

# Fort Smith board accused of open-records law lapse

## Retiring Rebel mascot draws suit

DAVE HUGHES  
ARKANSAS DEMOCRAT-GAZETTE

FORT SMITH — A lawsuit filed Thursday accuses the School Board of violating the Arkansas Freedom of Information Act when it met last month and voted in committee to get rid of the Southside High School "Rebel" mascot and fight song "Dixie."

Fort Smith attorney Joey McCutchen filed the lawsuit in Sebastian County Circuit Court on behalf of Curtis Sorrells, whom McCutchen described in the lawsuit as a taxpayer supporting the Fort Smith School District.

The eight-page lawsuit accuses board members of

### CONNECT WITH US ON FACEBOOK

Share your thoughts on this and other stories at facebook.com/nwademgaz



holding an illegal meeting June 23, when they voted as a committee of the whole to discontinue the use of "Dixie" as the Southside fight song in the 2015-16 school year and to phase out the use of the Rebel as the school's mascot in the 2016-17 school year.

The lawsuit named as defendants the School District, the School Board and five of its seven members: board President Deanie Mehl, Susan McFerran, Jeannie Cole, Yvonne Keaton-Martin and Wyman Wade Jr.

The committee's vote came less than a week after

the shootings at the Emanuel African Methodist Episcopal Church in Charleston, S.C., in which nine black people were killed during a Bible study session. A white man, Dylann Roof, has been charged in a 33-count federal indictment in their deaths.

On Thursday, McCutchen called the School Board's vote a knee-jerk reaction to the public outcry against the Confederate flag resulting from the shooting. Photographs surfaced of Roof brandishing the flag.

School District spokesman Zena Featherston said the five named in the suit voted on the mascot issue. She said School Board member David Hunton arrived at the meeting later and also cast a vote to make the change. The seventh board member,

Rusty Owen, didn't attend the meeting.

McCutchen asks in the lawsuit a judge hold a hearing on his claims within seven days and to invalidate the board's action of June 23.

Featherston said the board's vote June 23 was a recommendation. The board is scheduled to vote on the mascot change when it meets at 5:30 p.m. Monday in Building B of the School Service Center complex at 3205 Jenny Lind Road.

Before the members vote on the issue, the board "plans to allow as much public comment that is not redundant," Featherston said.

She referred all other questions about the lawsuit Thursday to the district's attorney, Mitch Llewellyn of Fort Smith.

Llewellyn said Thursday he hadn't read through the lawsuit, and the district wouldn't have any comment at this point.

But, "I'm not aware of any violation of the Freedom of Information Act by the School Board, so we'll have to see what Joey has to say," he said.

Minutes of the June 23 meeting weren't available Thursday. Featherston said the district doesn't release minutes before they are approved by the board.

The board is scheduled to vote on accepting the minutes of that meeting Monday, she said.

McCutchen said in the suit the June 23 special meeting violated the Freedom of Information Act and school

See **REBEL**, Page 3B

## Rebel!

• Continued from Page 1B

district's policies in three ways:

■ The business the board took up at the meeting wasn't mentioned in the notice for the special meeting. The two notices about the meeting sent out to board members and news organizations said only that it was for the annual evaluation of Superintendent Benny Gooden.

■ There was no notice the board was going to take up the matter of the Southside mascot and fight song.

■ The public was led to believe the meeting to evaluate Gooden was to be private, "which was designed to tell

on information and belief" before the meeting, members met informally and discussed abolishing the Rebel mascot and "Dixie" fight song.

"I think it's unfortunate on such a divisive issue the public has been excluded from the process, because the public has a lot of questions," McCutchen said Thursday.

McCutchen said in the lawsuit the board hasn't said how much it will cost to change the school's mascot. He said Southside Principal Wayne Haver estimated the cost between \$200,000 and \$500,000.

Featherston said the School Board has discussed a property tax increase for 2016 but hasn't made a de-

cision whether to put it before the voters. The current school tax rate is 36.5 mills.

McCutchen has voiced opposition to changing the mascot and has organized a "Rally for the Rebels" scheduled for 6:30-8:30 p.m. today at the Southside High School stadium.

He said the rally is being held to demonstrate support for keeping the Rebel as the mascot and "Dixie" as the fight song. He said he expects people who attend to share their memories of Southside High School and express their opinions about the proposed change of mascot and fight song.