



Minneapolis City Attorney's Office

Presentation to Public Safety Committee

October 22, 2014

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City of Minneapolis

Change



the Mascot!

City Legal Options

- ▶ The impact of the team name on Native American Minneapolis kids:*
 - “It is offensive, racist and mocks our culture”
 - “It’s broadcast worldwide. It’s really public. We are not cartoons.”

[Quotes from youth at Little Earth of United Tribes]
- ▶ Research report: “The Harmful Psychological Effects of the Washington Football Mascot,” A research report compiled by Michael Friedman,
<http://www.changethemascot.org/wp-content/uploads/2013/10/DrFriedmanReport.pdf>

* Source: Star Tribune, “Native kids say Washington nickname doesn’t honor us,” Jon Tevlin, October 19, 2013



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Trademark Case

- ▶ U.S. Patent and Trademark Office:
 - Blackhorse, *et al.* v. Pro-Football, Inc.
 - Held: The term “R*skins” violates the prohibition against trademark registrations that disparage or bring persons into contempt or disrepute
 - Team response: filed suit against the 5 *Blackhorse, et al.* plaintiffs in federal district court

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Trademark Case: Evidence

- ▶ Dictionaries – 1966 forward: “Offensive term”
- ▶ National Congress of American Indians:
 - The term “has always been and continues to be a pejorative, derogatory, denigrating, offensive, scandalous, contemptuous, disreputable, disparaging and racist designation for Native Americans”
(1993)



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NCAA Rule Change

▶ 2005 – NCAA Rule Change:

- No Native American team nicknames or mascots
 - Exception – Team is named after a tribe and the tribe approves of the name – e.g., Florida Seminoles
- 19 Colleges/ Universities changed their nicknames
- University of North Dakota – 2012 ballot measure to ban the “Fighting Sioux” nickname and logo
 - Passed with 67% of the votes



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Public Pressure

- ▶ Government leaders, sports broadcasters, media editorial boards, public figures have passed resolutions, made statements, refused to use the “R” word in broadcasts and in editorials
- ▶ Federal tax exemption for the NFL
- ▶ Federal antitrust exemption for the NFL



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City Legal Options

- ▶ **Governmental Entity: First Amendment**
 - Ban on Prior Restraints
- ▶ **Public Accommodation – Hostile Environment**
 - City has no Standing
- ▶ **City Civil Rights Ordinance**
 - City Civil Rights Ordinance does not cover U of M



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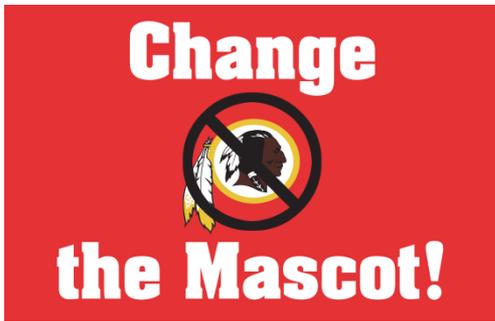


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Alternatives to Legal Action by the City

- ▶ Individual Claims for Hostile Environment
Public Accommodation discrimination
 - MD Civil Rights Code – (the location of the team's home stadium) prohibits public accommodation discrimination. Places of public accommodation specifically include stadiums
- ▶ Congressional review of tax and antitrust exemptions for the NFL





Alternatives to Legal Action by the City

- ▶ The court of public opinion:

“It should be changed ... It should have been changed a long time ago. (The R*dskins are) making multi billions over a word that was something they put a bounty up (historically) for hunting season for (indigenous) scalps ...”

Joey Browner, former Minnesota Vikings player, Native American*

* Source: Pioneer Press, 11/04/2013

