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NEWS

Cambridge loses court fight over mascot



Kathleen Moore

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Championship banners are seen on a wall in the gymnasium at Cambridge High School on Tuesday, Dec. 22, 2020 in Cambridge, N.Y. Education Commissioner Betty Rosa ordered the Cambridge school board to uphold a vote of the board and retire the mascot; the school district lost its appeal in court Tuesday. (Lori Van Buren/Times Union)

Lori Van Buren, STAFF PHOTOGRAPHER / Albany Times Union

CAMBRIDGE – In another blow against Cambridge Central School District’s “Indian” mascot, a judge said the state Education Department commissioner acted legally when she said the mascot must be replaced.

The school district lost its appeal in court late Tuesday.

It was not immediately clear if the school district would take the case further.

Sara McGinty, acting state Supreme Court justice, filed the decision late Tuesday, so late that it was dated Wednesday.

In her decision, she noted that the court was asked only whether Commissioner Betty Rosa acted rationally when she intervened in the Cambridge school board decisions.

The school board had spent much of a year studying whether to replace the mascot with an image that was unrelated to Indigenous People, and eventually voted 3-2 to retire the “Indian.” Three weeks later, after new board members were elected, the decision was reversed and the mascot restored. Then some residents took the matter to Rosa, asking her to annul the “arbitrary and capricious” reversal. She agreed and ordered the board to reconsider. The question before the court was whether Rosa’s decision was arbitrary and capricious.

“If the Commissioner’s Decision is found to be arbitrary and capricious, the Court must sustain it, even if it concludes that the result or even if it finds that an entirely different result would have been reached.”

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been reached,” McGinty wrote in her decision. “Simply put, it is not the province of the Court to second-guess or substitute its own judgment for that of the Commissioner, provided that her Decision is not arbitrary, capricious or unsupported by substantial evidence.”

Cambridge officials had argued that Rosa’s decision was unfair because she didn’t ban the many other school mascots in the region that reference Indigenous People.

But McGinty focused on whether Rosa could make a decision in this one situation. The case hinged on the amount of time and study the board put into its first decision, versus the quick reversal, she wrote.

Noting the many reasons given for replacing the mascot in the first resolution passed by the board, McGinty wrote, “but there is no meaningful explanation as to why the evidence which was so compelling in June was given short shrift only three weeks later.”

She criticized the reversal resolution for relying on the views of one board member, who described himself as a member of the Haudenosaunee Nation.



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“He was not an elected or appointed representative of the Haudenosaunee Nation, whose ancestors occupied the lands now used by the District,” she wrote. “To the contrary, a 2021 statement of the Haudenosaunee Nation terms the use of Natives as mascots as offensive and defamatory.”

In addition, the first resolution had said that using the mascot violated the district's diversity policy. McGinty said the reversal resolution did not address “why the District opted to depart from its own Diversity Policy.”

McGinty also described the mascot as a “race-based nickname and imagery.”

“The Court finds that the Commissioner Decision correctly determined that the summary reversal of the June resolution without further inquiry or explanation was arbitrary and capricious,” she wrote.



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In addition, she said, the district's diversity policy and the fact that a former education commissioner asked school districts to stop using such mascots 20 years ago showed that choosing such a mascot was "an abuse of discretion" for the school board.



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