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Attorney Cries Foul Over SHS Mascot Vote

By Chad Hunter

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A Fort Smith attorney suing members of the Fort Smith School Board for allegedly violating the state's open meetings law now claims their vote to recommend retiring the Southside High School Rebel mascot and "Dixie" fight song was misrepresented.

On Thursday, attorney Joey McCutchen filed an Arkansas Freedom of Information Act lawsuit in Sebastian County Circuit Court on behalf of Fort Smith resident Curtis Sorrells against School Board members Deanie Mehl, Susan McFerran, Jeannie Cole, Yvonne Keaton-Martin and Wyman R. "Rick" Wade Jr. The defendants met as the School Board's Committee of the Whole on June 23 and voted in favor of the mascot-related recommendations.

The lawsuit contends that the publicized agenda for the June 23 meeting called only for a closed session for discussion of Superintendent Benny Gooden's yearly performance.

Late Friday, McCutchen added School Board member David Hunton to the suit.

"It's been reported that it was a 6-0 vote," McCutchen said. "Based upon that, I amended my



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The Fort Smith School Board is expected to decide tonight whether to retire the Southside High School Rebel mascot and "Dixie" fight song.

complaint and added Dr. Hunton. Now their own meeting minutes show it was actually a 5-0 vote."

A preliminary draft version of the meeting minutes indicates five members of the School Board convened as the Committee of the Whole, then voted unanimously to recommend the district discontinue the use of the Rebel mascot and "Dixie" fight song.

"The motion passed with a 5-0 vote, with Dr. David Hunton expressing an affirmative vote upon his arrival," the draft minutes state.

Sent that night, the school district's news release regarding the committee action states, "This motion passed with a 6-0 vote and will be presented

to the Board during the regularly scheduled meeting on July 27, 2015."

McCutchen said the district "hasn't been truthful about what the actual vote was."

"They claim it's a 6-0 vote, when in fact, only five members were there when the vote was taken," McCutchen said. "The sixth person came in after the vote and they represented that it was a 6-0 vote, which is not accurate. It goes to the heart of open government."

The full School Board is scheduled to vote on the fight song and mascot retirement at 5:30 p.m. tonight at the Public Schools Service Center Complex, Building B auditorium, 3205 Jenny Lind Road.