bostonglobe.com/sports/2013/12/29/redskins-wonder-what-name-the-answer-traces-back-boston/GmfYbPTnHx1Ht5NgqN1EOM/story.html>.

**WHEREAS**, the term “R\*dskins” continues to have a pejorative meaning for Indigenous Peoples, as recognized in at least eight mainstream dictionaries,<sup>5</sup> and serves as a shocking and constant reminder to indigenous peoples of the American legacy of death, dispossession, and almost entire elimination of their race and of their status as sovereign nations.

**NOW THEREFORE BE IT RESOLVED** that CBAC denounces the use of racial slurs generally, and the specific use of the R\*dskins slur by the Washington, D.C. N.F.L. team; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that CBAC does not support the federal trademark registration of racial slurs and the extension of the legal benefits provided by such registration to slurs used in commerce; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that CBAC authorizes its officers and staff to communicate the content of this Resolution to other bar associations, advocacy groups, members of Congress, the Administration, the press, the Washington, D.C. N.F.L. team owner, and N.F.L. Commissioner Roger Goodell, and to whomever else CBAC board deems suitable to receive the information; and

**NOW THEREFORE BE IT FINALLY RESOLVED** that this resolution shall be the policy of CBAC until it is withdrawn or modified by subsequent resolution.

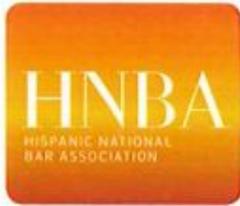
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<sup>5</sup> <http://www.azcentral.com/story/news/local/arizona/2014/09/25/amanda-blackhorse-nfl-washington-suing-defiant/16128077/>.

**CERTIFICATION**

**WE**, the duly-elected Presidents of the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA), hereby certify that the foregoing Resolution was duly enacted by a duly noticed meeting of the Board of Directors.



*Robert T. Maldonado*

Roberto Maldonado  
President, Hispanic National Bar Association

March 1, 2016  
Date

*Jim Y. Hwang*

Jim Hwang  
President, National Asian Pacific American Bar Association

March 1, 2016  
Date

*BCP*

Benjamin Crump  
President, National Bar Association

March 1, 2016  
Date

*Linda Benally*

Linda Benally  
President, National Native American Bar Association

March 1, 2016  
Date