

Comments of Jennifer K. Walter
to the
Oregon State Board of Education
March 5, 2015

I come to you this morning to discuss the issue of race in our public schools.

Most Americans believe our country is exceptional. However, we don't all agree on what makes the United States an exceptional place. Recently, I found out that my belief in American exceptionalism matches that of our Attorney General. At the unveiling of his portrait at the Department of Justice, Eric Holder said:

"Great as it is, our nation is not yet perfect. The fact that we can acknowledge this is what truly distinguishes us as a people.

We have always examined ourselves and determined that which needs to be improved, that which needs to be maintained and that to which we should aspire. This is the essence of, and beauty of, the United States of America."

It is time for us to apply that standard to our state and the history of its people. More particularly, I believe that it is time for Oregon and the communities within Oregon to tell the truth about the racist history of the state. It will make us a better, stronger, more united state. Adopting a social studies standard that requires students learn about our original state constitution and the existence of sundown town ordinances is one step. The other step that I urge upon you is adopting an Indian mascot rule that respects the Native Americans of this state and all the other states of our country. In adopting the Indian mascot rule, I urge you to remove ambiguity and make a rule that can withstand the inevitable appellate review. These two steps are a way to do one little thing to compensate in a tiny way for the wrongs of the past as well as move us towards the future to which we aspire.

State Standards That Require Public School Students to Be Informed about the Original Constitution and the Existence of Sundown Towns in Oregon Are Necessary to Inform Our People That Race Was and Is an Issue in Oregon.

I remember learning about the Civil War in 8th grade social studies. What I took away from the unit is that Oregon entered the Union as a "free" state and that Oregonians had fought for the north during the war. I felt proud that we had been on the winning and the right side of that battle.

What I learned nearly 30 years later was that Oregon's original Constitution prohibited "free blacks and mulattos" from living or owning property in the state. Furthermore, they were denied access to the courts of the state. I learned this in 2002, when a ballot measure was proposed to remove historical references to this portion of our Constitution. Is this completely in our past? No. 29% of the voters voted against this measure.

An even greater percentage of Linn County citizens (35%) voted against the measure.

It is also time to tell the truth about the history of our individual communities. As a child, I remember having a conversation one evening with my parents about racism in Lebanon. They told me about restrictive covenants in real property deeds that prohibited African-Americans and Jews from buying property. They also told me that "Negroes" could not stay overnight in the town, unless they were musicians playing at the Elks club. I found both of these things astonishing, implausible. I later learned that such places were called sundown towns and that many small towns in the northern United States had such laws. Our students know about Jim Crow down there, but they don't know about the banning of other races right here.

As a teacher, I went out of my way to tell students the truth about race in Oregon, about the constitution and about Lebanon's status as a sundown town. I had two women who grew up in Lebanon speak to a class about the time that their father hired an African-American crew to assist in the harvest. On the first night, a small group of people burned a cross near the buildings where those workers were sleeping.

When I returned to Lebanon in 2002 to teach in the high school, I found that climate for minorities less welcoming than other places. Here are two examples: I had outraged parents confront me because I assigned their sons to sit at a table with an openly gay boy. Another time when I was teaching a senior government class a popular, an African-American athlete admitted that there were parts of the school he avoided because they weren't safe. Racist students hung out in those parts of the school.

It's very important to me that you understand I am not condemning the staff at Lebanon High School for these incidents. The teachers do their best to keep all students safe and welcome in Lebanon schools.

I tell you about some of the racism in Lebanon not because I believe that Lebanon has a worse history than other towns in Oregon. I just happen to know more about its history. There is no doubt in my mind that other communities have their own, similar stories.

I believe two fundamental facts should be included in the curriculum standards for our state:

1. Oregon's original Constitution banned African-Americans from the state, and
2. Some communities in Oregon were sundown towns, where African-Americans were prohibited from living.

I believe that the information about all forms of racism in Oregon is the necessary context to explain the importance of the Indian mascot rule. Oregon was a place where African-Americans, Asians, and Native Americans were not welcome. The remnants of those attitudes remain in our people as do the injuries that were caused by those attitudes. I do not think that we can become a place where all are welcomed until each of us identify with both the oppressor and the oppressed. Knowledge of the past can create that identity.

The Board Should Adopt the Proposed Indian Mascot Rule with Minor Changes to Clarify the Board's Intent.

I am requesting two clarifying changes to the proposed rule. First, as drafted, 581-021-0047 could be interpreted to permit the use of Redskins and Savages as mascot names if a school district can get the agreement of an Indian tribe to the use. I hope that this is not the intent of the Board. These are pejorative terms and have no business in a public school. Section 3(a) also lists "Indians," "Indianettes," "Chiefs," "Chieftains," and "Braves" as prohibited mascots. These names are not distinctive to any federally-recognized tribe in Oregon and are offensive to many American Indians and American Indian groups. Evidence of their opposition is demonstrated by Appendix E of the March 8, 2012 Report on Schools' Use of Native American Mascots by the then -Superintendent of Public Instruction.

Banning the use of these names is necessary for three reasons:

1. Oregon tribes lack the authority to agree to a "generic" Indian term. Each Indian tribe is a separate nation and its sovereignty should be acknowledged.
2. Oregon should not allow the use of terms that could apply to all Native Americans given the widespread opposition by American Indians throughout our nation.
3. One aspect of the mandate to Oregon schools is to prepare our students for success in the workforce. Our students will not be prepared to be employed in an increasingly diverse workforce if we continue to allow Native Americans as a "generic" group.

I propose adding the following parenthetical to subsection 4 of the rule: "(except those names prohibited by subsection 3(a) of this section)."

Second, I request that the phrase "Except as provided in subsection (4) of this section" be omitted from subsection 3(c) of the rule. Animal mascots do not directly perpetuate Indian stereotypes and therefore a ban of them is not called for. Moreover, the depiction of real animals occurs in many contexts and, therefore, even if the animal in question is sacred to American Indians, it should be permissible for a school to adopt such a mascot without seeking the permission of a Native American tribe. It is not reasonable to assume that non-Natives will be cognizant of all of the animals that may be sacred to American Indians and otherwise a school could be held liable for an unintentional violation of the mascot rule.

The Board Should Take the Necessary Steps to Ensure Successful Implementation of the Indian Mascot Rule.

I recommend that the board take two steps to ensure a successful implementation of the Indian mascot rule. First, it is clear that there are groups who will appeal any rule that forces them to give up any aspect of their Indian mascots. See http://lebanon-express.com/news/local/lebanon-board-to-challenge-state-ban/article_0f61d325-2067-522e-93ca-a0e045a02720.html and http://www.oregonlive.com/education/index.ssf/2013/01/roseburg_school_board_suspects.html.

Take the time to make an appellate-proof record. Document all the evidence you have and all your reasoning for every step you take.

Politicians have told voters that they can keep their Indian mascots. To the extent this rule does not allow them to keep everything that they want, you need to engage the communities and explain to them why this rule is important. There are some people who will never be convinced, but there are more who are open to hearing the truth than you may think.

I have followed this issue for years. In my government classes, I presented students with Che Butler's PowerPoint presentation. Then the classes discussed whether Lebanon should change its mascot. After getting some basic information about the issue, a substantial number of students decided that a change should be made. I suggest that you visit the affected high schools and present students with the information that caused you to adopt this rule.

Great as it is, our state is not perfect. We can be exceptional. We can examine the past, adjust our present and aspire for a more perfect future. Lead us there.