

February 4, 2010

Senate President Peter Courtney
900 Court St. NE, S-201
Salem, OR 97301

House Speaker Dave Hunt
900 Court St. NE, H-269
Salem, OR 97301

Re: Oregon's ban on religious dress for public school teachers

Dear Senate President Courtney and House Speaker Hunt:

We, the undersigned interfaith, civil rights, and Bar association organizations, represent millions of diverse constituents around the nation in the cause of promoting robust workplace religious freedom legislation consistent with our constitutional heritage and values. In this context, we join together to urge an immediate repeal of ORS 342.650 and 342.655 (hereinafter referenced collectively as “ORS 342.650”), an Oregon law that forbids teachers from wearing religious dress in Oregon public schools.

ORS 342.650 originated in the 1920s as an anti-Catholic measure and was supported by the Ku Klux Klan at a time of overt hostility toward racial and religious minorities. Other laws enacted by the Oregon legislature during this period included the Compulsory Education Act (a measure designed to close parochial schools); the Alien Business Registration Act of 1923 (a law that required immigrants operating hotels and grocery stores to display signs declaring their nationality); and the Alien Property Act of 1923 (a law that prohibited Japanese immigrants from purchasing or leasing land in Oregon). Although most of these laws have since been repealed, Oregon has missed several opportunities to repeal ORS 342.650 over the course of several decades and is currently one of only three states in the nation that forbid public school teachers from wearing religious dress in the classroom.

We strongly dispute the suggestion put forth by supporters of the status quo that ORS 342.650 was “carefully examined” when it was revised in 1965. The 1965 revision was part of Chapter 100 of Oregon Laws, 1965. This omnibus bill amended 354 laws and repealed 304 others.

During the passage last summer of the Oregon Workplace Religious Freedom Act (“Oregon WRFA”), we expected a long overdue repeal of ORS 342.650 but were dismayed to learn that the Oregon WRFA specifically exempts public school districts, education service districts, and public charter schools from its coverage. By its own terms, the Oregon WRFA is subordinate to ORS 342.650. This discriminatory exemption denies equal employment opportunity to religious minorities and simply cannot be reconciled with the spirit behind workplace religious freedom legislation. Repealing ORS 342.650 and subsequently amending the Oregon WRFA will ensure that public school teachers in Oregon are afforded meaningful protection.

Supporters of the status quo have argued that allowing public school teachers to wear religious dress will disrupt religious neutrality in the classroom and lead to proselytization of students. Both propositions are factually incorrect. The private act of wearing religious dress in adherence to faith is distinguishable from the public act of asserting a proselytizing message. The Establishment Clause of the U.S. Constitution affords sufficient protection against state endorsement of religion; banning all forms of religious dress for teachers is a prohibitively overbroad approach to the issue. This explains why the legislature of North Dakota repealed its ban on religious dress for public school teachers in 1998, and why it is increasingly common to find teachers wearing *yarmulkes* (headcoverings), *hijabs* (headscarves), and *dastaars* (turbans) in public schools throughout our diverse nation.

During his election campaign, President Obama recognized the need for strengthening our workplace religious freedom laws, stating “that employers have an obligation to reasonably accommodate their employees’ religious practices,”¹ and emphasizing his support for “carefully drafted legislation that strengthens Title VII of the Civil Rights Act of 1964 to further protect religious freedom in the workplace.”² In Cairo last year, President Obama unequivocally stated that “freedom in America is indivisible from the freedom to practice one’s religion,”³ noting that the U.S. government has defended the right of individuals in this nation to wear religious dress.⁴

Given our nation’s growing commitment to the cause of workplace religious freedom, and our desire to give a greater measure of security to our constituents and people of all faiths by strengthening protections for religious freedom in the workplace, we respectfully urge you to repeal ORS 342.650 and amend the Oregon WRFA so that all Oregonians have a fair opportunity to find self-fulfillment and economic security in any career they choose.

Respectfully yours,

American Islamic Congress
American Islamic Forum for Democracy
American Jewish Committee
Anti-Defamation League
Asian American Justice Center
Asian Law Caucus
Baptist Joint Committee for Religious Liberty
The Becket Fund for Religious Liberty
Interfaith Alliance
Japanese American Citizens League
North American Religious Liberty Association
North American South Asian Bar Association (NASABA)
Portland Chapter of the National Lawyers Guild
Sikh American Legal Defense and Education Fund (SALDEF)
The Sikh Coalition
South Asian Bar Association of Northern California
Union of Orthodox Jewish Congregations of America

¹ See Barack Obama Responses to AJC Questionnaire, at <http://www.ajc.org/site/c.ijIT12PHKoG/b.3878133>; 2008 Presidential Elections: Voter Guide for Sikh Americans, at <http://www.sikhcoalition.org/documents/SikhAmericanVoterGuide2008.pdf>

² See *id.*

³ See Obama Speech In Cairo (June 4, 2009), available at <http://www.whitehouse.gov/blog/NewBeginning> (“[F]reedom in America is indivisible from the freedom to practice one’s religion ... That is why the U.S. government has gone to court to protect the right of women and girls to wear the *hijab*, and to punish those who would deny it.”).

⁴ See *id.*