

ECUMENICAL MINISTRIES *of* OREGON

Interchurch Center, Suite B ■ 0245 SW Bancroft Street ■ Portland, Oregon 97239
phone (503) 221-1054 ■ *fax* (503) 223-7007 ■ *Web site* www.emoregon.org

February 9, 2010

Board Members

The Rev. Dr. Lowell Greathouse
President

The Rev. Lynne Smouse López
President-Elect

James Buck
Immediate Past President

Trudy Bradley
Treasurer

The Rev. Dr. Marilyn Sewell
Secretary

Bruce A. Bishop
The Rev. Alcena Boozer
The Rev. Dr. Lorne Bostwick
The Rev. Dr. Mark Brocker
Lisa DeVaney
The Rev. Dr. LeRoy Haynes, Jr.
The Rev. J.W. Matt Hennessee
Robina Ingram-Rich
The Rev. Aleida Jernigan
Debra H. Mantey
The Rev. Dr. David Massey
The Ven. James Mosier
The Rev. David Nagler
The Rev. Stephen Schafroth
The Rev. Paul Schroeder
The Rev. Brad Shumate
Stephanie Tama-Sweet
The Rev. Tom Tucker
Mary Jo Tully
The Rev. Dr. David Wheeler

Letty Owings
Lifetime Member

David A. Leslie
Executive Director

To: Speaker of the House Dave Hunt,
House Republican Leader Representative Bruce Hanna,
and all members of the Oregon House of Representatives.

RE: Strong Support for Passage of HB 3686 - Repeals ORS 342.650 and 342.655

On behalf of Ecumenical Ministries of Oregon I write in strong support of HB 3686 and urge its passage into law during this Feb. 2010 special session.

As you are no doubt now aware, Oregon is one of only three states in the United States that has a statewide law that prohibits public school teachers from wearing religious dress during the conduct of their duties, a law that was enacted originally in the 1920s, in part as a result of anti-Catholic bias and support from the KKK.

HB 3686 will cut the cord that ties Oregon to this shameful history by repealing ORS 342.650 and the companion statute that provides penalties for its enforcement (ORS 342.655). More importantly, HB 3686 will end the broad and unnecessary religious discrimination that prevents many gifted educators from becoming teachers in the Oregon public schools.

The impacts of ORS 342.650 fall most directly on persons of minority faiths whose religious commitments or obligations direct them to dress in a fashion that is modest or that involves specific attire (e.g. Muslims, Sikhs, orthodox Jews). In a sense, then, ORS 342.650 is biased towards teachers who are either non-religious or adhere to one of the major Christian denominations that have a long-established history in American society and tend to have no specific attire requirements for non-clerical members of the faith. From a constitutional, legal and civil rights perspective this is a particularly troubling feature of the statute.

We have considered the arguments made by some opponents of HB 3686 that the mere wearing of religious clothing will create a hostile educational environment for those students who do not share their teacher's religious affiliation. We think this assertion is based on a fundamental misconception. To maintain a religiously neutral classroom does require at least two things: 1) restrictions on actual speech and conduct that might convey a message that one religion is to be preferred over another faith, or over no faith, and 2) restrictions on any teaching conduct in which students are treated differently because of their religious beliefs or background. But the mere wearing of religious apparel does not in and of itself convey a message that one faith is better than another, or that one should be a believer – it only says, this is who I am, this is my identity.

What will be the impact of religious garb worn by teachers in the classroom? We think it is logical to conclude that, while initially students may take notice of a teacher's distinctive religious garb, the awareness of the garb will tend to fade into the background over time. The messages the teacher is actually sending—about math, spelling, science, art, history and, most importantly, the next field trip—are what will dominate the student-teacher interaction and make the biggest impression. In relatively short order, the religious garb would cease to be even a distraction. It is in fact this process of establishing normal student-teacher relations with instructors from a variety of religious or non-religious backgrounds that will help to establish more tolerance and respect for the diversity of religious and cultural perspectives in our state.

In concluding, let me quote from the testimony of Willamette University Law Professor Steve Green, who summed up the issue very appropriately and who happens to be a member of our organization's public policy committee.

ORS 342.650 is not necessary to ensure a religiously neutral school environment. ... Other constitutional and statutory provisions provide sufficient protection to ensure that teachers do not proselytize and that the school environment remains religiously neutral, as do local school district policies. (In fact, ORS 327.109 authorizes the Superintendent of Public Instruction to withhold state school funds from any school district that "financially supports or is actively involved with religious activity," which could take place through teacher conduct.) ... As stated, this statute is not mandated by either the United States or Oregon constitutions, and its repeal will not offend any constitutional principle.

Many thanks for your consideration of our viewpoint.

Sincerely,



David Leslie
Executive Director
Ecumenical Ministries of Oregon

Ecumenical Ministries of Oregon is a statewide association of Christian denominations, congregations, ecumenical organizations and interfaith partners working together to improve the lives of Oregonians through community ministry programs, ecumenical and inter-religious dialogue, environmental ministry and public policy advocacy. Please note: The Roman Catholic Archdiocese of Portland releases all public policy statements through the Oregon Catholic Conference.