

Post Office Box 942  
Beavercreek, Oregon 97004

April 2, 2013

Oregon House of Representatives  
Attention: Education Committee  
State Capitol  
900 Court Street Northeast  
Salem, Oregon 97301

Re: House Bill 3397 Public Hearing

Dear Chairwoman Kotek and Honorable Committee Members:

Thank you for taking the time to hold this public hearing over House Bill 3397, which addresses a ban on words and images imposed last year by the Oregon Board of Education. I support HB 3397, but am afraid that my support is only half-hearted. This bill does not go nearly far enough in reversing the ill-conceived scheme of a handful of political appointees who, though well-intentioned, have wrought more harm than good.

Like a similar bill being considered in the Senate (SB 215-2), HB 3397 fails to adequately restore the free expression of the public guaranteed under Oregon's constitution, and under the constitution of the United States. A better bill would be more like Senate Bill 501 (2013 Regular Session), which removes the authority of a small number of bureaucrats to withhold money from public schools because they don't agree with the school community's expression of itself.

Having a government agency ban a community from using words and images the agency doesn't like is a very troubling and dangerous phenomenon. Having a small, unelected group of government officials ban words, and punish people or groups who use them, is terrifying.

Whose words or images will be banned next? Who decides what words or images to ban? Do all people decide, or only the few appointed persons in the government agency, who have no accountability to anyone but the one individual who appointed them?

This kind of tyranny is exactly what happened in Nazi Germany during the 1930s as the government took gradual steps of repression, which led eventually to the extermination of millions of people of various ethnic groups and religions. This kind of tyranny, it appears, is now happening here, in Oregon—in the United States. To realize that, is mind-blowing.

This kind of tyranny sounds more like Russia or Central Asia today, where xenophobic governments with little history of real democracy have been conducting similar campaigns of linguistic cleansing. Government officials there feel it important to purify the language of the people, to eliminate the words of certain ethnic or religious groups, and to control the way that people think of their communities and society.

This is exactly what Oregon's Board of Education started when it prohibited communities from using names for their schools or students that include words like "Indians," "Braves" or "Chiefs." The Board also banned images related to American Indians, tribes, customs and traditions.

Official representatives of the Department of Education have said that the ban is to protect Native Americans from discrimination. Nothing could be further from the truth. The logic and research cited by the Department (and other detractors of using Indian-related words and images) are subjective at best, having been largely based on a single subjective study and testimony from members of a wide variety of far-left special interest groups.

The so-called research cited by a representative of the Oregon Indian Education Association was a single, unduplicated study. In it, study participants were asked to give opinions that could not be empirically measured and that were based on having been presented with grossly exaggerated caricatures of Native American people, rather than images resembling any of the mascots in use in Oregon today.

The Board of Education's ban is not about "equal opportunity for all students," or about what is right or wrong. It is about the politics of political correctness run amok, and of pandering to the interest groups that provide succor and support to left-wing politicians.

The Native American peoples of this state and country have a rich history of customs and traditions. Regulating communication about those customs and traditions won't help preserve the traditions, or protect the people. Regulating thought and communication will only serve to perpetuate the propensity of certain small-minded people to forget or disdain the very Americans that bureaucrats say they want to protect.

The Molalla area residents I know have always only wanted to honor the original inhabitants of the Molalla area, and at the same time to pay respect and tribute to Native peoples throughout our entire nation. Few people of Native American ancestry who live in Molalla today come from the original Molalla tribe.

My own children are descended from Cherokee and Algonquin tribes (on their mother's side). Other Molalla area residents have descended from such tribes as Cheyenne and Blackfeet.

Despite some misinformed claims to the contrary, the image that Molalla High School uses to depict an American Indian is both respectful and representative of Native Americans who have lived in the Molalla area and other parts of Oregon. Numerous photographs and documentary evidence are available to support this from various sources including state and federal governments, Oregon Public Broadcasting and individual Oregonians.

To be sure, I understand why individual Native Americans would be mad as hell about treatment that they and their ancestors suffered at the hands of European-descended settlers. I understand why these first Americans would want to deny all people of European ancestry the ability to speak for them or about them, or to use their images or symbols. But I also understand that this kind of denial, no matter how understandable or seemingly justified, creates a dangerous precedent for denying communication of other ideas and concepts. It also does not engender the kind of cooperation and understanding that must be created and preserved if we are all to live in peace in a world that grows ever-more diverse and densely populated.

No matter how hard it may seem at times, we must all honor and respect each other. Centuries of misdeeds cannot be undone by reversing the flow of discrimination. We must all of us look past the exterior attributes of each other. Skin, eye and hair color are not important. What is important is that we all honor and respect each other, and that none of us practices discrimination in any form.

To that end, government must not restrict the public's right to free expression. Government must create and nurture an atmosphere of cooperation and education, not competition and hostility.

Unlike other government institutions, public school districts are not just government agencies that exist for providing and regulating public order. Just as with private schools, public schools exist to provide both community and individual benefit, accomplished through education which, to be effective, depends on tolerance and a free exchange of ideas. Our state's founders and chief jurists recognized the need for such tolerance when they provided even broader rights of expression than those provided for in our nation's constitution.

To put this notion into perspective, consider private schools alone. What do you suppose would have been the outcome in the U. S. Supreme Court if the Board of Education had made its ban apply to private schools too? That the ban doesn't apply to private schools is fairly telling. Free speech of private citizens, regardless of the educational setting, cannot be infringed, except in extraordinary cases. Over the decades, the federal courts have made it clear that such extraordinary cases are not reserved for speech that is merely unpopular or offensive.

Apart from turning aside free expression, the Board of Education's "mascot" ban suffers from a number of other inadequacies, which are outlined below. Some of these issues are more legal in nature, while others are more philosophical. In any case, these problems should be corrected, even if legislators fail to reverse or modify the ban.

- A number of schools throughout the United States that are operated specifically for or by Native Americans use words for their teams including "Indians," "Braves" and "Lady Indians," and use images similar to the one used at Molalla High School. If Native American groups throughout the country have such broad opposition to these words and images, as representatives of the Oregon Indian Education Association claim, then why do Native Americans themselves use these words and images for their own schools and teams?
- The OBE rule bans the use of words and symbols that any reasonable person would hold in high esteem (i.e., "Indians" and "Braves"), but allows the use of words and symbols associated with theft, robbery, pillaging, rape, murder and warfare, to wit: Outlaws, Raiders, Pirates, Warriors, etc. What kind of message does this convey to our kids and our communities?
- The OBE rule is overly broad and provides incomplete parameters for ensuring regulated agencies know how to comply. Rather than limiting banned words or images with specific parameters, the rule leaves compliance open to broad, unspecified interpretation—at the sole discretion of the agency—by using the term "such as" to describe the words/images that are banned.
- The OBE rule provides unequal protection under the law by singling out one group for special treatment, while not providing that same treatment for all other similar kinds of groups, to wit: Japanese, Irish, Scots, etc.

The problem with HB 3397 is that, while it creates a compromise among parties with an interest in the mascot issue, the compromise still creates an unconstitutional regulation of speech and

expression. The bill doesn't deal with the core issue of the ban: the regulation and restriction of protected speech as conveyed in a community's identification of itself and, thereby, the expression of its ideals.

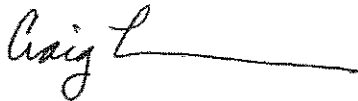
Some proponents of HB 3397 will argue that requiring schools to seek tribal permission to use Indian-related words or images will improve communication and understanding between tribes and non-tribal people. The requirement, they say, will lead to stronger relationships, more cooperation and better education of students.

Better communication, understanding and cooperation are extremely important. So is the need to provide better education about Native Americans to all Oregonians. But rather than promoting these ideals, I fear the bill will provide a false sense of cooperation and communication that will do little to address real problems relating to Native Americans and the issues that affect them.

Communication and cooperation are only effective, are only genuine, if they are voluntary and heartfelt, not compulsory. Expecting something good to come from HB 3397 is a bit like expecting the elementary-schoolers who just tried to beat the stuffing out of each other to forget everything because they were forced to shake hands. They'll shake hands—but they won't forget.

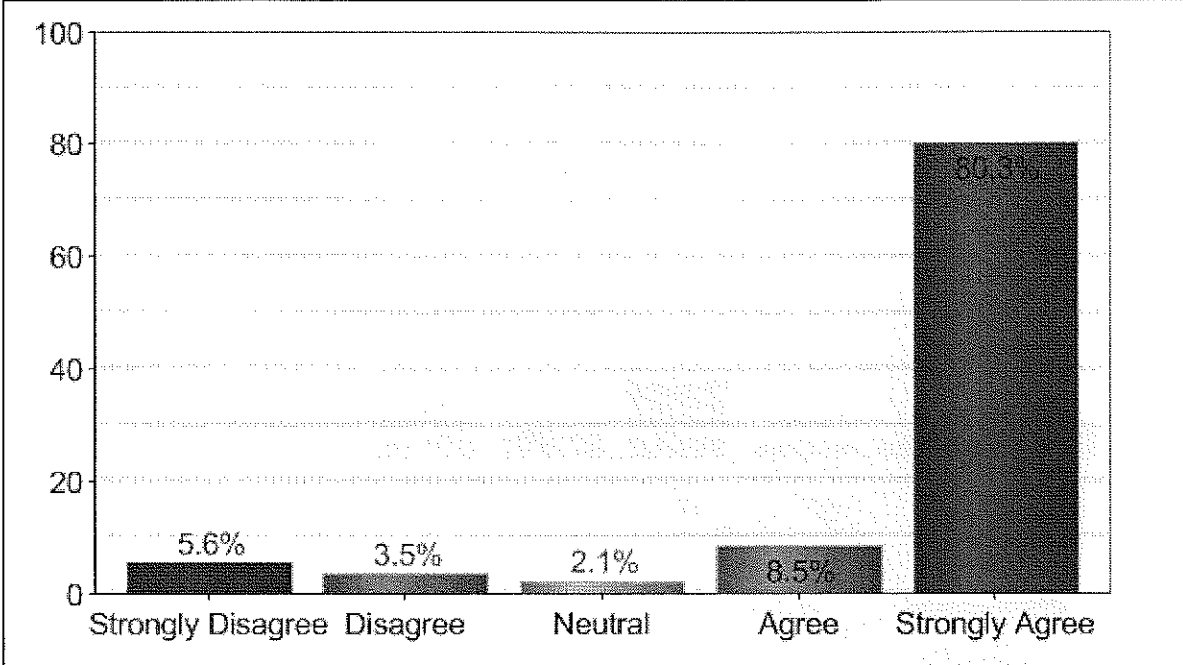
In closing, I urge you to refer HB 3397 to a full vote of the House. While far from perfect, this compromise at least may allow some communities to retain their "Indian" symbols, thus continuing to honor our state's first inhabitants. However, I would feel far less troubled if the honorable members of this committee and the House would do what is legally and morally right, and eliminate the unconstitutional ban of the Oregon Board of Education.

Sincerely,

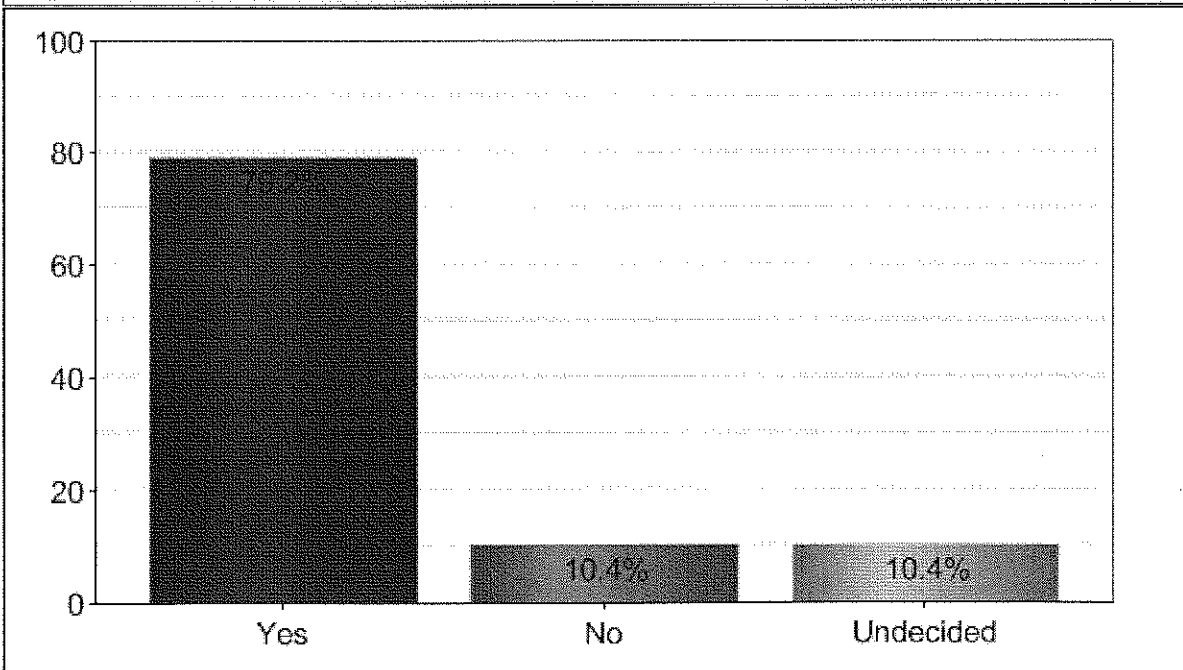
A handwritten signature in cursive script, appearing to read "Craig Loughridge", followed by a long horizontal line extending to the right.

Craig Loughridge  
Resident, Molalla River School District

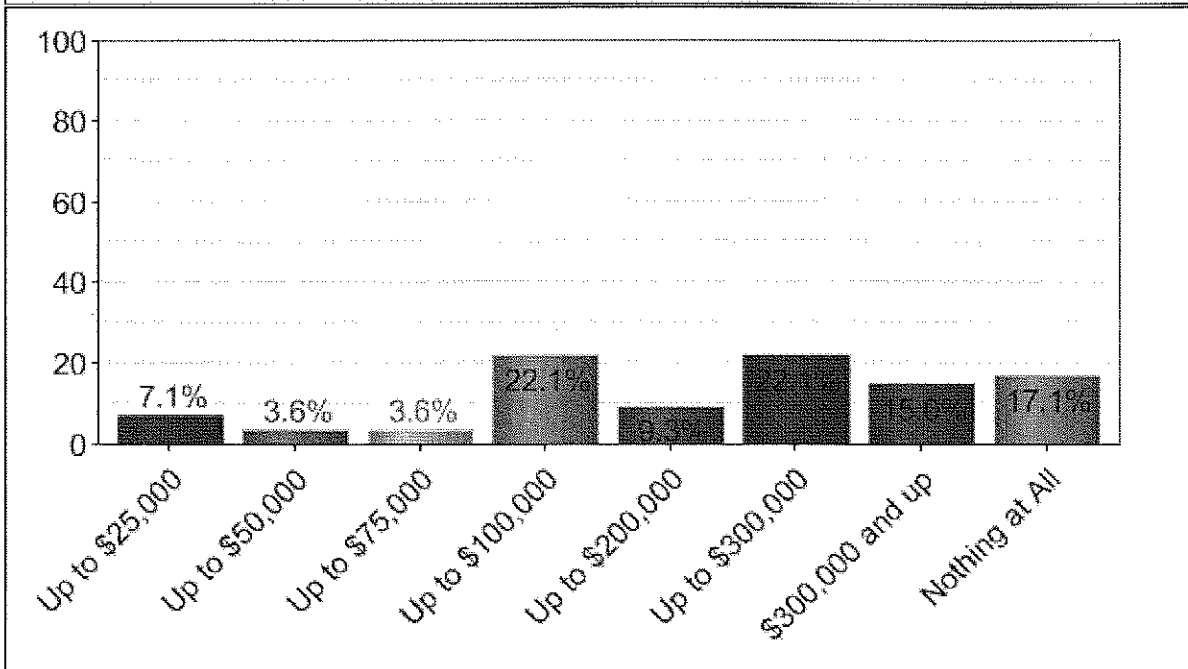
How strongly do you agree with the following statement? Molalla High School should be able to retain the name "Indians," and continue to use the image of a Native American/American Indian person as part of the school's identifying symbols.



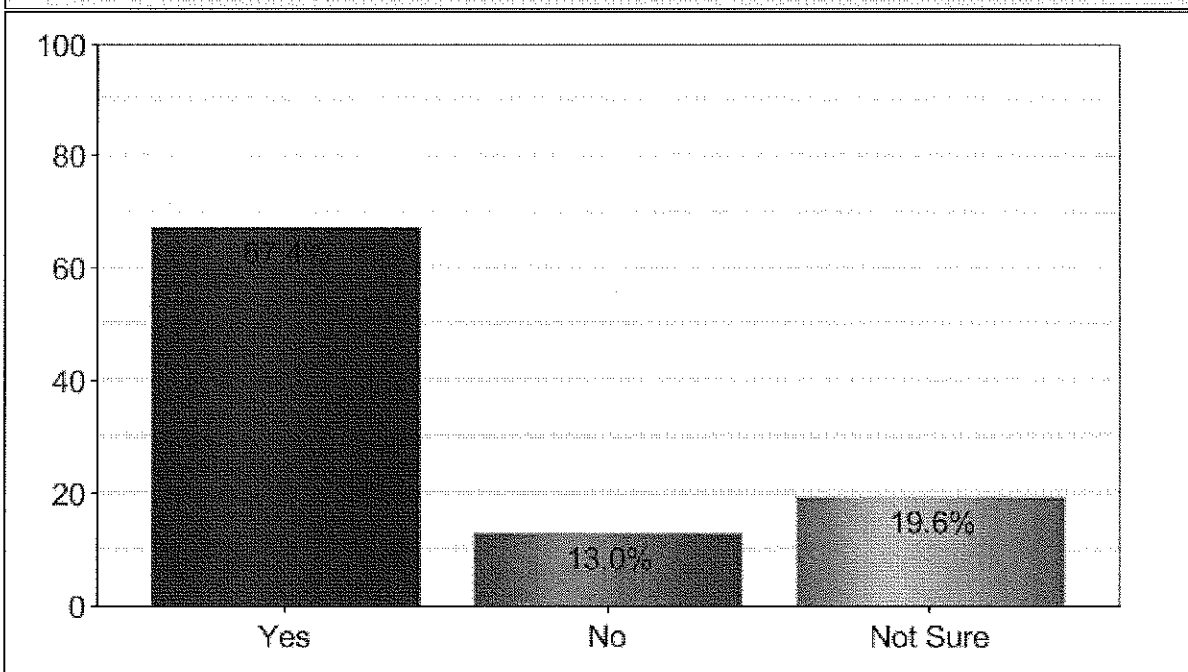
Five appointed members of the Oregon State Board of Education voted in May 2012 to ban use of the term "Indian," and any representation of an American Indian, as a name, nickname or symbol in all public schools in the state. Some Oregon legislators this year proposed laws to disallow unelected state officials from banning or regulating words or symbols used to identify Oregon schools. If a majority of legislators can't agree to approve one of those laws, should Molalla River School District take some action to legally retain the name "Indians" and/or the ability to continue using the image of an American Indian?



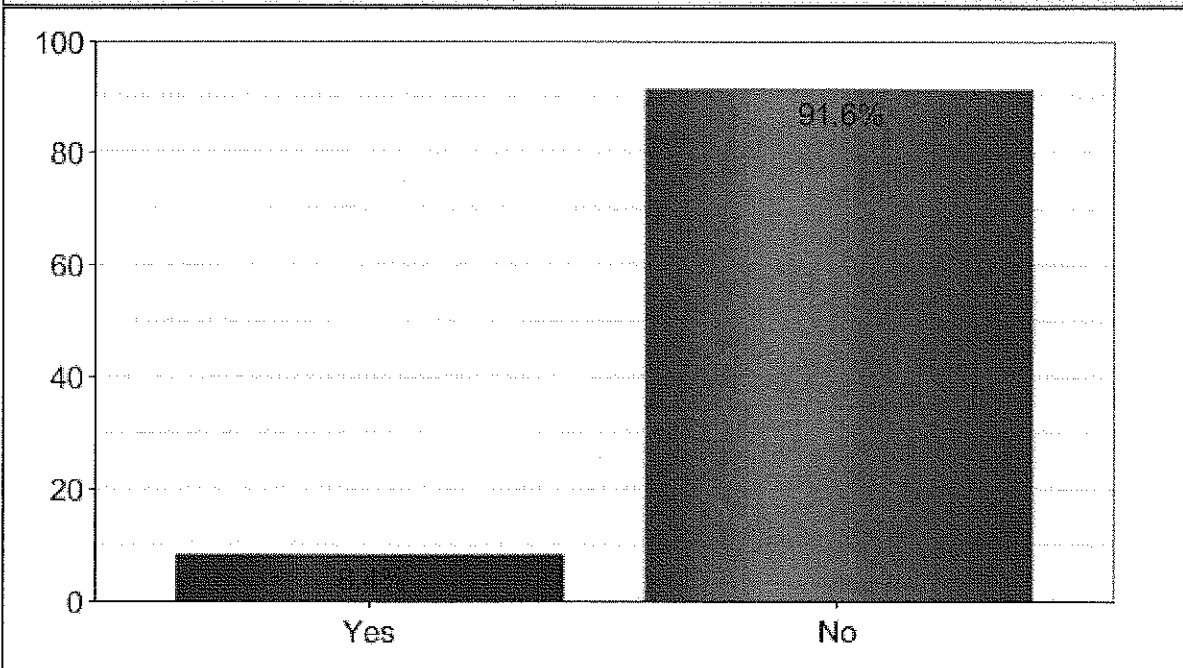
Some estimates show that the district is likely to have to spend between \$300,000 and \$600,000 to eliminate all references and symbols relating to American Indians, and to develop and implement a new identity. Assuming that a correct amount lies somewhere between those dollar figures, what amount do you think the district should spend pursuing an action to retain the high school's current identity?



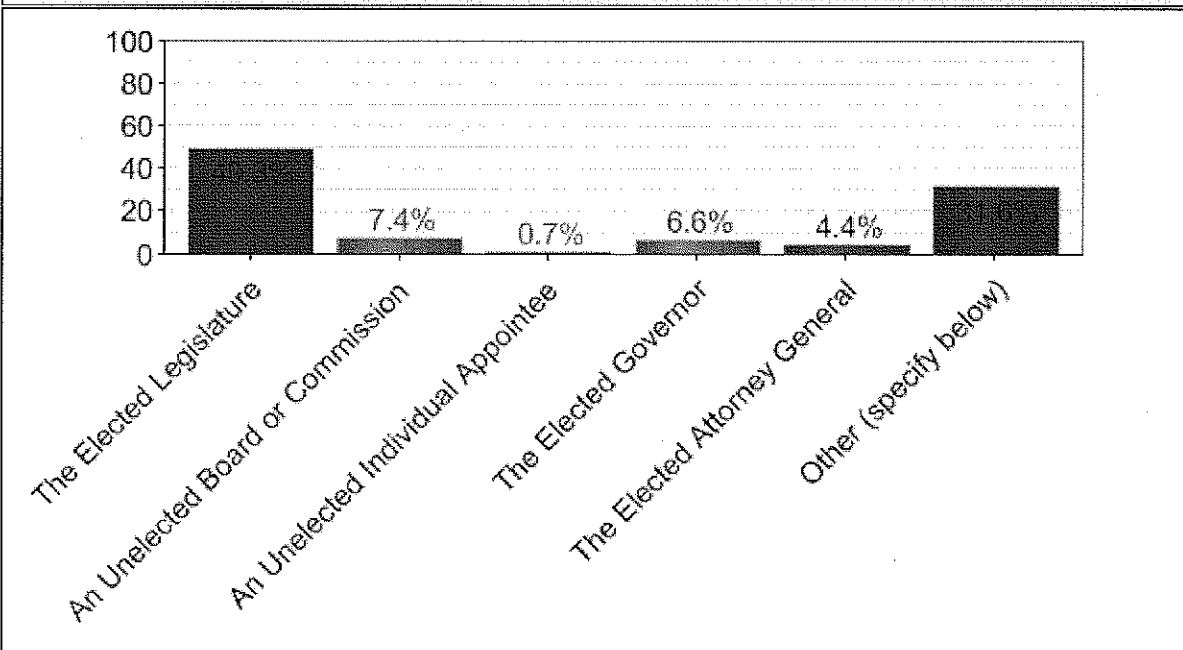
Would you still want to spend the amount of money that you selected above to fight the state's ban if you thought the district might lose?



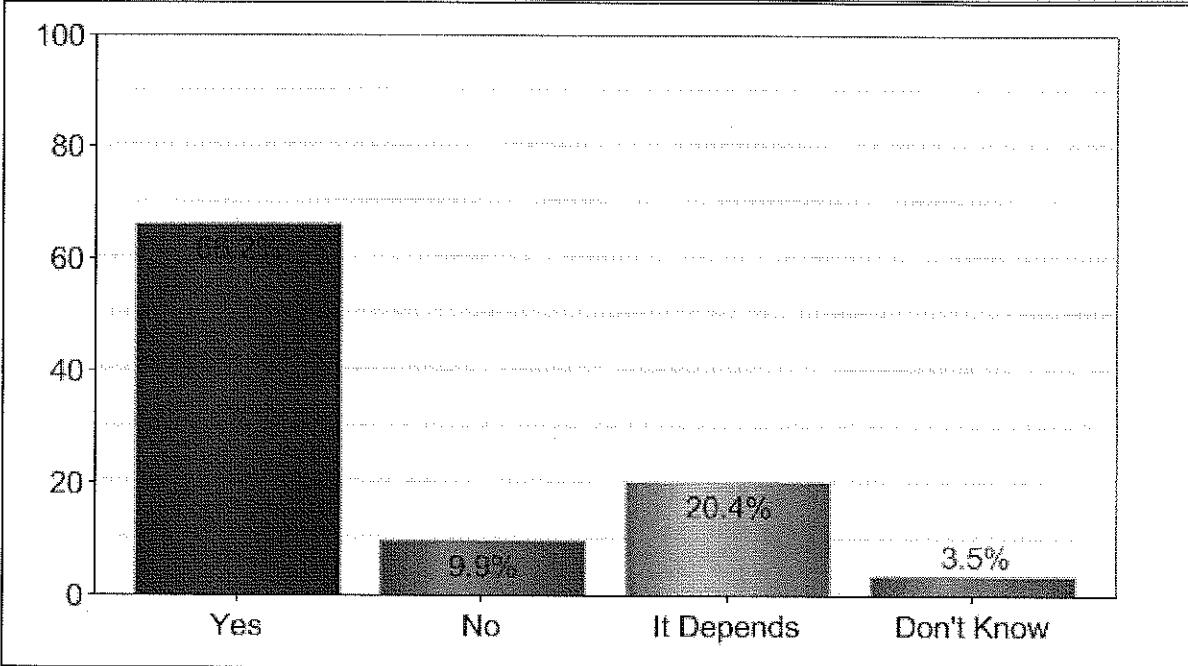
Do you think that the state or federal government should be able to control or regulate a group's choice of identity?



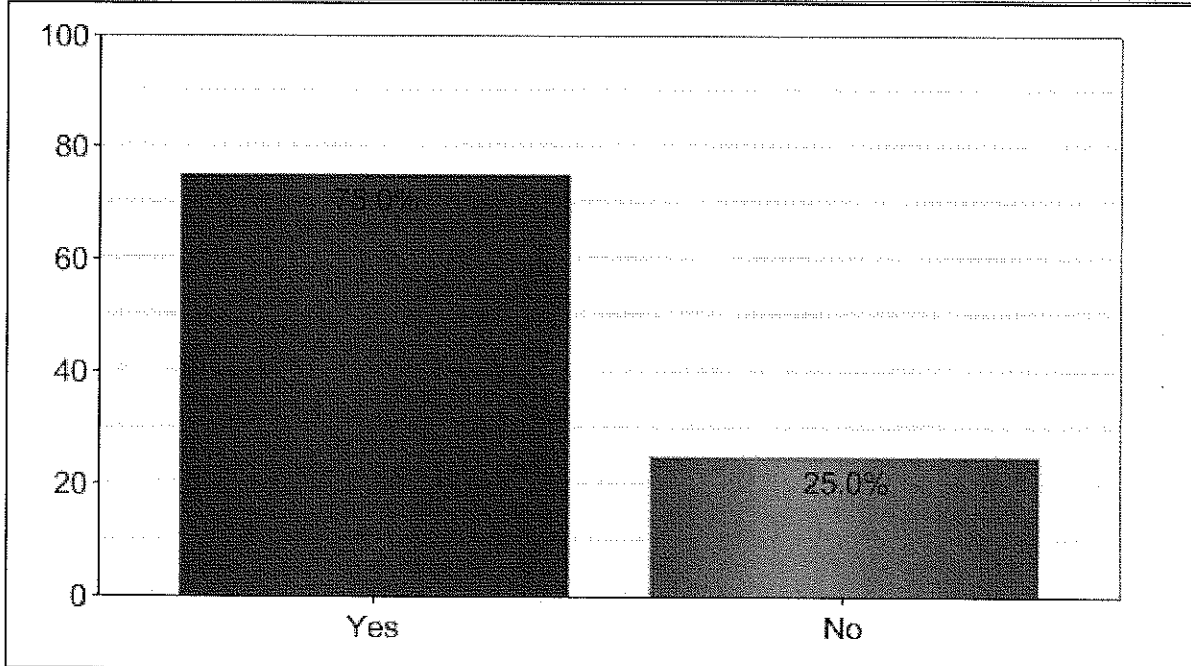
Assuming that it is valid and appropriate for state government to control a group's choice of identity, that power should belong to:



Do you think it's a violation of the constitution (federal or state) for a government agency in Oregon to restrict or regulate a community or group of individual citizens who wish to identify themselves in a particular way?



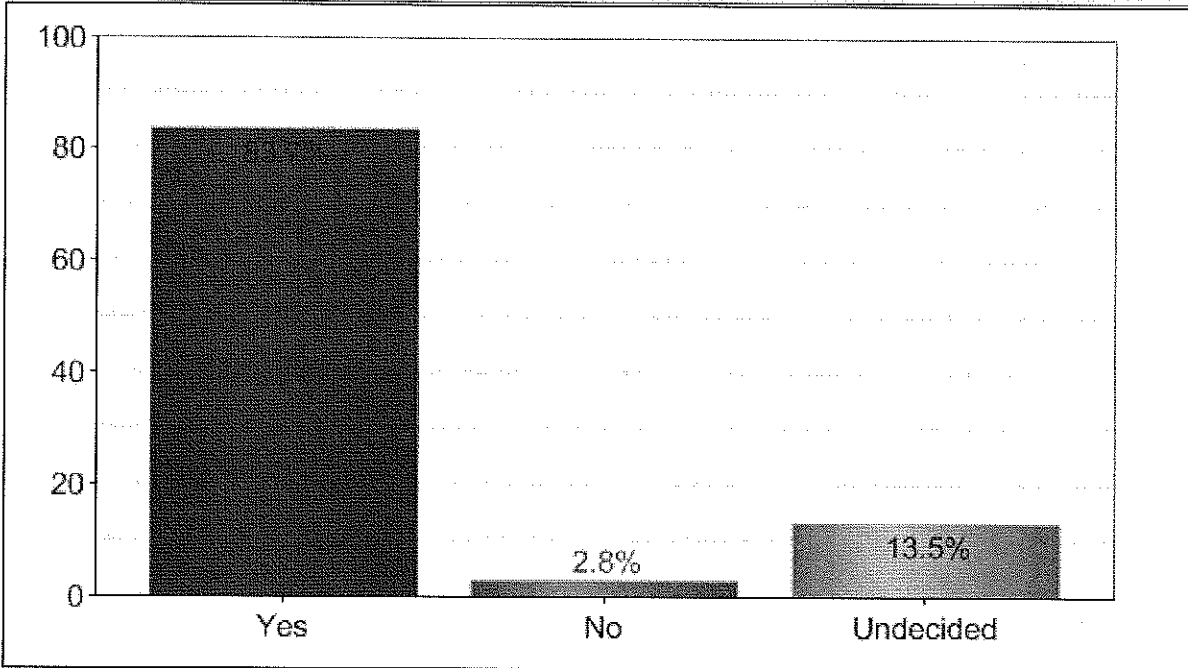
If government bans a word or symbol depicting one ethnic group, should government also ban words or symbols that represent any and every ethnic group?





Both state and federal civil rights laws define specific classes of individuals that are protected from discrimination. Among those classes are race, color and national origin.

If a government agency creates a rule with respect to a specific group within one of those classes, must that agency also provide the same rule and treatment for all the other groups within that class?



**Source:** Craig For Schools, SoGo Survey unique-access web survey (preliminary results from 144 respondents as of 04/02/2013)

**Submitted by:** Craig Loughridge, P.O. Box 942, Beavercreek, Oregon 97004

----- Original message -----

From: [craig@bybryson.com](mailto:craig@bybryson.com)

Date: 04/04/2013 12:40 AM (GMT-08:00)

To: Rep Gelser <[GelserS@leg.state.or.us](mailto:GelserS@leg.state.or.us)>

Cc: Rep Reardon <[ReardoJ@leg.state.or.us](mailto:ReardoJ@leg.state.or.us)>, Rep Sprenger <[SprengS@leg.state.or.us](mailto:SprengS@leg.state.or.us)>, Rep Whisnant <[WhisnaG@leg.state.or.us](mailto:WhisnaG@leg.state.or.us)>, Rep Fagan <[FaganS@leg.state.or.us](mailto:FaganS@leg.state.or.us)>, Rep Huffman <[HuffmaJ@leg.state.or.us](mailto:HuffmaJ@leg.state.or.us)>, Rep Gomberg <[GomberD@leg.state.or.us](mailto:GomberD@leg.state.or.us)>, Rep Gorsek <[GorsekC@leg.state.or.us](mailto:GorsekC@leg.state.or.us)>, Rep Parrish <[ParrisJ@leg.state.or.us](mailto:ParrisJ@leg.state.or.us)>

Subject: Erroneous Information about HB 3397

Dear Rep. Gelser:

In light of an erroneous assertion by schools chief Rob Saxton at your committee's hearing April 3 on HB 3397, I wanted to make sure the following information was added to the record.

During the Wednesday hearing relating to the State Board of Education's ban on Native American mascots, Rob Saxton quoted numbers of something like 380 people in favor of the ban and something like 340 people against the ban, then referred to the difference as showing "overwhelming support" for the ban. It doesn't take a professional statistician to see that this description of "overwhelming support" is very disingenuous. In fact, proportionally, the numbers are so close (especially considering the small sample size) that they likely show what is nothing more than a statistical dead heat. A variation from 340 to 380 is less than 6 percent. I don't recall what Mr. Saxton's exact figures were, but the exact percentage variation should be close to this.

As I'm sure both you and Mr. Saxton know, it is the zealots on both sides of an issue who tend to show up at hearings and to contact government agencies about what bothers them. Average, everyday voters rarely do this, yet average everyday voters often have opinions that are far more similar to each other than they are to the opinions of the zealots on the fringes of an issue.

Actual opinion surveys conducted by organizations not affiliated with state government have been conducted that show a vastly different level of support for the ban than what Mr. Saxton portrayed.

Two separate polls, one in the Molalla area this year, and one in Washington County last year, have shown overwhelming opposition to the Board of Education's ban. One poll was taken by the newspaper The Hillsboro Argus, and showed 85.6% of 548 persons opposed. The other poll, taken on behalf of my own campaign for school board in the Molalla River School District, shows 89% of 144 persons opposed as of April 2, 2013. (If there is any interest, I would be glad to meet and share the methodology of my own survey with you, or with any other members of your committee.)

A copy of results from my survey already is posted on OLIS. I also am attaching to this e-mail a copy of the survey from The Hillsboro Argus.

Thank you for your service.

Best Regards,

Craig Loughridge  
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## Poll: Do you agree that Oregon high schools should not use Native American mascots?

Published: Wednesday, May 23, 2012, 12:43 PM Updated: Wednesday, May 23, 2012, 2:53 PM



By The Hillsboro Argus

Do you agree that Native American mascots should be banned from Oregon high schools? (Poll Closed)

Last week's decision by the state Board of Education to **officially ban the use of Native American mascots at Oregon high schools** has triggered much reaction on both sides of the issue.

Proponents say that imagery related to "Indians," "Braves" and "Chiefs" promotes discrimination, harassment and stereotyping of Native American students.

Opponents contend the mascots honor Native Americans and point to the ban as political correctness run amok.

The new policy applies to **Banks High School**, longtime **home of the Braves**, and 14 other schools in Oregon. However, it exempts Aloha High School and other schools that call themselves "Warriors" as long as their logos do not reference tribal customs or traditions.

What's your take? Please vote by 10 a.m. Saturday, May 26.

### Poll Results

Yes = 14.42% (79 votes)

No = 85.58% (469 votes)

(Total Votes: 548)

Submitted to Oregon House of Representatives Committee on Education by:  
Craig Loughridge, P.O. Box 942, Beavercreek, OR 97004

[http://www.oregonlive.com/argus/index.ssf/2012/05/poll\\_do\\_you\\_agree\\_that\\_oregon.html](http://www.oregonlive.com/argus/index.ssf/2012/05/poll_do_you_agree_that_oregon.html)