

ONE HUNDRED THIRTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

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May 9, 2014

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Upton:

Offensive remarks by Donald Sterling, the owner of the Los Angeles Clippers of the National Basketball Association, have raised public awareness of racism in sports. I am writing to ask you to hold a hearing to examine another instance of racial insensitivity in professional sports: the use of the derogatory term “Redskins” as the name of the Washington football team.

In the case of Mr. Sterling, he made abhorrent remarks in a private conversation, including urging a female companion not to “broadcast” an association with “black people ... and not to bring them to my games.”<sup>1</sup> When a recording of these private remarks was made public, Mr. Sterling’s words provoked outrage. The NBA Commissioner, Adam Silver, immediately fined Mr. Sterling \$2.5 million and banned him for life from any association with the NBA. This swift action was widely praised.<sup>2</sup>

In the case of the Washington football team, the offensive conduct is public, not private. But it is being condoned and defended by National Football League.

The term “Redskin” has been described by one Native American expert as “the equivalent of the N-word.”<sup>3</sup> Another Native American activist described it as “one of the last vestiges of racism that is held right out in the open in America.”<sup>4</sup> The conservative columnist

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<sup>1</sup> *NBA Owner To Girlfriend: Don't Bring Black People To My Games*, Talking Points Memo (Apr. 26, 2014) (online at [talkingpointsmemo.com/livewire/donald-sterling-audio](http://talkingpointsmemo.com/livewire/donald-sterling-audio)).

<sup>2</sup> *NBA players, friends pour out support for Commissioner Adam Silver's ban of bigotry*, Daily News (Apr. 30, 2014) (online at [www.nydailynews.com/sports/basketball/nba-players-friends-pour-support-ban-bigotry-article-1.1773681#ixzz319PjVR21](http://www.nydailynews.com/sports/basketball/nba-players-friends-pour-support-ban-bigotry-article-1.1773681#ixzz319PjVR21)).

<sup>3</sup> *Are You Ready for Some Controversy? The History of 'Redskin'*, National Public Radio (Sept. 9, 2013) (online at [www.npr.org/blogs/codeswitch/2013/09/09/220654611/are-you-ready-for-some-controversy-the-history-of-redskin](http://www.npr.org/blogs/codeswitch/2013/09/09/220654611/are-you-ready-for-some-controversy-the-history-of-redskin)).

<sup>4</sup> *Id.*

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Charles Krauthammer wrote last year that it is “inconceivable” that you would say “there are two redskins” in Congress because “no matter how the word was used 80 years ago, it carries invidious connotations today.”<sup>5</sup> Even the U.S Patent and Trademark Office has refused to register a trademark name with the term because the agency found that it was “derogatory.”<sup>6</sup>

Yet this offensive term is being used as the name of one of the most storied teams in the NFL. The owner of Washington’s football team, Dan Snyder, has publicly declared that he “will never change the name of the team.”<sup>7</sup> Unlike NBA Commissioner Silver, the Commissioner of the National Football League, Roger Goodell, has publicly defended the owner. In fact, he stated in a letter that “the name is a unifying force that stands for strength, courage, pride and respect.”<sup>8</sup>

Fifty years ago, the Washington football team was the last segregated franchise in the NFL. It took public pressure by the federal government, especially by Interior Secretary Stewart Udall, to convince team owner George Marshall to integrate the team.<sup>9</sup> A congressional hearing could be a similar catalyst for action today.

The NFL is a private league, but it enjoys many public advantages. Federal Communications Commission rules allow blackouts of games that are not sold out, reserve spectrum space for the wireless microphones used by the leagues players and officials, and put in place special authorities for the use of wireless cameras. The NFL gets substantial tax benefits as a “nonprofit” corporation, and its teams often receive billions of dollars in taxpayer-funded stadium subsidies. As the Committee with primary jurisdiction over professional sports, we could play a constructive role in challenging racism by asking Mr. Snyder and Mr. Goodell to explain in a public hearing how their actions are consistent with the public interest.

I hope you will consider my request.

Sincerely,



Henry A. Waxman  
Ranking Member

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<sup>5</sup> Charles Krauthammer, *Redskins and Reason*, Washington Post (Oct. 17, 2013).

<sup>6</sup> U.S. Patent and Trade Office, U.S. Trademark Application NO. 8605219 – Redskins Hog Rinds – 72225 (Dec. 29, 2013).

<sup>7</sup> *Owner: Redskins Will ‘Never’ Change*, ESPN (May 10, 2013) (online at [www.espn.com/nfl/story/\\_/id/9259866/daniel-snyder-says-washington-redskins-never-change-team-name](http://www.espn.com/nfl/story/_/id/9259866/daniel-snyder-says-washington-redskins-never-change-team-name)).

<sup>8</sup> *Roger Goodell Says “Nine out of 10 Native Americans Support the Redskins Name,”* Sports Illustrated (Jan. 31, 2014) (online at [nfl.si.com/2014/01/31/roger-goodell-washington-redskins-name/](http://nfl.si.com/2014/01/31/roger-goodell-washington-redskins-name/)).

<sup>9</sup> Thomas Nichols, *Civil Rights on the Gridiron*, ESPN (online at [espn.go.com/page2/wash/s/2002/0305/1346021.html](http://espn.go.com/page2/wash/s/2002/0305/1346021.html)).