

# Hat and Soul

What's worse than waiting in line for a driver's license? Waiting in line and then being turned away.

By Abigail Pickus

By Abigail Pickus

Wendy Maislen Frank never leaves home without a hat. Some days she wears a beret, other days a baseball cap. As an observant Jew and a married woman, what matters is that her head is covered in public, not how she covers it.

On a Tuesday in October, Frank bundled up her one-month-old daughter, gathered together her paperwork, and headed out the door for the drivers' services facility in Libertyville. She had no way of knowing that her beige hat with a cluster of flowers at the brim would prevent her from getting an Illinois driver's license. "It never even occurred to me that this would be a problem," said Frank, 30, who with her husband, Ben, recently moved here from New York, settling in Buffalo Grove.

The only thing Frank anticipated was the usual evil: long lines. She wasn't wrong about that. Even though she made sure to miss the lunch crowd, arriving after 1 PM, she still had to stand in line for nearly two hours.

"I was holding my baby the whole time," said Frank. "There was no place to sit and no counter in the women's bathroom to change her. I had to change her on the floor and it was disgusting. I also had to nurse her while standing in line."

After finally making it through the initial processing, she took her written test; she figured she was home free by the time she sat down to have her photo taken. Then she was told she had to remove her hat.

"I told the woman that I wear a hat for religious reasons, and I asked her if she needed me to sign a paper or something. She said to me, 'We don't do that here. I can't take your picture while you're wearing a hat.'"

Observant Jews consider hair intimate, and women cover their heads in modesty, and as a sign of respect before God. At first, Frank figured all she had to do was explain her situation.

"I was laughing," said Frank. "I was just surprised and I said, 'So you're not going to give me my license?' The woman called over the supervisor, who was friendly at first, and told me that I need to take my hat off. Again, I explained that as an observant Jewish woman I need to keep my head covered. And she said to me, 'We don't recognize that hat as a religious symbol.' She said if it were a scarf or a turban that would be OK." Frank felt like she had entered the Twilight Zone. She explained that in Judaism there is no one hat that qualifies as a religious covering, that it's the principle behind it.

Over the centuries, a hodgepodge of practices has developed to meet this need. Observant Jewish women wear everything from a hat or a scarf to a wig, called a sheitel. A good sheitel--and it doesn't take a connoisseur to tell the good ones from the bad--would not elicit any suspicion from a drivers' services employee because it looks like natural hair.

But it seemed that the more Frank explained, the more exasperated the drivers' services officials became. Which is why Frank found herself combing the lines, looking for something to borrow to wrap around her head. "I scouted the entire drivers' services facility and nobody happened to be wearing a scarf," she said. "So in desperation I asked if I could use my baby's blanket as a head covering and they said no. The fact that they said I could wear a turban or a scarf really got me. Who are they to decide what I can cover my head with--what an observant Jewish woman does?" she said.

After her appeal to have her rabbi fax over a letter explaining the custom was dismissed, Frank not only couldn't get any answers, she couldn't even get anyone to talk to her. "I would go from counter to counter and no one would talk to me! I was so angry and so frustrated and so confused," she said.

Finally, the drivers' services employees decided to give Frank a temporary license, but told her that she would have to come back again to get her photo taken. She walked out--a good three hours after she arrived--with nothing but that temporary license and a lot of unanswered questions.

"I was shocked. How is it possible that this has never come up before? How is it possible that I'm the first observant Jewish woman to come in for her picture?" she asked.

Frank is not the only one to have encountered this scenario. When Rachel Tessler Lopatin, a program director at Anshe Emet synagogue in Lakeview, went to get her driver's license renewed at the drivers' services facility on Elston and to renew her passport at a post office in Lincoln Park, both times wearing a hat, she met with resistance.

They were quite rude," she said. "They said, 'This is not acceptable,' and I said, 'It's not just a hat. It's something I wear because of my religious beliefs. I wear this all the time.'"

Lopatin said she ended up waiting an extra four hours before she was finally allowed to keep her hat on for the passport photo.

"Anything I had read, I didn't even know it was an issue, or I would have brought a letter from a rabbi. I understand their sensitivity to gangs, and I understand you can't cover up your face, but people who are working in this field should have a sensitivity to different religious groups. An Orthodox Jewish woman wearing a hat should not be such an anomaly," she said.

According to Harlan Loeb, midwest counsel for the Anti-Defamation League, asking an observant Jewish woman to remove her hat for a driver's license photo directly violates the Illinois Religious Freedom Restoration Act, which requires the government to make accommodations for religious beliefs.

"It is not the government's place to determine what's a Jewish hat and what's not," said Loeb, who is an observant Jew himself. "For a government entity to unilaterally determine what is or is not a religious head covering is totally inappropriate and manifestly illegal." The secretary of state's office said the incident never should have happened. Hats are discouraged to guard against anything that would make it easier to create false identification, but they could find no list of officially recognized religious hats or a reason why Frank encountered such resistance.

Observant Jews are easily identifiable in neighborhoods like West Rogers Park--where many women wear sheitels and long sleeves and skirts, and may chat in Yiddish--but in emerging, modern Orthodox communities such as Lakeview and Buffalo Grove, they're harder to spot. Except for the yarmulkes worn on the men's heads, there is no indication that a family taking a stroll on a Saturday morning is headed for synagogue.

"It's a new phenomenon, this whole modern Orthodoxy," said Asher Lopatin, Rachel Lopatin's husband, and the 35-year-old rabbi of Lakeview's Congregation Anshe Sholom, a vibrant Orthodox synagogue that has drawn an increasing number of young congregants. "Here people are really adhering strictly to the law and yet are still a part of the modern world."

In the four and a half years since Lopatin came to Anshe Shalom, the congregation has more than doubled, going from 150 mostly older members to 315, over half of whom are in their 20s and 30s. Although Lopatin says the majority of the married women in his congregation cover their heads only on the Sabbath, he sees a growing number of young women choosing to practice this custom. "My neighborhood is growing religiously. More people are eating only at kosher restaurants, and praying, and studying. And more and more women are deciding to cover their hair all the time."

Frank spent the entire day following her ill-fated drivers' services encounter on the phone with the secretary of state's office in Springfield. She was transferred from one official to another until an administrator who handles complaints told her to write a letter to the deputy director of drivers' services. She did so, and followed up with a phone call a week later, at which point she was told her case had been looked at by the legal department, and given the OK. She returned to the Libertyville facility the following Friday and was met by the supervisor, who ushered her through the line. She had her photo taken with her hat on (this time, a black beret) and in 15 minutes was out the door, license in hand.

"I want to profusely apologize to [Frank] on behalf of the office," said David Druker, press secretary for Secretary of State Jesse White. "She shouldn't have run into this problem. Probably someone who followed the guidelines was a bit overzealous and misinformed. I would hope that secretary of state employees would show a little sensitivity whether someone is an Orthodox Jew or another culture. And in the future, we do ask people who for religious reasons cannot remove their hat to bring a letter from a clergyman."

"Honestly, I don't believe they were trying to give me a hard time," said Frank. "I think they truly didn't know. It was out of a lack of understanding."