

Faith Collides with Oregon Law

continued  from Front

K. Kublis, an anti-Catholic who sympathized with the Klan.

At the time, Roman Catholic priests and nuns were asserting the right to teach in public schools, and the law was a clear jab at them.

But it's been rarely applied. The last time a teacher came into contact with the law was in 1983, when Janet Cooper, a Eugene special education teacher, became a Sikh.

Cooper changed her name to Karta Kaur Khalsa and began wearing a turban and white clothing to school in adherence with her new faith.

The state Teachers Standards and Practices Commission revoked Khalsa's teaching credential after being suspended by her district.

Khalsa sued, taking her case all the way to the Oregon Supreme Court in 1986, claiming that her right to practice her religion, protected by the Oregon and U.S. constitutions, had been violated.

The court ruled against Khalsa, arguing that a teacher wearing religious dress could leave an impression, conscious or otherwise, on students, and threatened the religious neutrality of the classroom.

Zahedi - a native of Iran who teaches language arts and social studies at the Islamic School of Portland, a private school, which isn't covered under the ban - supports reforming the law because she feels it will be good for students to see what a Muslim woman looks like, especially as society becomes more diverse.

"At least they will see there are other kinds of people," said Zahedi, who added that she has overheard children ask their parents if she is wearing a costume while in public.

The Oregon Education Association is neutral on the issue, but support for repealing the law is growing elsewhere. Oregon House Speaker Dave Hunt, D-Gladstone, supports the repeal and a legislative hearing has already been held on it in preparation for next month's legislative session.

In November, state Labor Commissioner Brad Avakian, and state Superintendent of Public Instruction Susan Castillo, sent a letter to legislative leaders calling for its repeal.

In their letter, Avakian and Castillo argued that the law is unfair, and schools already have the means to prevent teachers from proselytizing their students.

The letter points out that the law was applied very narrowly in the Cooper case, but is still broad enough to ensnare teachers with less overt religious garb.



PHOTO BY JAKE THOMAS/THE PORTLAND OBSERVER

Language arts and social studies instructor Laleh Zahedi covers her head in the religious tradition of her Muslim faith. Zahedi supports reforming Oregon law to allow public school teachers to wear religious clothing, saying the freedom to dress as a Muslim woman would help students understand cultural differences and embrace cultural diversity.

In addition to not defining what "religious dress" is, the letter argues, it could be applied so generally as to affect teachers wearing something as inconspicuous as a

small cross or Star of David.

Oregon is poised for another lawsuit, argued Avakian and Castillo, with such a vague and all-encompassing law on its books pertaining

to an already touchy subject.

But the Oregon Chapter of the American Civil Liberties Union worries that hastily repealing the law in a short legislative session will just

create new problems.

"If the law is repealed, you open the door to religious expression in Oregon schools," said David Fidanque, executive director of the Oregon ACLU.

Fidanque argued that teachers will be able to wear clothing clearly aimed at creating a religious environment in the classroom if Avakian and Castillo have their way.

For instance, a teacher could wear a shirt saying "Embrace Jesus," he said.

Fidanque also points out that there might have been bigoted motivations behind the law when it was passed in the 1920s, but was reaffirmed in 1965 by the Oregon Legislature and then-Gov. Mark Hatfield, one of the state's champions of equality.

But Eric Hall - a partner at Rothgerber, Johnson, and Lyons, a law firm that specializes church and state issues - said that Oregon could be vulnerable to another civil suit because it puts people who express their religion on unequal footing with others.

He said that schools can impose a dress code on teachers, but it gets prickly once it begins targeting religious belief.

"You can't pick out the religious expression," said Hall.



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