Mexican American Legal Defense and Educational Fund

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MALDEF

November 2, 1995

Stephen Warnath
THE WHITE HOUSE
Old Executive Office Building, Room 224
Washington, D.C. 20005

Dear Mr. Warnath:

Pursuant to your request regarding MALDEF's position on Official English/English Only legislation, I have enclosed some material that is currently on hand. As I mentioned in our telephone conversation, we are in the process of updating our position papers. I will forward additional information to you as it becomes available.

While MALDEF has consistently opposed past and present movements to declare English the official language of any city, state or national government, we are particularly concerned with this issue in light of the current political climate. These proposals, even in resolution form, will have devastating effects on the Latino community through the divisive and discriminatory message created. Equally important is the immediate threat to the hard fought right to vote through a multilingual ballot, should there be passage of such onerous and unnecessary governmental legislation.

Should you have any further questions or concerns, please do not hesitate to call me. I look forward to the opportunity of speaking with you regarding this important issue.

Sincerely,

Georgina Verdugo

GEORGINA C. VERDUGO
Regional Counsel

ENCLOSURES

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MALDEF

BILINGUAL EDUCATION: THE MOST EFFECTIVE TEACHING METHOD FOR LIMITED ENGLISH PROFICIENT CHILDREN

Transitional bilingual education with a strong native language component has proven to be the most effective method for teaching limited English proficient children English as well as other content areas, developing bilingual literacy, and creating valuable bilingual Americans who can strengthen our position in the global economy.

Bilingual Education Encompasses a Variety of Programs

Contrary to public perception, bilingual education does not provide instruction to limited English proficient (LEP) students exclusively in their primary languages. In fact, English is the medium of instruction in "bilingual classrooms" from 72% to 92% of the time, depending on the grade level. Bilingual education encompasses a variety of programs, including transitional bilingual education, sheltered content instruction, English as a second language programs (ESL) and various gradations in between.

Although bilingual education programs may differ in methodology, all involve significant coursework in teaching English language skills; all have as their primary goal the development of students' capabilities in reading, writing and speaking English so they can effectively compete with their fluent English peers in both English and other academic subjects once they have been completely transitioned out of bilingual education programs. All of these programs result in high school graduates with a good knowledge of English.

Despite commonly held misconceptions, children are not kept in bilingual education programs beyond the time when they should be mainstreamed into all English classes. The average length of stay in these programs is only 2-3 years.

Transitional Bilingual Education Works Best

Reliable comparative studies have found that late exit transitional bilingual education is the most effective strategy for teaching LEP students. [LEP students in early and late exit transitional bilingual education programs receive a portion of their instruction in their native language for 3 and 6 years, respectively.] For example, in 1991, the most definitive comparative study to date was released.[1] This study, which was commissioned by the Department of Education and whose findings were validated by the National Academy

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[1] See J. David Ramirez, Sandra D. Yuen, Dena R. Ramey and David J. Pasta, *Longitudinal Study of Immersion Strategy, Early-exit and Late-exit Transitional Bilingual Education Programs for Language-Minority Children* (1991).

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of Sciences,[2] compared the effectiveness of immersion strategies (sink-or-swim) to early exit and late exit transitional bilingual education programs. The study concluded that late exit transitional bilingual education programs are the most effective of the three. Students who went through the late exit programs performed better in both English and other content areas, and they had a better chance of going to college.

In contrast, studies concluding that bilingual education is less effective than immersion strategies have been roundly criticized by the research community because of flaws in research design.

Bilingual Education Programs With a Strong Native Language Component are Particularly Effective

Because of the nature of language learning, longer term bilingual education programs with a strong native language component are particularly effective. Although it takes only 1-2 years for children to develop conversational English skills, it takes 5-7 years for them to develop academic language, or the language of school, science and scholarship. In addition, studies have shown that LEP children who become literate in their primary language are able to easily transfer those literacy skills to the learning of English. Therefore, rather than allowing LEP students to fall behind in content areas such as math, science and history while they are learning English, the best bilingual programs enable children to develop cognitively and academically in their native language at the same time that they are learning English and such programs ensure that children learn English well, not just quickly.

Nostalgic Success Stories of Yesteryear Do Not Hold Water

Many opponents mistakenly argue that their immigrant ancestors as well as non-Hispanic immigrants have experienced success without bilingual education. Actually, most immigrant children who entered English-only classrooms earlier this century were more likely to fail or drop out of school than to succeed. In 1908, for example, only 13% of the 12-year olds enrolled in New York public schools whose parents were foreign born went on to high school, compared to 32% of white children whose parents were native born.[3] Those immigrants with limited English skills who did succeed were only able to do so because of the nature of the economy at that time. The industrial and agricultural nature of the economy relied on uneducated and unskilled labor. Our current technological, information

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[2] See National Research Council, *Assessing Evaluation Studies: The Case of Bilingual Education Strategies* (Michael M. Meyer & Stephen E. Feinberg eds., 1992).

[3] James Crawford, *Hold Your Tongue: Bilingualism and the Politics of "English Only"*, at 129 (1992).

based economy requires strong English skills. These same immigrants would not have succeeded today.

Those immigrants who have come here more recently and supposedly succeeded without bilingual education programs generally received some education in their native countries. In effect, many of these immigrants came to American schools with subject matter knowledge and literacy in their primary languages. These children are, in fact, walking advertisements for bilingual education.

Bilingual Education is a Cost Effective Tool Necessary in Today's Global Economy

The position of American companies, and, therefore, the position of the United States as a whole, in today's global economy is strengthened and enhanced if Americans are multilingual. For this reason, employers value multilingual employees. Rather than subtracting from LEP students' base of knowledge, bilingual education builds on their strengths and develops bilingual literacy, creating bilingual workers in the process.

In addition, bilingual education programs are inexpensive to run. The additional cost of running a bilingual classroom as opposed to standard monolingual classrooms is only a few cents per day.

For more information, please call Georgina Verdugo or David Kamer at (202) 628-4074.

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MALDEF OPPOSES OFFICIAL ENGLISH MOVEMENT

The Mexican American Legal Defense and Educational Fund (MALDEF) opposes all efforts to make English the official language of any city, state or national government. Legislation aimed at making English the official language is unnecessary, hinders English acquisition, and is of questionable constitutionality.

English Only Proposals Are Unnecessary

English is overwhelmingly the dominant language in the United States. According to the 1990 U.S. Census, while 13.8 percent of U.S. residents speak languages other than English in their homes, **97 percent of U.S. residents above age four speak English "well or very well."** Longtime residents as well as newly-arrived immigrants recognize the importance of speaking English, and are learning English at a faster rate than ever before. Proponents of English Only legislation falsely assert that the primacy of English in the United States is threatened. However, the facts indicate that there is no linguistic "Balkanization" as proponents would have the public believe.

English Only Laws Will Further Divide Our Country

Rather than promoting the bond of a common language, these proposals will actually have the reverse effect. While English is unanimously recognized as the common language of the United States, providing services and opportunities to learn English do not diminish either the importance of English or confidence in a government that recognizes the importance of providing services in other languages. The frustrations of dealing with increased administrative inefficiency, exclusion from voting representation, and attempts to suppress language heighten intolerance cause less rather than greater national unity. What brings us together as Americans are principles enumerated in the Constitution and Bill of Rights, namely the freedom to express our ideas, respect for due process and representative democracy, and opportunities to succeed. English Only laws go beyond undermining these principles, and create an atmosphere of isolation and discrimination.

English Only Proposals Endanger Public Health

Proponents of English Only misguidedly call for *all* government business to be conducted in English. The effect of such legislation would be catastrophic in emergency, employment, and virtually all public arenas. To the detriment of those seeking urgent assistance, emergency personnel would be prohibited from communicating in other languages. Doctors and nurses would be prohibited from effectively communicating to obtain proper diagnosis and treatment. Dangerous conditions and hazardous environments

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would be concealed from those who do not understand English, and whose employers are prevented from posting adequate warnings in languages other than English. People unable to obtain bilingual services may fail to seek necessary medical attention or immunization against contagious diseases, further endangering public health.

Official English Laws Are Unconstitutional

The Ninth Circuit Court of Appeals has ruled that the state of Arizona's official English law violates the U.S. Constitution. The court found the law unconstitutional because it unlawfully infringed on freedom of speech.

Language minority individuals, like other citizens and residents, contribute to our country through their work and their tax dollars. They are entitled to the full range of interactions with their government. We agree that government should operate in English--but not English only.

For further information, please contact Georgina Verdugo, Christa Manzi Schacht or David Kamer at MALDEF, Washington D.C. (202) 628-4074.

San Antonio Express-News
Metro
3B Tuesday, October 24, 1995

MALDEF monitors limits on language

Complaints accepted via toll-free number

BY MARIA F. DURAND
EXPRESS-NEWS STAFF WRITER

After a weekend demonstration protesting English-only rules at one local business, the Mexican American Legal Defense and Educational Fund has set up a toll-free number to collect comments and complaints on language-restrictive policies throughout the state.

"This is a number for anyone who has experienced any sort of English-only rules in the workplace," said Joe Sanchez of MALDEF. Sanchez said MALDEF will investigate the complaints and could mount a lawsuit against companies that require English alone to be spoken.

"We want to make sure there is no violation of Title VII in any of the cases," he said.

Title VII of the Civil Rights Act of 1964 protects people against employment discrimination based on race, religion or sex. The law also has been understood to ban discrimination based on national origin, which MALDEF attorneys said provides the right to speak Spanish in the workplace.

Proponents of the English-only rules say they are designed to maintain unity among employees.

Those who oppose such policies, such as Mayor Bill Thorton, say bilingual businesses are an asset to a city hoping to attract international trade.

At the mayor's urging, the Hispanic Chamber of Commerce is expected to approve a resolution today opposing English-only rules in the workplace.

"I've been saying that if we can promote San Antonio as the place where all kinds of professions can take place in a bilingual and multilingual atmosphere, it would be the biggest recruiting tool for attracting companies to town," said Leo Gomez, Hispanic chamber president. "Clearly that is what people

■ See MALDEF/3B

MALDEF sets up phone line to hear about English-only rules

Continued from 1B

ire looking for."

MALDEF officials say the toll-free number, which begins operating today, was set up after the office received a number of complaints in reaction to a memorandum prohibiting employees from speaking Spanish in the Ingram Park Mall JC Penney styling salon.

About 50 people gathered Saturday outside the store to demonstrate against the memo, which they called a racist attack.

Rosa Rosales, national vice president of the League of United Latin American Citizens, said the group will organize other boycotts and protests against companies that have English-only rules.

"We want the companies to be sensitive, and if they are not, we will take a strong stand against it," Rosales said.

Congress is debating a proposed law that would make English the nation's official language.

Ruben Candia, a Spanish professor at St. Mary's University, said he is afraid that language restrictions will cause Spanish speakers to be ashamed of their language.

"They used to wash out your mouth with soap if you spoke Spanish in school," Candia said. "This seems to be just the beginning to a wave of legislation putting limits on our culture."

The toll-free number is (800) 6[illegible]-1237.

BRANDEIS USED BOOK SALE
Sat. Oct. 21 - Oct. 23
Lower level Central Park Mall
Mall closed

Complaint line

[illegible] The Mexican American Legal Defense and Educational Fund [illegible] complaints about English rules in the workplace [illegible]

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MALDEF

STATEMENT OF THE MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND (MALDEF)

IN OPPOSITION TO:

"The Declaration of Official Language Act of 1993"
H.R. 739

BEFORE THE

CONGRESSIONAL ENGLISH LANGUAGE TASK FORCE

AUGUST 24, 1993

Prepared and submitted by:

Steven Carbo, Legislative Staff Attorney
Esteban Lizardo, Director, Language Rights Program

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I. Introduction

The Mexican American Legal Defense and Educational Fund (MALDEF) is a national civil rights organization established in 1967. Its principle objective is to secure, through litigation and education, the civil rights of Latinos living in the United States. Language discrimination has adversely affected Latinos in the areas of education, employment, voting rights, as well as myriad other areas. The breadth of this discrimination has substantially impeded, and in some instances precluded, Latinos from the full exercise of constitutional and civil rights. Because of this history, MALDEF's Language Rights Program seeks to oppose language discrimination and protect the rights of language minorities.

II. MALDEF Opposes The Declaration of Official Language Act of 1993

The proposed legislation would require entities of the federal governmental to treat non-English speaking citizens and residents differently than their English speaking counterparts by denying them governmental services to which they are entitled and for which they have contributed through their work and taxes. Not only would the Declaration of Official Language Act of 1993, introduced as H.R. 739, deny equal services in violation of federal law and policy, but it also would illegitimately prohibit non-English language communications by government personnel in the conduct of their duties, it would single out language minorities for discriminatory treatment, and it would encourage private discrimination against language minorities. Because these are direct and foreseeable outcomes of this legislation and because the proposed legislation directly conflicts with current federal laws

and policies favoring access of vital services to all citizens and residents of this country including those whose primary language is other than English, MALDEF strongly opposes H.R. 739.

III. The Declaration of Official Language Act of 1993 Discriminates Against Non-English Speaking Persons by Denying Them Services Provided to All Persons

In 1980, there were 23 million persons who spoke a language other than English at home. During the decade, Latino and Asian populations increased in much greater percentages than did the general population. The Latino population rose by 53 percent: from 14.6 million to 22.3 million persons. Asians jumped by 108 percent: from 3.5 million to 7.2 million persons. Both Latinos and Asians have large portions of their populations that speak non-English languages.

Despite the large undercount of Latinos and other minorities, data from the 1990 Census reveal that a large portion of the U.S. population continues to consists of bilingual or limited-English-proficient ("LEP") persons.[1] In total, 31 million persons over five years of age spoke a language other than English at home in 1990. This figure represented 13.8 percent of the country's population. Of these persons, 43 percent, nearly 14 million, also identified themselves as not speaking English "very well."

Spanish-speakers comprise the largest subcategory of this minority. Of the 31 million persons identified by the 1990 Census

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[1] Limited-English-proficient persons are those who identify themselves as speaking primarily a language other than English, such as Spanish. Bilingual persons are those who speak primarily English and yet retain some language ability in another language.

as speaking a language other than English at home, over 17 million, 55 percent, spoke Spanish. Approximately 8.3 million persons identified themselves as speaking Spanish and having limited-English proficiency. This figure represented 49 percent of the nation's Spanish-speakers. Linguists project that by the year 2000 the number of non-English language speakers could reach 40 million,[2] while the number of Spanish-speakers could rise from 17 million in 1990 to 22 million in 2000.[3]

These persons contribute to our country through their work and their taxes. They are entitled to the full range of interactions with their government afforded any other citizen or resident. In recognition of this contribution, the federal government explicitly requires that a number of interactions between government and its citizenry be conducted in the language best understood by some of its citizenry. These interactions include voting, education, and access to justice.[4] This legislation would discriminate against non-English speaking citizens and residents by seeking to limit the range of those interactions.

The proposed legislation stands in stark contrast to the current policy favoring equal access to services. Further, it discriminates against non-English speaking citizens and residents

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[2] R.F. Macias, "Language and Ideology in the United States," Social Education, 97 (Feb. 1985).

[3] R.F. Macias, "Language Diversity among U.S. Hispanics: Some Background Considerations for Schooling and Non-Biased Assessment," 110-36 (1982).

[4] See, Section IV, <u>infra</u>, at page 7.

by denying them the full range of interaction afforded all citizens and residents of our country.

IV. The Proposed Legislation Denies Services to Language Minorities in Contradiction with Federal Laws and Policies

The proposed legislation singles out language minorities for unequal treatment in the delivery of services by the federal, state and local governments. This unequal treatment currently is subject to challenge under federal constitutional and statutory law. The judiciary, in many instances, has recognized that language can be a basis for national origin identification. Hernandez v. Texas, 347 U.S. 475 (1954) (recognizing Spanish surname persons as a group are protected by the Fourteenth Amendment); United States v. Alcantar, 897 F.2d 436 (9th Cir. 1990) (reversal and remand for new trial once defendant made out a prima facia case showing of discrimination in the selection of jurors, by eliminating fluent Spanish-speaking jurors because tapes of the defendant in Spanish would be introduced as evidence); Gutierrez v. Municipal Court of S.E. Judicial District, 838 F.2d 1031 (9th Cir. 1988) (striking down an English-only rule), vacated on grounds of mootness, 490 U.S. 1016, 109 S.Ct. 1736, 104 L.Ed.2d 174 (1989); Zamora v. Local 11, Hotel and Restaurant Union, 817 F.2d 566 (9th Cir. 1987) (requiring translators at monthly union membership meetings for Spanish-speaking union meetings); Olagues v. Russoniello, 797 F.2d 1511 (9th Cir. 1986) (en banc) (recognizing that adverse action against Spanish-speaking persons constitutes unconstitutional discrimination on grounds of national origin), vacated on grounds of mootness, 484 U.S. 806 (1987); Puerto Rican Organization for

Political Action v. Kusper, 490 F.2d 575 (7th Cir. 1973) (upholding use of bilingual materials and assistance in voting); United States ex rel. Negron v. State of New York, 434 F.2d 386 (2nd Cir. 1970) (Puerto Rican defendant has a Sixth Amendment right to interpreter in felony criminal trial); Yniquez v. Mofford, 730 F.Supp 309 (D.Ariz. 1990) (state constitution provision declaring English to be official language declared unconstitutional); Perez v. FBI, 707 F.Supp. 891 (W.D.Tex. 1988) (finding additional terms and conditions of employment applied to Spanish-speaking Latino employees constitutes illegal discrimination).

Two Supreme Court decisions point out how the relationship between language and national origin and linguistic classifications can violate the federal constitutional and statutory law. In Saint Francis College v. Al-Khazraji, 481 U.S. 604, 107 S.Ct. 2022, 95 L.Ed.2d 582 (1987), the Supreme Court rejected Saint Francis College's argument that the plaintiff was barred from filing a § 1981 claim because he was not a racial minority. The Court held that Mr. Al-Khazraji, an Arab professor, could file a § 1981 discrimination claim on the basis of his ancestry or ethnic characteristics including linguistic characteristics, finding that national origin discrimination includes discrimination on the basis of "physical, cultural, or linguistic characteristics..." Id. at 614 (quoting 29 C.F.R. § 1606.7) (Brennan, J., concurring). The Supreme Court has reaffirmed the close nexus between language and national origin most recently in Hernandez v. New York. 500 U.S. ___, 111 S.Ct. 1859, 114 L.Ed.2d 395 (1991). The Court noted the

following in connection with its decision that peremptory challenges to Latino potential jurors by a prosecutor were not language based challenges:

> It may well be, for certain ethnic groups and in some communities, that proficiency in a particular language, like skin color, should be treated as a surrogate for race under an equal protection analysis. ... And, as we make clear, a policy of striking all who speak a given language, without regard to the particular circumstances of the trial or the individual responses of the jurors, may be found by the trial judge to be a pretext for racial discrimination.

Id. 114 L.Ed.2d at 413-414. Because the Supreme Court has recognized that language can be a national origin characteristic and the basis for protection under the equal protection clause and federal employment law, the proposed legislation directly conflicts with the Court's treatment of language minorities.

Congress has similarly recognized that remedial statutes intended, in whole or in part, to rectify historical discrimination and benefit Latinos must address their linguistic identity. The statutes include the Voting Rights Act, of 1965, as amended in 1975 and 1992, 42 U.S.C. § 1973 et seq. (1992); the Bilingual Education Act of 1968, 20 U.S.C. §§ 3221-3262 (1982); the Court Interpreters' Act, 28 U.S.C. § 1827 (1988); and the Equal Educational Opportunity Act, 20 U.S.C. § 1703(f) (1982). The federal government recognizes that citizens and residents deserve the full range of interactions with their government irrespective of their primary language.

Despite this overwhelming evidence of federal law and policy, proponents of the proposed legislation refuse to acknowledge the unique relationship between language and national origin and the

discriminatory burden they seek to impose on non-English speaking persons. The proposed legislation directly conflicts with these legal and policy precedents. Adoption of this legislation in direct contradiction with these precedents would evidence a direct intent to disenfranchise identifiable categories of persons, language minorities, in violation of their rights as citizens and residents of the United States.

V. The Proposed Legislation Seeks to Illegitimately Prohibit Non-English Language Communications by Federal Personnel in the Conduct of Their Duties

The prohibitive sections of this legislation require federal officers and employees to act solely in English. This aspect of the proposed legislation could not be legally enforced by the government since it violates the equal protection and First Amendment provisions of the United States Constitution. Many states have enacted through legislation or referenda laws declaring English their official language. Many of these laws were supported by the electorate because of their "symbolic" nature. However, the most stringent "official English" law was passed by initiative in Arizona. Article XXVII of the Arizona Constitution sought, inter alia, to limit the ability of state employees from communicating in non-English languages.

This article was declared unconstitutional as violative of the First Amendment in Yniguez v. Mofford, 730 F.Supp. 309 (D. Ariz. 1990), pending appeal, amendment denied by, Yniguez v. Mofford, 130 F.R.D. 410 (D. Ariz. 1990), aff'd in part, denied in part, Yniguez v. State of Arizona, 939 F.2d 727 (9th Cir. 1991). The court in

Yniguez recognized that there are many instances in which a non-English speaking citizen seeks the assistance of her government or seeks to address her government. Prohibiting a government employee from interacting with that citizen in her language places an employee in the precarious position of performing her duties and thereby subject themselves to potential sanctions and private suits. Yniguez, supra, 730 F.Supp. at 314. The proposed legislation would likewise be subject to challenge both because it singles out minority language speakers for differential treatment based upon a linguistic characteristic and because it potentially infringes upon the First Amendment, as in Yniguez v. Mofford.

VI. The Proposed Legislation Invites Discrimination Against Language Minorities by the Public and Private Sector

Intolerance of ethnic minorities is not new in our country. The growth of the "English-only" movement during the past decade is the latest form of this intolerance. Though proponents of this movement claim that a national language will unify our country, their movement has fueled division and discrimination, rather than fostering a unifying principle. Supporters of this movement refuse to accept the rich cultural diversity of our country and instead practice the politics of exclusion.

Proponents of "English-only" legislation such as H.R. 739 have long sought to deny equal opportunity to language minorities under the guise of promoting English-language acquisition. Yet, just like H.R. 739, English-only legislation is not about helping people to learn English, but about making it more difficult for non-English speakers to participate in society, to integrate, and

ultimately to learn English. Rather than exclusion, a better approach, such as the current approach by California, is found in recognizing the linguistic and cultural diversity of our society. See Cal. Gov't Code § 7290 (recognizing linguistic diversity and need for democratic society to communicate effectively within the framework of this diversity).

Two national organizations are currently advocating for the establishment of English as the official language of the United States: U.S. English, founded in 1982, and English First, founded in 1986. Both groups have expressed their opposition to language assistance in education and voting, and both support the denial of other government services to persons who are not yet fluent in English. Both groups also have ties to other organizations who propose severely limiting immigration into the United States. Various themes have been used to support these legislative efforts, e.g., a common language can unify, while separate languages can fracture and fragment society. However, proponents of these legislative efforts have exhibited more concern over limiting the presence of other languages rather than promoting knowledge of the English language. These groups promote racial animosity more than they foster unity. In fact, one of the founders of U.S. English has made inflammatory comments about Latinos, citing their "greater reproductive powers" in his statement about losing political control. "Perhaps this is the first instance in which those with their pants up are going to be caught by those with their pants

down."[5]

Reflecting their fear at the growing numbers and potential electoral strength of the Latino community, English-only proponents have consistently sought to abolish requirements for bilingual election materials and bilingual education as a "neutral" means towards the racially motivated end of excluding large segments of the Latino community from the twin means of its empowerment -- education and political access. For example, at a 1992 congressional hearing on language assistance in voting, a representative from English First claimed that bilingual ballots and other forms of language assistance in voting were somehow "dangerously divisive."[6] A recent study by the National Latino Political Survey stands in direct contradiction to claims by English-only advocates that language assistance should be limited because Latinos refuse to learn English. It revealed that Latinos overwhelmingly (90%) support the proposition that citizens and residents of the United States should learn English.[7]

H.R. 739 would establish a public policy requiring English language proficiency to participate in a free and democratic society. This proposed policy statement misstates current federal

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[5] Tanton, "Memorandum to WITAN IV Attendees," October 10, 1986.

[6] Statement of P. George Tryfiates before Subcomm. on the Constitution of the Senate Comm. on the Judiciary, Hearing on Voting Rights Act Language Assistance Amendments of 1992 (February 26, 1992).

[7] By contrast though, the majority of the Latinos in this same survey reject the proposition that English should become the official language of our country.

policy regarding language minorities and the requirements for their participation in our democracy. What is more, neither the proposed legislation nor its supporters have any linguistic support for their position that restricting non-English languages services will "encourage" the country's citizenry to learn the English language. It is important to note that absolutely nothing in this bill provides for English-language education or proposes to address the issue of English-language acquisition. In fact, experience teaches us that restricting services to limited-English-proficient persons has only one result -- exclusion of substantial numbers of persons from participating in our society.

In states that have enacted even symbolic measures, state or local agencies have used the law as the basis for discontinuing services in other than English. For instance, the North Carolina Department of Motor Vehicles stopped giving driver's license tests in languages other than English, as it had previously done. The Alabama Department of Public Safety has taken the same action. In Arizona, the legislation led to the denial of parole hearings for non-English-speaking prisoners. In turn, some private individuals and business have used this movement as a basis for discrimination against ethnic and language minorities. In the wake of official English amendments in Colorado and Florida, several incidents of discrimination were reported including the suspension of a supermarket clerk for answering a fellow-employee in Spanish and a school bus driver reprimanding children for speaking Spanish on the

bus.[8] In California, many employers have initiated restrictions on the use of non-English languages in their workplaces since the passage of an "official English" amendment to the state's constitution. MALDEF has also received various complaints about attempts to restrict non-English language use in public places, e.g., restaurants and bars. Our experience tells us that "official English" declarations are supported by groups that actively seek to restrict services to language minorities and are used by private citizens as the basis for discrimination.

VII. There is a Growing Need For Protection of the Rights of Language Minorities

The continued growth of language minorities and discrimination against language minorities pose unique challenges for our government and its treatment of language minorities. A key issue for Latinos, and other ethnic groups whose members speak more than one language or primarily a language other than English, is the treatment of language minorities. The linkage between Latinos and the language we speak, primarily or as well as English, is a crucial issue for the United States.

The presence of persons whose primary language is other than English, or who speak another language as well as English, is a product of our country's rich cultural diversity. This diversity has been present in the United States since its inception. For example, the Articles of Confederation were printed in German.

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[8] Comment, Language Rights and the Legal Status of English-Only Laws in the Public and Private Sector, 20 N. C. Cent. L.J. 65-66 (1992).

Other federal documents were printed in French, German, Dutch and Swedish. In fact, the Founding Fathers of our country rejected a proposal by John Adams to set up a national language academy which would have effectively made English the official language of our country. In spite of this history, proponents of "official English" refuse to recognize our linguistic diversity at a time when those burdened by their proposed policies are predominantly Latinos or Asians.

VIII. Conclusion

MALDEF and other opponents of the "English-only" movement uniformly recognize that English is the common language of the United States. But, the proposed legislation seeks to deny equal access to vital government services for non-English and limited-English speaking citizens and residents; it seeks to illegitimately prohibit non-English language communications by government personnel in the conduct of their duties; it singles out language minorities for discriminatory treatment; and it will encourage private discrimination against language minorities. These outcomes directly conflict with laws and policies favoring access of vital services to all citizens and residents of our country, including those whose primary language is other than English. For these reasons, MALDEF strongly opposes H.R. 739.

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MALDEF

Testimony of the

MEXICAN AMERICAN LEGAL DEFENSE

AND EDUCATIONAL FUND

("MALDEF")

on

An Act to Designate English as the Official Language
(Senate Bill 127)

Presented by

Esteban Lizardo

Director, Language Rights Program

Before the

Georgia Senate

February 8, 1993

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The Mexican American Legal Defense and Educational Fund ("MALDEF") is a national civil rights organization established in 1967. Its principle objective is to secure, through litigation and education, the civil rights of Latinos living in the United States. Language discrimination has adversely affected Latinos in the areas of education, employment, voting rights, as well as a myriad of other areas. The breadth of this discrimination has substantially impeded, and in some instances precluded, Latinos from the full exercise of constitutional and civil rights. Because of this history, MALDEF's Language Rights Program seeks to oppose language discrimination and protect language rights and choice. Because the proposed legislation would create a discriminatory environment for language minorities, because it may prohibit services to language minorities in violation of their civil rights, and because this type of legislation in other states has encouraged discrimination against language minorities, MALDEF strongly opposes Georgia Senate Bill 127.

Non-English Language Speakers

A key issue for Latinos, and other ethnic groups whose members speak more than one language or primarily a language other than English, is the treatment of language minorities.

In 1980, there were 23 million persons who spoke a non-English language at home. During the decade, Latino and Asian populations increased in much greater percentages than the general population.

Latinos increased in population by 53% from 14.6 million to 22.3 million persons. Asians increased in population by 108% from 3.5 million to 7.2 million persons. Both Latinos and Asians have large portions of their populations that speak non-English languages.

Data from the 1990 Census, despite the large undercount of Latinos and other minorities, reveal that a large portion of the U.S. population continues to consists of bilingual persons or limited-English-proficient ["LEP"] persons.[1] In total, 31 million persons over 5 years of age speak a language other than English at home. This represents 13.8% of the country's population. Of these persons, 43%, nearly 14 million, also identified themselves as not speaking English "very well".

The number of language minorities continues to grow and Spanish-speakers comprise the largest subcategory of this minority. Of the 31 million persons identified by the 1990 Census as speaking a language other than English at home, over 17 million, 55%, speak Spanish. Approximately 8.3 million persons identified themselves as speaking Spanish and having limited-English-proficiency. This figure represents 49% of the nation's Spanish-speakers. Linguists estimate that the numbers of non-English-language-speakers could be

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[1] Limited-English-proficient persons are those persons who identify themselves as speaking primarily a language other than English, such as Spanish. Bilingual persons are those persons who speak primarily English and yet retain some language ability in another language such as Spanish.

40 million[2] and the number of Spanish speakers may rise from 17 million in 1990 to 22 million by the year 2000.[3]

"English Only" Legislation

The continued growth of language minorities and discrimination against language minorities pose unique challenges for federal and state governments and their treatment of language minorities. There are groups who respond to these challenges with intolerance and would establish English as the "official" language of our country. Rather than recognize that cultural diversity includes a certain amount of language diversity, this movement has fueled discrimination against language minorities. A better approach is found in recognizing the linguistic and cultural diversity of our society.

The "Official English" movement has flourished during the 1980s. The English Language Amendment ("ELA") was first introduced in Congress in 1981 by the late Senator S.I. Hayakawa. Two national organizations currently lead the movement to establish English as the official language of the United States: U.S. English, founded in 1982, and English First, founded in 1986. Both groups have expressed their opposition to bilingual education,

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[2] R.F. Macias, "Language and Ideology in the United States," in Social Education, February 1985. (1985) p. 97.

[3] R.F. Macias, "Language Diversity among U.S. Hispanics: Some Background Considerations for Schooling and Non-Biased Assessment." (1982) pp. 110-36.

voting and support denying other government services to LEP persons. Both groups also have ties to other organizations who propose severely limiting immigration into the United States.

Currently eighteen states -- through legislation or referenda -- have enacted laws declaring English the official language: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia,[4] Hawaii, Illinois, Indiana, Kentucky, Mississippi, Nebraska, North Carolina, North Dakota, South Carolina, Tennessee, and Virginia.[5] The laws enacted rage from "symbolic" declarations, e.g., Arkansas Code Annotated § 1-4-117 (1987), stating English is the official language of Arkansas, to more restrictive formulations, e.g., Arizona Constitution, Article XXVIII, § 1 (1988), which purports to restrict the language used by employees of the state.[6]

Various themes have been used to support these legislative efforts, e.g., a common language can unify, while separate languages can fracture and fragment society. One clear intent of proponents of these efforts has been to limit the accessibility of

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[4] Georgia Comp. R. & Regs. r.70 (1986). The proposed legislation would supersede the current regulation.

[5] Only four of these states enacted their legislation prior to 1980.

[6] Article XXVIII of the Arizona Constitution was declared unconstitutional as violative of the First Amendment in Yniguez v. Mofford, 730 F. Supp. 309 (D. Ariz. 1990), pending appeal, amendment denied by, Yniguez v. Mofford, 130 F.R.D. 410 (D. Ariz. 1990), aff'd in part, denied in part, Yniguez v. State of Arizona, 939 F.2d 727 (9th Cir. 1991).

our government and its services to those persons who do not speak or understand English. Proponents have consistently sought to abolish requirements for bilingual election materials and bilingual education. For example, at a 1992 congressional hearing on language assistance in voting, the representative from English First claimed that bilingual ballots and other forms of language assistance in voting were somehow "dangerously divisive."[7]

In states that have enacted even symbolic measures, state or local agencies have used the law as the basis for discontinuing services in other than English. For instance, the North Carolina Department of Motor Vehicles stopped giving driver's license tests in languages other than English, as it had previously. The Alabama Department of Public Safety has also done the same. In Arizona, the legislation led to the denial of parole hearings for non-English-speaking prisoners. In turn, some private individuals and business have used this movement as a basis for discrimination against ethnic and language minorities. In the wake of official English amendments in Arizona, Colorado and Florida, several incidents of discrimination were reported including the suspension of a supermarket clerk for answering a fellow-employee in Spanish and a school bus driver reprimanding children for speaking Spanish

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[7] Statement of P. George Tryfiates before Subcomm. on the Constitution of the Senate Comm. on the Judiciary, Hearing on Voting Rights Act Language Assistance Amendments of 1992 (February 26, 1992).

on the bus.[8] In California, many employers have initiated restrictions on the use of non-English languages in their workplaces since the passage of an "official English" amendment to the state's constitution. Also, MALDEF has received various complaints about attempts to restrict non-English language use in public places, e.g., restaurants and bars. Our experience tells us that "official English" declarations are supported by groups that actively seek to restrict services to language minorities, used by private citizens as the basis for discrimination, and lead to discontinuance of services to language minorities.

MALDEF and other opponents of the "Official English" movement uniformly recognize that English is the common language of the United States. But, we point out that "official English" legislation singles out language minorities for discriminatory treatment, is used to deny them equal access to vital services and is relied upon to deny them participation in government. Proponents of language diversity such as MALDEF, strongly oppose Georgia Senate Bill 127 because it would create a discriminatory environment for language minorities, because it may prohibit services to language minorities in violation of their civil rights and because this type of legislation in other states has encouraged discrimination against language minorities.

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[8] Comment, Language Rights and the Legal Status of English-Only Laws in the Public and Private Sector, North Carolina Central Law Journal, Vol. 20, 65, 66.

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MALDEF

An Open Letter To

The Committee on Energy and Natural Resources

From

Martha Jimenez, Esq.
Policy Analyst
Mexican American Legal Defense and Educational Fund

Regarding
Official English and the Commonwealth of Puerto Rico

July 14, 1989

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Dear Chairman Johnston and Distinguish Members of the Committee:

Today, the Committee on Energy and Natural Resources will hear testimony on the issue of language use in the Commonwealth of Puerto Rico. While the Mexican American Legal Defense and Educational Fund (MALDEF) takes no position on the status of Puerto Rico, we are, nonetheless, extremely concerned that English may be made a requirement or condition of statehood irrespective of its potential effect upon people of Puerto Rico.

As a national civil rights organization devoted to the protection and advancement of the civil and constitutional rights of Hispanics and other language minorities in the United States, MALDEF has had extensive experience with the official English issue and the English-only advocates behind this effort.

Official English Efforts Have Fueled Anti-immigrant Sentiment, Fear and Hatred Against Spanish-Speaking Americans and the Expansion of Both Public and Private Discriminatory Activity

Currently, sixteen (16) states have designated English as their official language (Hawaii recognizes English and Hawaiian as official languages). Last year, after a divisive and highly charged campaign, three states, Arizona, Colorado and Florida, enacted English language amendments to their constitutions. Today, four English language amendments to the U.S. Constitution are pending before the House Subcommittee on Civil and Constitutional Rights.

The apparent innocuousness of these measures do not begin to reflect the hostility, resentment and divisiveness they engender. So vague as to be virtually limitless, private individuals and businesses have taken it upon themselves to implement and to enforce these English-only laws. For example:

*Shortly after the passage of the official English law in Arizona, Hispanic inmates were denied parole board hearings. Since these hearings were required to be conducted in English-only, and the state refused to provide interpreters, Hispanic inmates were denied fundamental due process rights. Tucson Citizen, 12/22/88.

*The passage of the English-only law in Florida generated a flood of complaints of discriminatory activity directed at the language minority population by private businesses and individuals. For example, a cashier at a Publix supermarket was suspended for asking a fellow employee a question in Spanish. This resulted in protests and a

boycott of the store. Also, customers who had previously been allowed to place catalogue orders in Spanish in the past were now being refused; and even telephone collect calls were not being connected if the receiving party did not speak English. The Christian Science Monitor, 11/29/88.

*Apart from the actual discriminatory activity generated by English-only legislation, such legislation begets more restrictive measures. Indeed, the English-only bill introduced in the Suffolk County legislature this year would have prohibited the use of county funds for purposes of investigating complaints or practices of language discrimination resulting from the bill. Res. No. 10001-89.

Language Diversity Has Never Been An Impediment to Statehood

In America, democracy rather than language is the glue that keeps us together. Congress itself has recognized the benefits of pluralism and diversity in our nation by naturalizing large numbers of non English-speaking peoples of Louisiana, Florida, the Southwest and Puerto Rico. Our Founding Fathers specifically rejected the concept of making English the official language of the country as undemocratic and divisive. Of the discussions held by the Continental Congress on this issue, noted historian Shirley Brice Heath writes:

> "Recognizing that forces which cause one to change his language or add to it must be internally motivated initially, leaders reasoned that linguistic minorities would not become separate and distinct peoples within the nation so long as no legal force proscribed the use of their languages. Moreover, wide use of the majority language would come without coercion: linguistic minorities would recognize within their own schools, societies and "little colonies: the importance and utility of English...if a national government should legally pressure groups to abandon their native languages, the repression of these tongues and separate unities could provoke resistance." Heath, A National Language Academy, p.14-15; (emphasis added).

The states of California, New Mexico, Texas, Colorado, and Louisiana all provided under their state constitutions for the publication of official documents in English and the native language of predominant use.[1] Similarly, in Puerto Rico today, official documents are required to be available in English.

In light of the great contributions of multilingual and multicultural people to the growth and vitality of the United States, and the fact that Puerto Rico already recognizes the importance of English as described above, we must question the

benefit to be derived or the purpose to be served by requiring English-only legislation for Puerto Rico.

Languages, especially the 500 year history of the Spanish language in Puerto rico, is inextricably linked with the culture, customs, beliefs, aspirations, self-identity and self-esteem of the people of Puerto Rico. The issue of language in Puerto Rico is not an issue that can be taken lightly or easily dismissed; rather, it is an issue that requires careful and thoughtful consideration.

MALDEF urges this Committee to carefully explore all the potential ramifications to the culture and society of the people of Puerto Rico should English be imposed as an obligation or requirement of statehood. MALDEF and other organizations that share our concerns, stand ready to assist the Committee in this endeavor.

Sincerely,

Martha Jimenez

Martha Jimenez, Esq.
Policy Analyst

July 14, 1989

ENDNOTES

1. See, e.g., Cal. Const. art. XI (1849) (mandating that all laws, decrees and other official documents be published in English and Spanish); N.M. Const. art. XII, XIX, XX (1912) (mandating training for bilingual teachers, requiring that all future constitutional amendments be printed in English and Spanish, requiring that all new laws be printed in both English and Spanish); Tex. Const. (1845) (printed in both German and Spanish); Colo. Const. art. XVIII, sec. 8 (1876) (requiring that all laws be published in Spanish and German until 1900). See also Kloss, American Bilingual Tradition, Rowley, Mass: Newbury House Publishers, at 112, 129, 179, 181 (1977).

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MALDEF

TESTIMONY OF

JOHN D. TRASVINA,

LEGISLATIVE ATTORNEY

ON

BEHALF OF

MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

BEFORE THE

MARYLAND HOUSE OF DELEGATES

ON

HB 262, HB 488

WASHINGTON, D.C.

FEBRUARY 17, 1987

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DELEGATE PERKINS AND MEMBERS OF THE COMMITTEE:

My name is John Trasvina. On behalf of the Mexican American Legal Defense and Educational Fund (MALDEF), I am pleased to come before the Constitutional & Administrative Law Committee of the Maryland House of Delegates to strongly oppose HB 262 and HB 488. While MALDEF is not a Maryland-based organization, we have closely followed English as Official Language or "English-only" legislation around the country and can offer this committee a perhaps unique insight into the dangerous and unexpected consequences of bills which may have superficial appeal.

The issue here is not English. HB 488 and to a greater degree HB 262 only use it as a Trojan Horse for much larger aims. English is not under siege by anyone in Maryland or the nation. 98% of Hispanic parents recently surveyed said it was essential that their children read and write English perfectly. Only 94% of non-Hispanics felt the same way. Around the nation, 25,000 Hispanics are on waiting lists in New York for adult English classes. 40,000 were turned away by the Los Angeles adult schools last year because there were not enough classrooms or teachers for them.

Official English bills do nothing to address these shortages. That is why California's State Superintendent of Schools and Board of Education, League of Women Voters, and San Francisco and Los Angeles Boards of Education all opposed the legislation last year. No lesser guardians of English than the National Council of Teachers of English and the Linguistic Society of America have said NO to

English as the official language legislation.

HB 262 and HB 488 are unnecessary and unwise. No one could possibly suggest English is not already the basic language of instruction in the Maryland public schools today or that some other language is now or may become the basic language. In seeking to provide Maryland with a legislative solution to a non-existent problem, these bills actually create confusion in an area of well-settled law.

Statutes almost identical to HB 262 and HB 488 were struck down by the U.S. Supreme Court as early as the 1920's. In Bartels v. State of Iowa (1923) 262 U.S. 404, the Court struck down a statute providing "That the medium of instruction in all secular subjects taught in all of the schools. . .within the State of Iowa, shall be the English language. . ." (Laws, 1919, c. 198, §1) The two bills before you today run directly contrary to the U.S. Supreme Court doctrine, well accepted for some 64 years.

In no way was the Court, nor are we, shying away from English. As Justice McReynolds wrote, "Perhaps it would be highly advantageous if all had ready understanding of our ordinary speech, but this cannot be coerced by methods which conflict with the Constitution --a desirable end cannot be promoted by prohibited means."

This legislation runs the risk of allowing a judge or recalcitrant local school official to interpret basic language of instruction as only language of instruction. It jeopardizes currently solid and stable foreign language instruction in the public schools, this at a time when the Southern Governors Association and others are calling for increased, not diminished, attention to Americans learning a foreign language.

The "Whereas" clauses only add to the confused nature of these bills. If the sponsors truly support their Whereas clauses, then it is virtually impossible to reach the conclusion of the actual legislation. Once again, the legislation proposes a solution without exposing a problem. Indeed, the only thing HB 262 exposes is the State of Maryland and its school districts to drawn out litigation over resource allocation and curriculum content.

The time and energy of the General Assembly and the judiciary of this state are better spent not opening this divisive debate, particularly when the proponents can find no defect with the status quo. Making English the official langauge of the state has implications far beyond the classroom. If your law is interpreted like H.J. Res. 13 now pending in the U.S. House of Representatives, it will eliminate bilingual 911 emergency service operators and limit police service to non-English speakers. If it is like Dade County, Florida's anti-bilingual ordinance, it will curtail the ability of public hospitals to communicate with all patients. If it is like Tennessee's, it will prohibit government communications and publications except in English.

Clearly, Maryland is not beset with problems in the language area. The proponents have established no record to justify these bills. Accordingly, I urge this committee to do what was rightly done last year: reject the legislation and devote the attentions of this House of Delegates to the real challenges and opportunities ahead for Maryland.

Thank you.

Testimony of:

Mexican American Legal Defense and Educational Fund

by

Esteban Lizardo
Director, Language Rights Program
April 24, 1991

The Mexican American Legal Defense and Educational Fund (MALDEF) is a national civil rights organization established in 1967. Its principle objective is to secure the civil rights of Hispanics living in the United States, through litigation and education. Language discrimination has adversely affected Hispanics in the areas of education, employment, voting rights, as well as a myriad of other areas. The breadth of this discrimination has substantially impeded, and in some instances precluded, Hispanics from the full exercise of constitutional and civil rights.

Whether differential treatment based upon the linguistic identity of Hispanics equals national origin discrimination is immediately evident from even summary reviews of the historical presence of Spanish in the United States, the nature of bilingualism, and the continued adverse treatment Hispanics are subjected to because they retain their sociolinguistic identity. This testimony will address the pervasive nature of English-Spanish bilingualism and the need to continue the prohibitions against discrimination to include those adverse actions based on language identity.

I. SPANISH LANGUAGE MAINTENANCE

Scholarly research has led to the publication of a significant body of work about Hispanics. This includes numerous in-depth studies in the areas of demographics and linguistics. Both fields of expertise have closely examined the utilization and maintenance

of Spanish, English language acquisition, and the future of Spanish in the United States. These analyses reveal the resiliency of Spanish in the United States and the growth of Spanish in a bilingual English-Spanish environment. Not surprisingly, the growth of Spanish closely parallels the growth of the Hispanic population.

Spanish has historically been and remains an identifying characteristic of Hispanics: 97% of the individuals who usually speak Spanish are Hispanic; 72% of all Hispanics claim some level of knowledge of Spanish; and 64% of all Hispanics report being bilingual. These figures reveal the concomitant relationship between Spanish and Hispanics. Given the pervasive level of English-Spanish bilingualism in the Hispanic community, Spanish represents an immutable characteristic of the Hispanic community, interwoven into the identity of all Hispanics.

II. BILINGUALISM AND NATIONAL ORIGIN: HISPANICS ARE SPANISH SPEAKERS

The judicial system has addressed the issue of language diversity, Lau v. Nichols, 414 U.S. 563 (1974); Wy Cong. Eng. v. Trinidad, 271 U.S. 500 (1926); and Meyer v. Nebraska, 262 U.S. 390 (1923), but has always assumed without squarely addressing the inextricable correlation between the native language of national origin groups and national origin itself which comprise the identifiable characteristic upon which it is impermissible to discriminate. In the case of Hispanics, this country's second largest minority population and largest linguistic minority group,

Spanish is the native language at issue.

Spanish has always been treated as an identifying characteristic of Hispanics, often singling out individuals and the community as a whole for adverse treatment. The legal challenges and response make up a significant body of the jurisprudence involving Hispanics. Hernandez v. Texas, 347 U.S. 475 (1954) (recognizing Spanish surname persons as a group are protected by the Fourteenth Amendment); United States v. Alcantar, 897 F.2d 436 (9th Cir. 1990) (reversal and remand for new trial once defendant made out a prima facie showing of discrimination in the selection of jurors, by eliminating fluent Spanish-speaking jurors because tapes of the defendant in Spanish would be introduced and evidence); Gutierrez v. Municipal Court of Southeast Judicial District, 838 F.2d 1031 (9th Cir. 1988), vacated on grounds of mootness, 490 U.S. ____, 109 S.Ct. 1736, 104 L.Ed.2d 174 (1989) (striking down and English-only rule); Zamora v. Local 11, Hotel and Restaurant Union, 817 F.2d 566 (9th Cir. 1987) (requiring translators at monthly union membership meetings for Spanish-speaking union members); Olagues v. Russoniello, 797 F.2d 1511 (9th Cir. 1986), en banc., vacated on grounds of mootness, 484 U.S. 806 (1987) (recognizing that adverse action against Spanish-speaking persons constitutes unconstitutional discrimination on grounds of national origin); Puerto Rican Organization for Political Action v. Kusper, 490 F.2d 575 (7th Cir. 1973) (upholding the use of bilingual materials and assistance in voting); United States ex rel. Negron v. State of New York, 434 F.2d 386 (2nd Cir. 1970)

(Puerto Rican defendant has a Sixth Amendment right to interpreter in felony criminal trial); Yniguez v. Mofford, 730 F.Supp. 309 (D.Ariz. 1990) (State Constitution provision declaring English to be the official language declared unconstitutional); Perez v. FBI, 707 F.Supp. 891 (W.D.Tex. 1988) (finding additional terms and conditions of employment applied to Spanish-speaking Hispanics employees constitutes illegal discrimination).[1]

Spanish language maintenance, immigration, along with population growth, have led Spanish to be "the most widely claimed [non-English language] in the United States, and the only major [non-English language] which over the last two decades has not lost but retained and gained claimants." Solé, Bilingualism: Stable or Transitional? The Case of Spanish in the United States, 84 The Int'l Journal of Social Languages, p. 36 (1990).

Spanish language claiming encompasses 71.8% of the total Hispanic population. Solé, supra, at p.39. Hispanics also comprise 97% of the individuals who usually speak Spanish, Estrada, The Extent of Spanish/English Bilingual in the United States, 2 Aztlan, The Int'l Journal of Chicano Research Studies, p. 381 (1984), and 76% of those individuals who report Spanish as a second language. Estrada, supra, p. 382. It is estimated that at least 64% of all

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[1] Congress has similarly recognized that remedial statues intended in whole or in part to rectify historical discrimination and benefit Hispanics must address their linguistic identity. The statutes include the Voting Rights Act of 1965, as amended, 42 U.S.C. §1973, et seq. (1988); the Bilingual Education Act of 1968, 20 U.S.C. §§3221-3262 (1982); the Court Interpreters' Act, 28 U.S.C §1827 (1988); and the Equal Educational Opportunity Act. 20 U.S.C. §1701, 1703(f) (1982).

Hispanics are bilingual. Estrada, supra, p. 383. See also Macias, National Language Profile of the Mexican-Origin Population of the United States, Mexican Americans in Comparative Perspective, (W. Connor, ed.), pp. 285-308 (1985).

While recognition of the inherent Spanish bilingual identity of Hispanics has lagged far behind the reality, growing recognition is inevitable in light of the continued and growing presence of Hispanics and English-Spanish bilingualism. Contrary to the myth that anglification is or will shift Hispanics towards English monolingualism, English-Spanish bilingualism remains by far the predominant feature of Hispanics. Spanish language use, maintenance, and intergenerational transmission, along with constant immigration, have institutionalized Spanish as a constant element of Hispanic identity and linguistic repertoire. Given that Hispanics are a stable bilingual community, use of Spanish cannot be permitted to be a basis upon which to single out employees for differential treatment.

III. ENGLISH-ONLY RULES MUST MEET A BONA FIDE OCCUPATIONAL QUALIFICATION STANDARD TO MINIMIZE THIS DIFFERENTIAL TREATMENT UPON LANGUAGE MINORITIES

The Equal Employment Opportunity Commission (EEOC) has promulgated Guidelines on Discrimination Because of National Origin which define national origin discrimination broadly to include "the denial of equal employment opportunity . . . because an individual has the . . . linguistic characteristics of a national origin group." 29 C.F.R. 1606.1 (1987). The Guidelines recognize the reality of the foregoing studies in its statement:

> The primary language of an individual is often an essential national origin characteristic. Prohibiting employees from speaking their primary language or the language they speak most comfortably, disadvantages an individual's employment opportunities . . .

29 C.F.R. 1606.7(a). The Ninth Circuit Court of Appeals agreed with the EEOC's guidelines stating, "that English-only rules generally have an adverse impact on protected groups and . . . should be closely scrutinized." Gutierrez, supra at 1040. The Guidelines are entitled to considerable deference so long as they are not inconsistent with Congressional intent. Id. at 1039 n. 7. However, they do not carry with them the force of law.

In the course of our litigation and education work, MALDEF has encountered many English-only rules in the workplace. In fact, Fair Employment Practices, April 1, 1991, cite that a number of employers have recently instituted English-only rules. "[T]he policies have proliferated in response to the recent increases in immigration and the complaints of English-speaking co-workers." Often, employers implement these policies because of a lack of knowledge of the second language and attempt to justify them under a business efficiency rationale. Frequently, however, the rules are overly restrictive reaching even private conversations during break times. This overbreadth evidences a motivation not based on business efficiency but on a distrust of what is being communicated in the second language. Similarly, rules which restrict purely personal communications between co-workers on the basis of the language spoken have no basis in business efficiency.

Given the demographic and linguistic figures, rules

restricting employees from speaking other than English treat language minorities differently than other employees. These practices involve disparate treatment through explicit facial discrimination. The only question which remains under the circumstances is whether the discrimination in question can be justified as a BFOQ.

Given the potential for discriminatory use by employers and the significant adverse impact upon language minorities, California must strengthen its employment discrimination laws to addresses this issue. As recently noted by the United States Supreme Court, an employer may discriminate on the basis of national origin only in those certain instances where national origin is a bona fide occupational quealification reasonably necessary to the normal operation of a particular business or enterprise. United Auto Workers v. Johnson Controls, Inc., ___ U.S. ___ (1991).

BFOQ is a narrow defense to employment practices which facially discriminatory. General subjective standards are unacceptable. BFOQ requires objective, verifiable evidence concerning job-related skills and aptitudes. Only under this narrow exception should English only rules be tolerated. Otherwise employers will continue to discriminate against a significant and growing segment of California's workforce.

TESTIMONY BY THE MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND ("MALDEF")

IN OPPOSITION TO:

"The Official English Act"
Senate Bill 1244

BEFORE THE

SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

APRIL 20, 1993

Respectfully prepared and submitted by:

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I. Introduction

The Mexican American Legal Defense and Educational Fund ("MALDEF") is a national civil rights organization established in 1967. Its principle objective is to secure, through litigation and education, the civil rights of Latinos living in the United States. Language discrimination has adversely affected Latinos in the areas of education, employment, voting rights, as well as a myriad of other areas. The breadth of this discrimination has substantially impeded, and in some instances precluded, Latinos from the full exercise of constitutional and civil rights. Because of this history, MALDEF's Language Rights Program seeks to oppose language discrimination and protect the rights of language minorities.

II. MALDEF Opposes Senate Bill 1244

The proposed legislation would require our publicly funded state and local government entities to treat non-English speaking citizens and residents differently than their English speaking counterparts by denying them governmental services to which they are entitled and for which they have contributed through their work and taxes. Not only would S.B. 1244 deny equal services in violation of federal law and policy, but it illegitimately prohibits non-English language communications by state personnel in the conduct of their duties, it singles out language minorities for discriminatory treatment, and it will encourage private discrimination against language minorities. Because these are direct and foreseeable outcomes of this legislation and because the proposed legislation directly conflicts with state laws and state

policy favoring access of vital services to all citizens and residents of this state including those whose primary language is other than English, MALDEF strongly opposes Senate Bill 1244.

III. Senate Bill 1244 Discriminates Against Non-English Speaking Persons by Denying Them Services Provided to All Persons

Current State law recognizes that there substantial numbers of persons in this state who speak primarily a language other than English and who make contributions to the State as any other citizen or resident. These persons have contributed to the state in the form of their work and taxes and are entitled to the full range of interactions with their government afforded any other state resident. In recognition of this contribution, the State explicitly requires that a wide range of interactions between the state and its citizenry be conducted in the language best understood by some of its citizenry. These interactions include voting, health and safety, and employment services. The bill includes certain exceptions which merely serve to protect the legislation from explicitly conflicting with current federal law. However, they forbid the state from doing any more than federal requires. For instance, a political subdivisions wishing to provide Spanish-language election material would not be able to do so unless the federal government also required this information in Spanish. Or, a school district wishing to provide comprehensive bilingual education would risk a suit by a private citizen on the question of whether it was providing more than is currently required by federal law. This legislation would discriminate against non-English speaking citizens and residents by seeking to

limit the range of those interactions.

Further, the proposed legislation's mandate flatly contradicts state law regarding the delivery of services by the state and its political subdivisions in non-English languages to insure communication between the state and its LEP citizens and residents. Currently, there are some 30 state laws requiring the State and its agencies to provide some type of service or information to non-English language speakers. These laws recognize that:

> effective maintenance and development of a free and democratic society depends on the right and ability of its citizens to communicate with their government and the right and ability of the government to communicate with them.

Cal. Gov't Code § 1290. These laws also recognize the "substantial numbers of persons who live, work, and pay taxes in this state" who are unable to communicate effectively with their government because they cannot speak English or because they speak primarily a language other than English. Id. And, that "[a]s a consequence, substantial numbers of persons presently are being denied rights and benefits to which they would otherwise be entitled" without the provision of non-English language services. Id.

The proposed legislation stands in stark contrast to the current State policy favoring equal access to services. Further, it discriminates against non-English speaking citizens and residents by denying them the full range of interaction afforded all citizens and residents of California.

IV. The Proposed Legislation Denies Services to Language Minorities in Contradiction with Federal Law and Congressional Recognition of Language Minorities

The proposed legislation singles out language minorities for

unequal treatment in the delivery of services by the state. This unequal treatment is subject to challenge under federal constitutional and statutory law. The judiciary, in many instances, has recognized that language can be a basis for national origin identification. Hernandez v. Texas, 347 U.S. 475 (1954) (recognizing Spanish surname persons as a group are protected by the Fourteenth Amendment); United States v. Alcantar, 897 F.2d 436 (9th Cir. 1990) (reversal and remand for new trial once defendant made out a prima facia case showing of discrimination in the selection of jurors, by eliminating fluent Spanish-speaking jurors because tapes of the defendant in Spanish would be introduced as evidence); Gutierrez v. Municipal Court of S.E. Judicial District, 838 F.2d 1031 (9th Cir. 1988), vacated on grounds of mootness, 490 U.S. 1016, 109 S.Ct. 1736, 104 L.Ed.2d 174 (1989) (striking down an English-only rule); Zamora v. Local 11, Hotel and Restaurant Union, 817 F.2d 566 (9th Cir. 1987) (requiring translators at monthly union membership meetings for Spanish-speaking union meetings); Olagues v. Russoniello, 797 F.2d 1511 (9th Cir. 1986), en banc., vacated on grounds of mootness, 484 U.S. 806 (1987) (recognizing that adverse action against Spanish-speaking persons constitutes unconstitutional discrimination on grounds of national origin); Puerto Rican Organization for Political Action v. Kusper, 490 F.2d 575 (7th Cir. 1973) (upholding use of bilingual materials and assistance in voting); United States ex rel. Negron v. State of New York, 434 F.2d 386 (2nd Cir. 1970) (Puerto Rican defendant has a Sixth Amendment right to interpreter in felony criminal trial);

Yniguez v. Mofford, 730 F.Supp 309 (D.Ariz. 1990) (state constitution provision declaring English to be official language declared unconstitutional); Perez v. FBI, 707 F.Supp. 891 (W.D.Tex. 1988) (finding additional terms and conditions of employment applied to Spanish-speaking Latino employees constitutes illegal discrimination).

Two Supreme Court decisions point out how the relationship between language and national origin and linguistic classifications can violate the federal constitutional and statutory law. In Saint Francis College v. Al-Khazraji, 481 U.S. 604, 107 S.Ct. 2022, 95 L.Ed.2d 582 (1987), the Supreme Court rejected Saint Francis College's argument that the plaintiff was barred from filing a § 1981 claim because he was not a racial minority. The Court held that Mr. Al-Khazraji, an Arab professor, could file a § 1981 discrimination claim on the basis of his ancestry or ethnic characteristics, including linguistic characteristics, finding that national origin discrimination includes discrimination on the basis of "physical, cultural, or linguistic characteristics..." Id. at 614 (Brennan, J., concurring)(citing 29 C.F.R. § 1606.1). The Supreme Court has reaffirmed the close nexus between language and national origin most recently in Hernandez v. New York. 500 U.S. ___, 111 S.Ct. ___, 114 L.Ed.2d 395 (1991). The Court noted the following in connection with its decision that peremptory challenges to Latino potential jurors by a prosecutor were not language based challenges:

> It may well be, for certain ethnic groups and in some communities, that proficiency in a particular language, like

> skin color, should be treated as a surrogate for race under an equal protection analysis. ... And, as we make clear, a policy of striking all who speak a given language, without regard to the particular circumstances of the trial or the individual responses of the jurors, may be found by the trial judge to be a pretext for racial discrimination.

Id. 114 L.Ed.2d at 413-414. Because the Supreme Court has recognized that language can be a national origin characteristic and the basis for protection under the equal protection clause and federal employment law, the proposed legislation directly conflicts with the Court's treatment of language minorities.

The Ninth Circuit has also recognized that linguistic classifications may be challenged under federal constitutional and statutory authority. In Olagues v. Russoniello, supra, 797 F.2d 1511, the court reversed a district court decision denying injunctive relief to Spanish and Chinese speaking voters subject to an investigation of voter fraud by the U.S. Attorney. The court stated:

> Congress has explicitly recognized that pervasive discrimination exists against linguistic minorities . . . ¶ Moreover, an individual's primary language skill generally flows from his or her national origin. See Yu Cong Eng v. Trinidad, 271 U.S. 500, 517 (1926); Berke v. Ohio Department of Public Welfare, 628 F.2d 980, 981 (6th Cir. 1980) per curiam; 29 C.F.R. § 1606.7(a). The target groups in this case are distinct and easily identifiable.

Id. at 1520. Likewise in Gutierrez v. Mun. Ct. of S.E. Judicial Dist., supra, the Ninth Circuit held that speak "English only" rules "can readily mask an intent to discriminate on the basis of national origin," 838 F.2d at 1040, and overturned the employer's policy. The court recognized the close connection between national origin and language which may form the basis of challenging

linguistic classifications:

> Few courts have evaluated the lawfulness of workplace rules restricting the use of languages other than English. Commentators generally agree, however, that language is an important aspect of national origin. [citations omitted]

Id. at 1039.

Congress has similarly recognized that remedial statutes intended, in whole or in part, to rectify historical discrimination and benefit Latinos must address their linguistic identity. The statutes include the Voting Rights Act, of 1965, as amended in 1975 and 1992, 42 U.S.C. § 1973 et seq. (1992); the Bilingual Education Act of 1968, 20 U.S.C. §§ 3221-3262 (1982); the Court Interpreters' Act, 28 U.S.C. § 1827 (1988); and the Equal Educational Opportunity Act, 20 U.S.C. § 1703(f) (1982). The federal government recognizes that citizens and residents deserve the full range of interactions with the government irrespective of their primary language.

Despite this overwhelming evidence of federal law and policy, proponents of the proposed legislation refuse to acknowledge the unique relationship between language and national origin and the discriminatory burden they seek to impose on non-English speaking persons. The proposed legislation directly conflicts with these legal and policy precedents. Adoption of this legislation in direct contradiction with these precedents would evidence a direct intent to disenfranchise identifiable categories of persons, language minorities, in violation of their rights as citizens and residents of the United States and California.

V. The Proposed Legislation Seeks to Illegitimately Prohibit Non-English Language Communications by State Personnel in the Conduct of Their Duties

The prohibitive sections of this legislation require the State and its employees (ostensibly reaching all employees of political subdivisions of the State) to act solely in English. This aspect of the proposed legislation could not be legally enforced by the State since it violates the equal protection and first amendment provisions of both the federal and state constitution. Many states, including California, have enacted through legislation or referenda laws declaring English their official language. Many of these laws were supported by the electorate because of their "symbolic" nature. However, the most stringent "official English" law was passed by initiative in Arizona. Article XXVII of the Arizona Constitution sought, inter alia, to limit the ability of state employees from communicating in non-English languages.

This article was declared unconstitutional as violative of the First Amendment in Yniguez v. Mofford, 730 F.Supp. 309 (D. Ariz. 1990), pending appeal, amendment denied by, Yniguez v. Mofford, 130 F.R.D. 410 (D. Ariz. 1990), aff'd in part, denied in part, Yniguez v. State of Arizona, 939 F.2d 727 (9th Cir. 1991). The court in Yniguez recognized that there are many instances in which a non-English speaking citizen seeks the assistance of its government or seeks to address its government. Prohibiting a state employee from interacting with that citizen in the language of that citizen places a state employee in the precarious position of performing their duties and thereby subject themselves to potential sanctions

and private suits. 730 F.Supp. at 314. The proposed legislation would likewise be subject to challenge both because it singles out minority language speakers for differential treatment based upon a linguistic characteristic and because it potentially infringes upon the First Amendment as in Yniguez v. Mofford.

VI. The Proposed Legislation Invites Discrimination Against Language Minorities by the Public and Private Sector

Intolerance of ethnic minorities is not new in our country, and the growth of the "English-only" movement during the past decade is the latest form of this intolerance. Though proponents of this movement claim that a national language will unify our country, their movement has fueled division and discrimination in our country rather than fostering a unifying principle. Supporters of this movement refuse to accept the rich cultural diversity of our country and instead practice the politics of exclusion.

Proponents of "English-only" legislation such as S.B. 1244 have long sought to deny equal opportunity to language minorities under the guise of promoting English language acquisition. Yet, just like S.B. 1244, English-only legislation is not about helping people to learn English, but about making it more difficult to non-English speakers to participate, to integrate, and ultimately, to learn English. Rather than exclusion, a better approach, such as the current approach by California, is found in recognizing the linguistic and cultural diversity of our society. See Cal. Gov't Code § 7290 (recognizing linguistic diversity and need for democratic society to communicate effectively within the framework of this diversity).

Two national organizations are currently advocating for the establishment of English as the official language of the United States: U.S. English, founded in 1982, and English First, founded in 1986. Both groups have expressed their opposition to language assistance in education and voting, and both support the denial of other government services to persons who are not yet fluent in English. Both groups also have ties to other organizations who propose severely limiting immigration into the United States. Various themes have been used to support these legislative efforts, e.g., a common language can unify, while separate languages can fracture and fragment society. However, proponents of these legislative efforts have exhibited more concern over limiting the presence of other languages rather than promoting knowledge of the English language. These groups promote racial animosity more than they foster unity. In fact, one of the founders of U.S. English has made inflammatory comments about Latinos, citing their "greater reproductive powers" in his statement about losing political control. "Perhaps this is the first instance in which those with their pants up are going to be caught by those with their pants down."[1]

Reflecting their fear at the growing numbers and potential electoral strength of the Latino community, English-only proponents have consistently sought to abolish requirements for bilingual election materials and bilingual education as a "neutral" means

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[1] Tanton, "Memorandum to WITAN IV Attendees," October 10, 1986.

towards the racially motivated end of excluding large segments of the Latino community from the twin means of its empowerment--education and political access. For example, at a 1992 congressional hearing on language assistance in voting, a representative from English First claimed that bilingual ballots and other forms of language assistance in voting were somehow "dangerously divisive."[2]

In direct contradiction to claims by English-only advocates that language assistance should be limited because Latinos refuse to learn English is a recent study by the National Latino Political Survey, which found that Latinos overwhelmingly (90%) support the proposition that citizens and residents of the United States should learn English.[3]

Senate Bill 1244 establishes English as "the language of the ballot, the public schools, and all government functions and actions." In effect, S.B. 1244 would establish a public policy which would require English language proficiency to participate in a free and democratic society. This proposed policy statement misstates current state and federal policy regarding language minorities and the requirements for their participation in a free and democratic society. What is more, neither the proposed

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[2] Statement of P. George Tryfiates before Subcomm. on the Constitution of the Senate Comm. on the Judiciary, Hearing on Voting Rights Act Language Assistance Amendments of 1992 (February 26, 1992).

[3] By contrast though, the majority of the Latinos in this same survey reject the proposition that English should become the official language of our country.

legislation nor its supporters have any linguistic support for their position that restricting non-English languages services will "encourage" the state's citizenry to learn the English language. It is important to note that absolutely nothing in this bill provides for English-language education or proposes to address the issue of English-language acquisition. The exceptions listed in subsection (b) do, however, limit any attempts at English-language education solely to what is required by current federal law. In fact, experience teaches us that restricting services to limited-English-proficient persons has only one result-- exclusion of substantial numbers of persons from participating in our society.

In states that have enacted even symbolic measures, state or local agencies have used the law as the basis for discontinuing services in other than English. For instance, the North Carolina Department of Motor Vehicles stopped giving driver's license tests in languages other than English, as it had previously. The Alabama Department of Public Safety has also done the same. In Arizona, the legislation led to the denial of parole hearings for non-English-speaking prisoners. In turn, some private individuals and business have used this movement as a basis for discrimination against ethnic and language minorities. In the wake of official English amendments in Colorado and Florida, several incidents of discrimination were reported including the suspension of a supermarket clerk for answering a fellow-employee in Spanish and a school bus driver reprimanding children for speaking Spanish on the

bus.[4] In California, many employers have initiated restrictions on the use of non-English languages in their workplaces since the passage of an "official English" amendment to the state's constitution. Also, MALDEF has received various complaints about attempts to restrict non-English language use in public places, e.g., restaurants and bars. Our experience tells us that "official English" declarations are supported by groups that actively seek to restrict services to language minorities and are used by private citizens as the basis for discrimination.

VII. There is a Growing Need For Protection of the Rights of Language Minorities

The continued growth of language minorities and discrimination against language minorities pose unique challenges for state governments and their treatment of language minorities. A key issue for Latinos, and other ethnic groups whose members speak more than one language or primarily a language other than English, is the treatment of language minorities. The linkage between Latinos and the language we speak, primarily or as well as English, is a crucial issue for California.

Among the State's 27.3 million persons (over age 5), over 8.6 million speak a language other than English. This represents 31.5% of California's population; fully one third of our State's population speaks a language other than English. Of these persons, 51.3%, 4.4 million, also identify themselves as not speaking

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[4] Comment, Language Rights and the Legal Status of English-Only Laws in the Public and Private Sector, North Carolina Central Law Journal, Vol. 20, 65, 66.

English "very well."[5] These figures show much more diversity in California's population than in the United States where 13.8% of the population identified themselves as speaking a language other than English and 43% identified themselves as not speaking English "very well."

Spanish-speakers are the largest subcategory of this minority. Of the 8.6 million non-English language speakers in California, 5.4 million are Spanish-speakers. Spanish-speakers represent 2.9 million of the 4.4 million persons who identify themselves as being limited-English-proficient. For Latinos, Spanish is easily an identifying characteristic. Studies show that 71.8 percent of the Latino population speaks Spanish and that 76 percent of those individuals who report Spanish as a second language are Latino.[6] It is estimated that at least 64 percent of all Latinos are bilingual.

The presence of persons whose primary language is other than English, or who speak another language as well as English, is a product of our country's rich cultural diversity. This diversity has been present in the United States since its inception. For example, the Articles of Confederation were printed in German. Also, other federal documents were printed in French, German, Dutch

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[5] Persons who so identify themselves are deemed by the Bureau of the Census to be limited-English-proficient ("LEP") for purposes of certain federal rights.

[6] Solé, "Bilingualism: Stable or Transitional? The Case of Spanish in the United States," 84 The Int'l Journal of Social Languages, (1990) p. 36; Estrada, "The Extent of Spanish/English Bilingual in the United States," 2 Aztlan, The Int'l Journal of Chicano Research Studies (1984) p. 381.

and Swedish. In fact, the "founding fathers" of our country rejected a proposal by John Adams to set up a national language academy which would have effectively made English the official language of our country. In spite of this history, proponents of "official English" refuse to recognize our linguistic diversity at a time when those burdened by their proposed policies are predominantly Latinos or Asians.

VIII. Conclusion

MALDEF and other opponents of the "English-only" movement uniformly recognize that English is the common language of the United States. But, the proposed legislation seeks to deny equal access to vital government services for non-English and limited-English speaking citizens and residents; it seeks to illegitimately prohibit non-English language communications by state personnel in the conduct of their duties; it singles out language minorities for discriminatory treatment; and it will encourage private discrimination against language minorities. These outcomes directly conflict with state laws and state policy favoring access of vital services to all citizens and residents of this state including those whose primary language is other than English. For these reasons, MALDEF strongly opposes Senate Bill 1244.

Language Bills before the 104th Congress --Quick Summary

I. Directly Repealing Section 203 of VRA

(Porter-R-IL)
H.R. 351

H.R. 351, the proposed Bilingual Voting Requirements Repeal Act of 1995, would repeal both Section 203 and Section 4(f)(4). It would repeal not only all of the Voting Rights Act's minority language coverage but also the Section 5 and federal examiner and observer protection resulting from determinations under Section 4(b) (third sentence). The following jurisdictions would be affected:

Alaska
Arizona (except for Apache, Cochise, Coconino, Mohave, Navajo, Pima, Pinal, Santa Cruz, and Yuma Counties)
California: Kings and Merced Counties
Michigan: Clyde Township (Allegan County) and Buena Vista Township (Saginaw County)
North Carolina: Jackson County
South Dakota: Shannon and Todd Counties
Texas

(Roth R-WI)
H.R. 739

H.R. 739, the proposed Declaration of Official Language Act of 1995, would repeal Section 203 but not Section 4(f)(4). Also repeals Title VII of the Elementary and Secondary Education Act. Preempts other states and local governments' laws on this. Declares English the preferred language of communication among citizens! Creates right of action for any person injured by violation of the act; allows atty fees. All federal govt business in English.

(King R-NY)
H.R. 1005

Section 4 (Repeal of Bilingual voting Requirements) of H.R. 1005, the proposed National Language Act of 1995, is identical to H.R. 351. Terminates bilingual education programs. Declares English Official language of U.S. Requires English language for citizenship naturalization ceremonies.

II. Other English Only Bills

(Emerson R-MO)
H.R. 123 Declares English as the Official Language of the government of the U.S. No preemption of state laws. Sets up cause of action for "any person alleging injury arising from a violation"

(Pickett R-VA)
H.R. 345 Declares English as the official language of the U.S. govt and amends the INA to provide that public ceremonies for the admission of new citizens shall be conducted solely in English.

(Shelby R-AL)
S. 175
S. 356 Declares English as the official language of the U.S. govt. Sets up cause of action for "any person alleging injury from a violation " of this law.

(Serrano D-NY)
H.Con. Res. 83 English Plus Resolution which recognized English as the primary language and encourages proficiency of English but at the some time recognizes the importance of multilingualism and individual rights and opposes English Only measures.

(Doolittle R-CA)
H.J.Res. 109 A joint resolution proposing an amendment to the U.S. Constitution establishing English as the official language of the U.S.

Citation	Rank(R)	Database	Mode
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Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

MEASURE: HR 351
SPONSOR: Porter (R-IL)
OFFICIAL TITLE: A bill to amend the Voting Rights Act of 1965 to eliminate certain provisions relating to bilingual voting requirements.
INTRODUCED: 01/04/95
COSPONSORS: 13 (Dems: 2 Reps: 11 Ind: 0)
COMMITTEES: Committee on the Judiciary

LEGISLATIVE ACTION:

01/04/95 Referred to Committee on the Judiciary (CR p. H173)
07/19/95 Cosponsor(s) added: 7
Beilenson (D-CA) Lipinski (D-IL) Petri (R-WI)
Hancock (R-MO) Livingston (R-LA)
Hastings, D. (R-WA) Meyers (R-KS)
09/13/95 Cosponsor(s) added: 1
Roth (R-WI)
09/27/95 Cosponsor(s) added: 3
Chenoweth (R-ID) Norwood (R-GA) Stockman (R-TX)
10/12/95 Cosponsor(s) added: 2
Goss (R-FL) Sensenbrenner (R-WI)
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Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

MEASURE: HR 739
SPONSOR: Roth (R-WI)
BRIEF TITLE: Declaration of Official Language Act of 1995.
OFFICIAL TITLE: A bill to amend title 4, U.S. Code, to declare English as the official language of the government of the United States.
INTRODUCED: 01/30/95
COSPONSORS: 85 (Dems: 4 Reps: 81 Ind: 0)
COMMITTEES: Committee on Economic and Educational Opportunities
RELATED BILLS: See S 175, S 356, HR 123, HR 1005

LEGISLATIVE ACTION:

01/04/95 *** Related measure (HR123) introduced in House. ***
01/09/95 *** Related measure (S175) introduced in Senate. ***
01/30/95 Referred to Committee on Economic and Educational Opportunities (CR p. H889)
01/30/95 Original Cosponsor(s): 25

Archer (R-TX)	Hancock (R-MO)	Parker (D-MS)
Bartlett, R. (R-MD)	Hutchinson, T. (R-AR)	Rogers (R-KY)
Bunning, J. (R-KY)	Inglis, B. (R-SC)	Rohrabacher (R-CA)
Burton, D. (R-IN)	King, P. (R-NY)	Royce (R-CA)
Callahan (R-AL)	Kingston, J. (R-GA)	Sensenbrenner (R-WI)
Coble (R-NC)	Lipinski (D-IL)	Solomon (R-NY)
Doolittle (R-CA)	Ney (R-OH)	Stump (R-AZ)
Forbes (R-NY)	Oxley (R-OH)	
Goodlatte, R. (R-VA)	Packard (R-CA)	

01/31/95 Cosponsor(s) added: 7

Funderburk (R-NC)	Knollenberg (R-MI)	Taylor, C. (R-NC)
Hall, R. (D-TX)	Petri (R-WI)	
Hunter (R-CA)	Shays (R-CT)	

02/03/95 *** Related measure (S356) introduced in Senate. ***
02/07/95 Cosponsor(s) added: 3

Chrysler (R-MI)	Duncan (R-TN)	Stearns (R-FL)

02/08/95 Cosponsor(s) added: 1
Johnson, Sam (R-TX)
02/16/95 Cosponsor(s) added: 2

Cooley (R-OR)	Crane (R-IL)

02/21/95 *** Related measure (HR1005) introduced in House. ***
02/23/95 Cosponsor(s) added: 2

Gilchrest (R-MD)	Saxton (R-NJ)

02/28/95 Cosponsor(s) added: 5

Cox (R-CA)	Shuster (R-PA)	Weldon, D. (R-FL)
Herger (R-CA)	Stockman (R-TX)	

03/08/95 Cosponsor(s) added: 4

Baker, B. (R-CA)	LaHood (R-IL)
Chenoweth (R-ID)	Livingston (R-LA)

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03/09/95 Cosponsor(s) added: 1
Baker, R. (R-LA)
03/16/95 Cosponsor(s) added: 1
Ehrlich (R-MD)
04/06/95 Cosponsor(s) added: 2
Calvert (R-CA) Meyers (R-KS)
05/10/95 Cosponsor(s) added: 2
Burr (R-NC) Ewing (R-IL)
05/16/95 Cosponsor(s) added: 4
Christensen (R-NE) Manzullo (R-IL)
Kelly (R-NY) Norwood (R-GA)
05/18/95 Cosponsor(s) added: 1
Weller (R-IL)
06/07/95 Cosponsor(s) added: 3
Bachus, S. (R-AL) Linder (R-GA) Souder (R-IN)
06/29/95 Cosponsor(s) added: 4
Bryant, E. (R-TN) Tate (R-WA)
Scarborough (R-FL) Wicker (R-MS)
07/10/95 ROTH, R-Wis., House speech: On the need to make English the official American language. (Colloquy with WELDON, R-Fla., and KINGSTON, R-Ga.) (CR p. H6726-H6727)
07/10/95 Cosponsor(s) added: 3
Bono (R-CA) Chambliss (R-GA) Seastrand (R-CA)
07/11/95 Cosponsor(s) added: 1
Emerson (R-MO)
07/13/95 Cosponsor(s) added: 1
Hostettler (R-IN)
07/19/95 Cosponsor(s) added: 1
Young, D. (R-AK)
07/20/95 Cosponsor(s) added: 1
Barton, J. (R-TX)
08/02/95 ROTH, R-Wis., House speech: Urges colleagues to support the Declaration of Official Language Act. (Reader's Digest) (CR p. E1598-E1599)
08/02/95 Cosponsor(s) added: 2
Kim (R-CA) Pickett (D-VA)
08/04/95 Cosponsor(s) added: 2
Hilleary (R-TN) Wamp (R-TN)
09/06/95 Cosponsor(s) added: 3
Istook (R-OK) Kasich (R-OH) Pombo (R-CA)
09/12/95 Cosponsor(s) added: 3
Bliley (R-VA) Blute (R-MA) Dornan, R. (R-CA)
10/12/95 Cosponsor(s) added: 1
Roukema (R-NJ)
10/19/95 ROTH, R-Wis., House speech: Inserts an article on problems with bilingual education. (Wall Street Journal) (CR p. E1988-E1989)
CQ US HR 739 SUMMARY
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Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

MEASURE: HR 1005
SPONSOR: King (R-NY)
BRIEF TITLE: National Language Act of 1995.
OFFICIAL TITLE: A bill to amend title 4, U.S. Code, to declare English as the official language of the government of the United States, and for other purposes.
INTRODUCED: 02/21/95
COSPONSORS: 35 (Dems: 1 Reps: 34 Ind: 0)
COMMITTEES: Committee on Economic and Educational Opportunities, Committee on the Judiciary
RELATED BILLS: See S 175, S 356, HR 123, HR 739

LEGISLATIVE ACTION:

01/04/95 *** Related measure (HR123) introduced in House. ***
01/09/95 *** Related measure (S175) introduced in Senate. ***
01/30/95 *** Related measure (HR739) introduced in House. ***
02/03/95 *** Related measure (S356) introduced in Senate. ***
02/21/95 Referred to Committee on Economic and Educational Opportunities, Committee on the Judiciary (for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned) (CR p. H1968)
02/21/95 KING, R-N.Y., House speech: Introduces the National Language Act. (CR p. H1910)
02/21/95 Original Cosponsor(s): 3
Forbes (R-NY) Istook (R-OK) Johnson, Sam (R-TX)
02/23/95 Cosponsor(s) added: 2
Rohrabacher (R-CA) Stockman (R-TX)
02/24/95 Cosponsor(s) added: 2
Goodlatte, R. (R-VA) Lipinski (D-IL)
03/06/95 Cosponsor(s) added: 6
Blute (R-MA) Chenoweth (R-ID) Weldon, D. (R-FL)
Calvert (R-CA) Jones (R-NC) Weller (R-IL)
03/14/95 Cosponsor(s) added: 3
LaHood (R-IL) Radanovich (R-CA) Royce (R-CA)
03/21/95 Cosponsor(s) added: 3
Ehrlich (R-MD) Ney (R-OH) Paxon (R-NY)
03/23/95 Cosponsor(s) added: 4
Bono (R-CA) Ewing (R-IL)
Christensen (R-NE) Stump (R-AZ)
04/05/95 Cosponsor(s) added: 2
Funderburk (R-NC) Kelly (R-NY)
05/01/95 Cosponsor(s) added: 1
Porter (R-IL)

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06/06/95 Cosponsor(s) added: 1
Petri (R-WI)
06/22/95 Cosponsor(s) added: 1
Barrett, B. (R-NE)
07/12/95 Cosponsor(s) added: 1
Bachus, S. (R-AL)
08/02/95 Cosponsor(s) added: 1
Taylor, C. (R-NC)
08/04/95 Cosponsor(s) added: 1
Wamp (R-TN)
09/06/95 RADANOVICH, R-Calif., House speech: Inserts a speech by Sen. Bob Dole recognizing English as America's offical language. (CR p. E1703)
09/06/95 Cosponsor(s) added: 2
Roth (R-WI) Shays (R-CT)
09/12/95 Cosponsor(s) added: 1
Meyers (R-KS)
09/27/95 Cosponsor(s) added: 1
Linder (R-GA)
CQ US HR 1005 SUMMARY
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Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

MEASURE: HR 123
SPONSOR: Emerson (R-MO)
BRIEF TITLE: Language of Government Act of 1995.
OFFICIAL TITLE: A bill to amend title 4, U.S. Code, to declare English as the official language of the government of the United States.
INTRODUCED: 01/04/95
COSPONSORS: 188 (Dems: 20 Reps: 168 Ind: 0)
COMMITTEES: Committee on Economic and Educational Opportunities
RELATED BILLS: See S 175, S 356, HR 739, HR 1005

LEGISLATIVE ACTION:

01/04/95 Referred to Committee on Economic and Educational Opportunities (CR p. H167)
01/04/95 EMERSON, R-Mo., House speech: Introduces the Language of Government Act. (CR p. E13)
01/04/95 EMERSON, R-Mo., House speech: Introduces the Language of Government Act. (CR p. E35)
01/04/95 Original Cosponsor(s): 37

Archer (R-TX)	Dornan, R. (R-CA)	Meyers (R-KS)
Bachus, S. (R-AL)	Ehlers (R-MI)	Montgomery (D-MS)
Ballenger (R-NC)	Fawell (R-IL)	Packard (R-CA)
Barr, B. (R-GA)	Fowler (R-FL)	Petri (R-WI)
Barrett, B. (R-NE)	Gutknecht (R-MN)	Porter (R-IL)
Bevill (D-AL)	Hancock (R-MO)	Ramstad (R-MN)
Bunning, J. (R-KY)	Hansen (R-UT)	Regula (R-OH)
Burton, D. (R-IN)	Hutchinson, T. (R-AR)	Solomon (R-NY)
Calvert (R-CA)	King, P. (R-NY)	Stump (R-AZ)
Canady (R-FL)	Kingston, J. (R-GA)	Talent (R-MO)
Clinger (R-PA)	Knollenberg (R-MI)	Wamp (R-TN)
Dickey, J. (R-AR)	Linder (R-GA)	
Doolittle (R-CA)	Livingston (R-LA)	

01/09/95 *** Related measure (S175) introduced in Senate. ***
01/20/95 Cosponsor(s) added: 42

Baker, B. (R-CA)	Hastert (R-IL)	Quinn (R-NY)
Bartlett, R. (R-MD)	Heineman (R-NC)	Rogers (R-KY)
Bateman (R-VA)	Inglis, B. (R-SC)	Rohrabacher (R-CA)
Bereuter (R-NE)	Kolbe (R-AZ)	Royce (R-CA)
Bliley (R-VA)	LaHood (R-IL)	Scarborough (R-FL)
Burr (R-NC)	Lucas (R-OK)	Sensenbrenner (R-WI)
Callahan (R-AL)	McHugh (R-NY)	Shays (R-CT)
Chrysler (R-MI)	McKeon (R-CA)	Shuster (R-PA)
Coble (R-NC)	Moorhead (R-CA)	Spence (R-SC)
Collins, M. (R-GA)	Norwood (R-GA)	Taylor, C. (R-NC)
Cox (R-CA)	Oxley (R-OH)	Taylor, G. (D-MS)
Foley (R-FL)	Paxon (R-NY)	Vucanovich (R-NV)

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Goodlatte, R. (R-VA) Payne, L. (D-VA) Weldon, C. (R-PA)
Hall, R. (D-TX) Pryce, D. (R-OH) Weller (R-IL)
01/24/95 Cosponsor(s) added: 5
Funderburk (R-NC) Pombo (R-CA) Young, C. (R-FL)
Jones (R-NC) Smith, Lamar (R-TX)
01/30/95 *** Related measure (HR739) introduced in House. ***
02/02/95 Cosponsor(s) added: 25
Bono (R-CA) Hunter (R-CA) Myrick (R-NC)
Brewster (D-OK) Istook (R-OK) Ney (R-OH)
Browder (D-AL) Johnson, Sam (R-TX) Roberts (R-KS)
Chenoweth (R-ID) Kelly (R-NY) Roukema (R-NJ)
Christensen (R-NE) Lewis, Jerry (R-CA) Seastrand (R-CA)
Fields, J. (R-TX) Lightfoot (R-IA) Sisisky (D-VA)
Ganske (R-IA) Lipinski (D-IL) Stearns (R-FL)
Hastings, D. (R-WA) Miller, D. (R-FL)
Hoekstra (R-MI) Myers (R-IN)
02/03/95 *** Related measure (S356) introduced in Senate. ***
02/14/95 Cosponsor(s) added: 13
Armey (R-TX) Duncan (R-TN) Peterson, C. (D-MN)
Bilbray (R-CA) Forbes (R-NY) Pickett (D-VA)
Bryant, J. (D-TX) Hilleary (R-TN) Quillen (R-TN)
Combest (R-TX) Kim (R-CA)
Cramer (D-AL) Lewis, R. (R-KY)
02/21/95 *** Related measure (HR1005) introduced in House. ***
03/08/95 Cosponsor(s) added: 11
Allard (R-CO) Gekas (R-PA) Souder (R-IN)
Cooley (R-OR) Graham, L. (R-SC) Stockman (R-TX)
Crane (R-IL) Nethercutt (R-WA) Weldon, D. (R-FL)
Deal (R-GA) Sanford (R-SC)
03/21/95 Cosponsor(s) added: 11
Clement (D-TN) Hayworth (R-AZ) Torkildsen (R-MA)
Everett (R-AL) Horn (R-CA) Waldholtz (R-UT)
Flanagan (R-IL) Parker (D-MS) Zimmer (R-NJ)
Gilchrest (R-MD) Schaefer (R-CO)
05/11/95 Cosponsor(s) added: 16
Chambliss (R-GA) Kasich (R-OH) Salmon (R-AZ)
Cremeans (R-OH) McCollum (R-FL) Saxton (R-NJ)
Dunn (R-WA) McCrery (R-LA) Whitfield (R-KY)
Ewing (R-IL) Metcalf (R-WA) Zeliff (R-NH)
Hoke (R-OH) Radanovich (R-CA)
Johnson, N. (R-CT) Rahall (D-WV)
06/07/95 Cosponsor(s) added: 2
Baker, R. (R-LA) Riggs (R-CA)
07/11/95 Cosponsor(s) added: 5
Bass (R-NH) Klug (R-WI) Tanner (D-TN)
Cubin (R-WY) Roth (R-WI)
07/18/95 Cosponsor(s) added: 4
Herger (R-CA) Watts, J. (R-OK)
Tauzin (R-LA) Wilson (D-TX)
07/26/95 Cosponsor(s) added: 3

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Camp (R-MI) Gallegly (R-CA) Nussle (R-IA)
09/06/95 RADANOVICH, R-Calif., House speech: Inserts a speech by Sen. Bob Dole recognizing English as America's official language. (CR p. E1703)
09/06/95 Cosponsor(s) added: 8
Barton, J. (R-TX) Hyde (R-IL) Wolf (R-VA)
Coburn (R-OK) Shadegg (R-AZ) Young, D. (R-AK)
Davis (R-VA) Wicker (R-MS)
09/19/95 Cosponsor(s) added: 4
Hostettler (R-IN) Thomas, B. (R-CA)
Lincoln (D-AR) Tiahrt (R-KS)
10/18/95 Cosponsor(s) added: 2
Latham (R-IA) Rivers (D-MI)
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Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

MEASURE: HR 345
SPONSOR: Pickett (D-VA)
BRIEF TITLE: Language of Government Act of 1995.
OFFICIAL TITLE: A bill to amend title 4, U.S. Code, to declare English as the official language of the government of the United States and to amend the Immigration and Nationality Act to provide that public ceremonies for the admission of new citizens shall be considered solely in English.
INTRODUCED: 01/04/95
COSPONSORS: 2 (Dems: 0 Reps: 2 Ind: 0)
COMMITTEES: Committee on Economic and Educational Opportunities, Committee on the Judiciary

LEGISLATIVE ACTION:

01/04/95 Referred to Committee on Economic and Educational Opportunities, Committee on the Judiciary (for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned) (CR p. H173)
03/06/95 Cosponsor(s) added: 2
Brewster (D-OK) Stockman (R-TX)
04/05/95 Cosponsor(s) added: 1
Bereuter (R-NE)
04/06/95 Cosponsor(s) withdrawn: 1
Brewster (D-OK)
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Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

MEASURE: S 175
SPONSOR: Shelby (R-AL)
OFFICIAL TITLE: A bill to amend title 4, U.S. Code, to declare English as the official language of the government of the United States.
INTRODUCED: 01/09/95
COSPONSORS: 0 (Dems: 0 Reps: 0 Ind: 0)
COMMITTEES: Committee on Governmental Affairs
RELATED BILLS: See S 356, HR 123, HR 739, HR 1005

LEGISLATIVE ACTION:

01/04/95 *** Related measure (HR123) introduced in House. ***
01/09/95 Referred to Committee on Governmental Affairs (CR p. S653)
01/09/95 SHELBY, R-Ala., Senate speech: Introduces legislation to amend title 4, U.S. Code, to declare English as the official language of the government of the United States. (CR p. S653)
01/30/95 *** Related measure (HR739) introduced in House. ***
02/03/95 *** Related measure (S356) introduced in Senate. ***
02/21/95 *** Related measure (HR1005) introduced in House. ***
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Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

MEASURE: S 356
SPONSOR: Shelby (R-AL)
BRIEF TITLE: Language of Government Act of 1995.
OFFICIAL TITLE: A bill to amend title 4, U.S. Code, to declare English as the official language of the government of the United States.
INTRODUCED: 02/03/95
COSPONSORS: 20 (Dems: 2 Reps: 18 Ind: 0)
COMMITTEES: Committee on Governmental Affairs
RELATED BILLS: See S 175, HR 123, HR 739, HR 1005

LEGISLATIVE ACTION:

01/04/95 *** Related measure (HR123) introduced in House. ***
01/09/95 *** Related measure (S175) introduced in Senate. ***
01/30/95 *** Related measure (HR739) introduced in House. ***
02/03/95 Referred to Committee on Governmental Affairs (CR p. S2124)
02/03/95 Original cosponsor(s): 1
Coverdell (R-GA)
02/13/95 Cosponsor(s) added: 4
Craig (R-ID) Hollings (D-SC)
Helms (R-NC) Lugar (R-IN)
02/15/95 Cosponsor(s) added: 2
Grassley (R-IA) Stevens (R-AK)
02/16/95 Cosponsor(s) added: 2
Cochran (R-MS) Grams, R. (R-MN)
02/21/95 *** Related measure (HR1005) introduced in House. ***
02/22/95 Cosponsor(s) added: 2
Gregg (R-NH) Lott (R-MS)
03/08/95 Cosponsor(s) added: 1
Inhofe (R-OK)
03/30/95 Cosponsor(s) added: 2
Pressler (R-SD) Thurmond, S. (R-SC)
04/25/95 Cosponsor(s) added: 1
Santorum (R-PA)
04/26/95 Cosponsor(s) added: 1
Coats (R-IN)
06/15/95 Cosponsor(s) added: 1
Simpson (R-WY)
07/20/95 Cosponsor(s) added: 1
Faircloth (R-NC)
09/07/95 Cosponsor(s) added: 1
Byrd (D-WV)
09/25/95 Cosponsor(s) added: 1
Frist (R-TN)
CQ US S 356 SUMMARY

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Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

MEASURE: HConRes 83
SPONSOR: Serrano (D-NY)
OFFICIAL TITLE: Concurrent resolution entitled, the 'English Plus Resolution.'
INTRODUCED: 07/13/95
COSPONSORS: 32 (Dems: 31 Reps: 1 Ind: 0)
COMMITTEES: Committee on Economic and Educational Opportunities

LEGISLATIVE ACTION:

07/13/95 Referred to Committee on Economic and Educational Opportunities (CR p. H7011-H7012)
07/13/95 Original Cosponsor(s): 32

Abercrombie (D-HI)	Menendez (D-NJ)	Richardson (D-NM)
Becerra (D-CA)	Miller, G. (D-CA)	Romero-Barcelo (D-PR)
Dellums (D-CA)	Mineta (D-CA)	Ros-Lehtinen (R-FL)
Farr (D-CA)	Mink (D-HI)	Roybal-Allard (D-CA)
Fattah (D-PA)	Moran (D-VA)	Scott (D-VA)
Gonzalez (D-TX)	Nadler (D-NY)	Tejeda (D-TX)
Gutierrez (D-IL)	Ortiz (D-TX)	Torres (D-CA)
Jackson-Lee (D-TX)	Owens (D-NY)	Towns (D-NY)
Lewis, John (D-GA)	Pastor (D-AZ)	Underwood (D-GU)
McDermott (D-WA)	Pelosi (D-CA)	Velazquez (D-NY)
Meek (D-FL)	Rangel (D-NY)	

CQ US HConRes 83 SUMMARY
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Legislative Action and Related Bills
Congressional Quarterly's Bill Tracking

MEASURE: HJRES 109
SPONSOR: Doolittle (R-CA)
OFFICIAL TITLE: A joint resolution proposing an amendment to the Constitution of the United States establishing English as the official language of the United States.
INTRODUCED: 09/28/95
COSPONSORS: 10 (Dems: 1 Reps: 9 Ind: 0)
COMMITTEES: Committee on the Judiciary

LEGISLATIVE ACTION:

09/28/95 Referred to Committee on the Judiciary (CR p. H9670)
09/28/95 Original Cosponsor(s): 3
Hancock (R-MO) Hansen (R-UT) Shays (R-CT)
10/17/95 Cosponsor(s) added: 7
Calvert (R-CA) Horn (R-CA) Royce (R-CA)
Chenoweth (R-ID) Lipinski (D-IL)
Dornan, R. (R-CA) Moorhead (R-CA)
CQ US HJRES 109 SUMMARY
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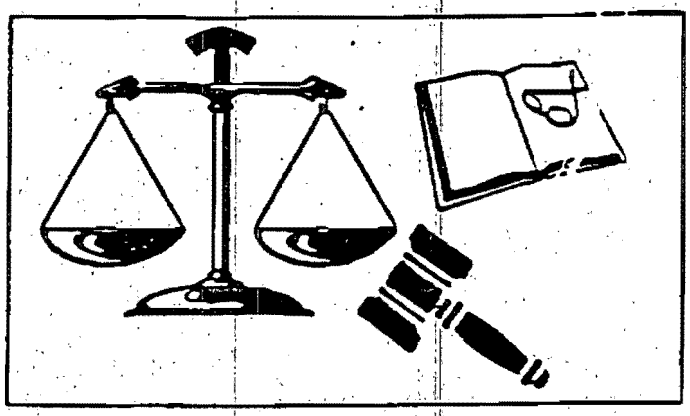
U.S. DEPARTMENT OF JUSTICE

OFFICE OF LEGISLATIVE AFFAIRS

FACSIMILE COVER SHEET



TO: Steve W.

FAX NO.: 456-7028

FROM: JOHN TRASVIÑA

PHONE: 202/514-2111

DATE: 11/2

NO. OF PAGES: 3 (EXCLUDING COVER)

COMMENTS: Good meeting today. Attached is FYI.

ROBERT A. UNDERWOOD
GUAM

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Congress of the United States
House of Representatives
Washington, DC 20515-5301
November 1, 1995

Guess who's not English-Only?

The English!

Dear Colleague,

Yes, the English! In exploring this issue last week, my staff called the British Embassy and asked if England had an official language. Here were some of the initial responses: "Yes we speak English. I don't think it's official, but it's the main language--almost everyone speaks it. I don't think it has to be official, I mean, English is the common language..." Jolly good.

The embassy later clarified that **English law does not recognize an official language.** The only reference to speaking English in British law comes from Chapter XI of The Statute of Pleadings from the year 1362 which requires English court proceedings be conducted in English. (The same 14th century decree also mandates that court proceedings be recorded in Latin.) Incidentally, because our courts also conduct business in English, current U.S. law already requires that prospective jurors read, write, speak, and understand English and that, if necessary, English interpreters be provided.

Enough about the French, the Spanish, and the Germans--for centuries, the English have maintained their language without a law. The point is that English has replaced French as the language of deplomacy and German as the language of science--it is already the common language of America and the world.

Right oh.

Robert A. Underwood

ROBERT A. UNDERWOOD
Member of Congress

Guess who else isn't English-Only?

(continue on the following page)
(continua en la pagina siguiente)

RNC NEWS RELEASE

Evelyn W. McPhail
Co-Chairman

Haley Barbour
Chairman

CONTACTO: Jason I. Pobleto
(202)863-8778

PARA DISTRIBUCIÓN INMEDIATA
viernes, 20 de octubre de 1995

CLINTON, EL MEDICARE Y SUS CUENTOS DE HADA

Declaración por el presidente del Comité Nacional Republicano Haley Barbour

Parece que el presidente ha encontrado una nueva manera de recordar
casi en un momento crítico le huye a la verdad y a la responsabilidad
insistir, contando cuentos de hada acerca del Medicare.

En una rueda de prensa en la Casa Blanca esta
"plan" para salvar el Medicare de la bancarrota
en el mismo período de tiempo y a la mi
sostuvo que ambas propuestas "extr
propuesta Repu
programa. Ni

No
en su

RNC NEWS RE

Haley Barbour
Chairman

Evelyn W. McPh
Co-Chairman

PARA DISTRIBUCIÓN INMEDIATA
miércoles, 25 de octubre de 1995

CONTACTO: Jason I. Pob
(202)863-877

DEMÓCRATAS LE HUYEN A LOS PRESUPUESTOS CLINTON

Declaración por el presidente del Comité Nacional Republicano Haley Barbour

Esta semana, ni un legislador Demócrata en el C
del presidente Clinton. Y si esto no fuera poco, el
rechazaron llevar el presupuesto Clinton a un vo
con la opinión que las propuestas presupuest
serio.

Su primer presupuesto,
indeterminable. Ha rechaz
otra propuesta que doci
ambas propuestas
Office" — entid
presidente
que

so quien apoyar el presupuesto
ócrata de ambas cámaras
a los Demócratas acuden
pueden tomar muy en

tiempo
esidente preparó
Congressional Budget
ujo que el plan más reciente del
un déficit más grande de que el

"El problema con
ar el presupuesto, se tienen que proponer
no, no nos debe extrañar mucho que los Demócratas
nte. No los pueden tomar seriamente.
Pienso que pueden conseguir apoyo político evaluando la
ativas viables para balancear el presupuesto. Pero el pueblo
de los políticos que no toman la responsabilidad por sus acciones.
ciales electos cumplan con su palabra y hagan lo que es debido. Se
cusas tontas. Los Republicanos entienden que el momento ha llegado de hacer
para el futuro de nuestra nación.

###

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Publishe

The RNC!*

* Under the English-Only bills introduced in Congress, Members would not be able to do what the RNC does...issue press releases in Spanish.

I'm still looking for sponsors for Ketchup-Only!

ROBERT A. UNDERWOOD
GUAM

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Congress of the United States
House of Representatives
Washington, DC 20515–5301

November 1, 1995

English-Only...Who is the Target?

Dear Colleague,

I would like to share with you excerpts from my testimony before the Committee on Economic and Educational Opportunities Subcommittee on Early Childhood, Youth and Families during the October 18, 1995 hearing on establishing English as the official language.

"The message [of English-Only legislation] cannot be that English is the common language of the nation, because it already is. Well, what then is the message. The ill-advised message seems to be that we are less than those who can speak only English; that there is something foreign about our maintenance of a tongue different than most. I know many will say and some with a great deal of sincerity that no such affront is intended. But in light of the reality that there is no problem with the official use of English, any effort to coerce English-only at this time must be seen as giving life to the social forces of resentment. This resentment could stem from the rise of "foreign accents" in our day-to-day lives and the increasing use of languages other than English on the radio and television. It can manifest itself from the seriously misguided judge in Texas who told a mother that her continued use of Spanish to her child is a form of child abuse to the innocuous, but revealing, refusal of an ice cream parlor to put "happy birthday" on a cake in another language. This kind of resentment is not based on a need to improve communication, it is based on a fear of being subsumed by a growing "foreignness" in our midst.

This may not be the intended result, but I submit that it will be the real result. And the fact that such resentment is based on attitudes which need adjusting rather than with policies which need fixing ought to reveal to us how ill-advised this type of legislation really is.

For those of us with different mother tongues, it is not at all incompatible to practice the continuance of a mother tongue, be a good American and recognize that the lingua franca is English."

Sincerely,

Robert A Underwood

ROBERT A. UNDERWOOD
Member of Congress

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF LEGISLATION AND CONGRESSIONAL AFFAIRS

Date: 10/26 Fax #: 456-7028

Sent to: STEVE WARNATH

Attention:

From: LUIS CASTRO

Number of Pages (including cover sheet): 2

If there are any problems with this transmission, please contact me at: (202) 401-1028

GOALS 2000

COMMENTS: Per conversation. I'm checking on the Riley statement on bilingual ed and will fax it to you if there is one.

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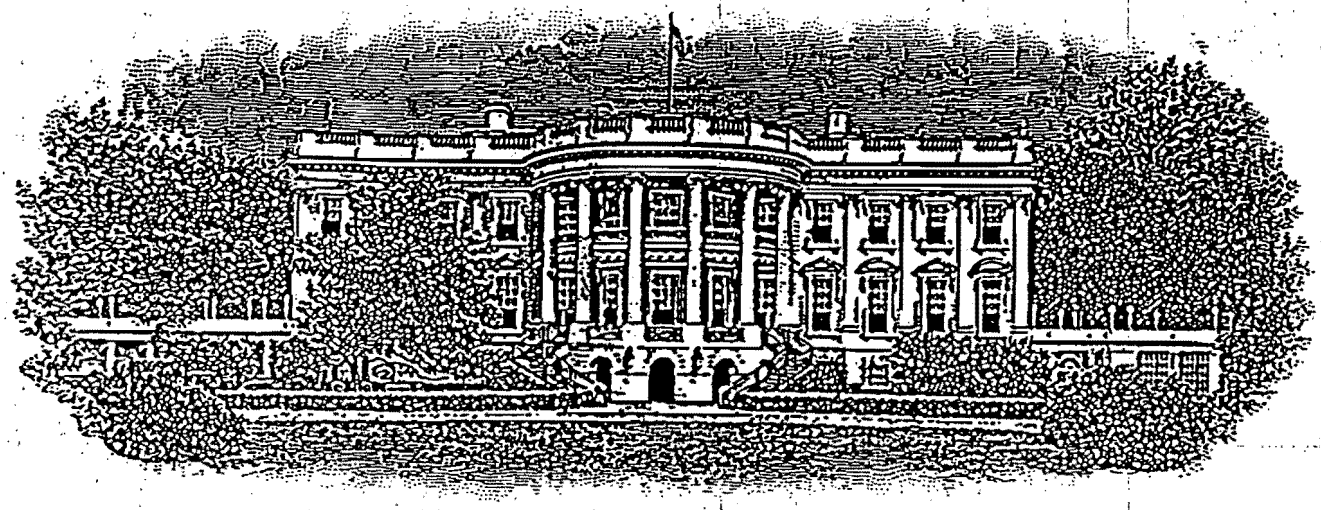
WASHINGTON, D.C., 20202-3100 FAX NUMBER (202) 401-1438

The White House



DOMESTIC POLICY

FACSIMILE TRANSMISSION COVER SHEET

TO: JOHN TRASVINA

FAX NUMBER:

TELEPHONE NUMBER:

FROM: Stephen Warnath

TELEPHONE NUMBER:

PAGES (INCLUDING COVER):

COMMENTS: Explicit - only talking points attached

for your comments. Thanks,

S

SC WARNATH
FAX: 456-7028

DRAFT TALKING POINTS OPPOSING ENGLISH-ONLY LEGISLATION

English is already accepted as the common language of the United States; that is not the issue being debated. The issue is whether children who themselves or whose parents speak another language should be able to learn other things, while they are learning English. The issue is whether American citizens who work hard and pay taxes and haven't mastered English yet should be able to vote and have a meaningful participation in our democracy.

President Clinton, September 27, 1995

The Administration Strongly Opposes "English-Only" Legislation

- The Administration strongly opposes English-only legislation such as S. 356 that generally seeks to eliminate all governmental actions conducted in any language other than English. Such restrictions are unnecessary and threaten the Constitutional rights, health, safety, and economic advancement of U.S. citizens.

- English-only legislative mandates will hinder the government's essential ability to fulfill its responsibilities and fully protect the interests of U.S. citizens.

- Such restrictions raise serious constitutional issues.

English Already Is The Nation's Common Language -- English-only is Unnecessary

- Over 97 percent of Americans speak English, according to the 1990 U.S. Census.

- Virtually all of Federal government's business is conducted in English and 99.9% of Federal government documents are in English, according to a recent GAO report.

- For the rare exception when other languages are used, it promotes important national and community interests.

  - These interests include: national security; law enforcement, including communicating with crime victims, witnesses and defendants; border control, and informing individuals about their rights-- such as voting rights -- or how to access important services, such as police protection, public safety, and health care.

- People are learning English faster than ever before. Everyone recognizes that English language skills are

necessary to advance economically and socially in our society.

- Across America, there are waiting lists to enroll in English-as-a-Second Language ("ESL") classes. For example, in Los Angeles, the demand for ESL classes is so great that some schools operate 24 hours per day and 50,000 students are on the waiting lists city-wide. In New York City, an individual can wait up to 18 months for ESL classes. Students in our public schools are absorbing English faster than earlier generations as they prepare to be fully participating and contributing adults in our society.

The Government Should Promote English While Protecting The Rights of Citizens

- The government has a proper role, indeed a responsibility, to encourage people to become English language proficient.

  - The government should fulfill its responsibility and encourage English language proficiency by supporting instruction, including bilingual education as appropriate, to assist children and adults in attaining English language skills.

- Bilingual education is important.

  - It helps students to learn English while keeping pace with their classmates in other subjects while they are learning it. Moreover, the decision to offer bilingual education is a local choice which some legislative proposals would deny by imposing a federal mandate upon communities telling them to how to educate their children.

- English-only threatens public health and safety.

  - It is appropriate and necessary for the government to promote public health and safety by providing information in some instances in a language other than English. These include OSHA warnings, court interpreters, and public health announcements.

- English-only threatens the fundamental right to vote.

  - Past Congresses and Presidents have joined together in recognizing that assisting citizens to exercise their right to vote, even if they are not fully proficient in English, is fundamental. Enactment and each amendment of Section 203 of the Voting Rights Act has enjoyed strong and enduring bipartisan support and the support of Presidents Ford,

Reagan and Bush.

English-only Restrictions Are Divisive

- English-only measures and the rhetoric that accompanies them tend to divide rather than unite us. We must not let this issue be used to divide our communities and nation.

The Supreme Court Has Agreed To Review Arizona's English-Only Law

The Supreme Court granted certiorari to review Arizona's English-Only law. It is inappropriate for the Administration to comment on this pending case at this time, and the Administration will continue to monitor this case closely.

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President Clinton, September 27, 1995

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- The Administration opposes English-Only legislation, such as S. 356, that prohibits conduct in U.S. ~~[illegible]~~ ~~to impose~~ ~~[illegible]~~ as unnecessary, ~~and~~ as well as a threat to the Constitutional rights, health, safety, and economic advancement of U.S. citizens.

- Legislative proposals will hinder the government's essential ability to fulfill its responsibilities, and fully protect the rights of U.S. citizens. ~~to its~~

- Amending ~~the Constitution~~ or limiting people's rights under the Constitution is very serious business. Thus, it is important for Congress to consider the serious practical implications of English-Only legislation or constitutional amendments on the everyday lives of Americans in the 50 states, Puerto Rico, Guam and American Samoa.

English Already Is The Nation's Common Language -- English-Only Is Unnecessary

- 97 percent of the U.S. population speak English according to the ~~1990~~ U.S. Census.

- Virtually all of Federal government's business is conducted in English and 99.9% of Federal government documents are in English, according to a recent GAO report.

- In those few instances where other languages are used it is to promote important ~~point~~ national and community interests such as: national security; law enforcement, border enforcement, communicating with witnesses, ~~aliens~~ prisoners or parolees about their rights; and educational outreach to inform people of their rights or access to government services, such as police protection, public safety, health care and voting.

- Everyone recognizes that English language skills are necessary to advance economically and socially in our society. As a result, immigrants are demonstrating that they want to learn English and are rushing to do so at faster rates than ever before. Across America, there are waiting lists, to enroll in English-as-a-Second Language ("ESL") classes. For example, in Los Angeles, the demand for ESL classes is

so great that some schools operate 24 hours per day and 50,000 students are on the waiting lists city-wide. In New York City, an individual can wait up to 18 months ~~so~~ for ESL classes. Students in schools are absorbing English faster than earlier generations as they prepare to be fully participating and contributing adults in our society.

The Government Should Promote English While Protecting The Rights of Citizens

- The government has a proper role, indeed a responsibility, to encourage people to become English language proficient. The government should fulfill that responsibility by providing instruction, including bilingual education as appropriate, to assist children and adults in attaining English proficiency.

- In addition, the government has an obligation to protect the safety, health, and rights of its citizens. There are instances, for example, in which it is appropriate for the government to provide information in a language other than English, such as OSHA warnings, court interpreters, and public health and voter information.

- Bilingual education is important, while as well. It helps ~~permits~~ students to learn English ~~and to~~ keep pace with their classmates in other subjects while they are learning it. Moreover, the ~~It should be emphasized that~~ the decision to offer bilingual education is a local choice where ~~and~~ some legislative proposals would deny by ~~seeks to~~ impose a federal mandate to communities to tell them to how to educate their children.

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English-Only Is Divisive — tells American kids to talk
Costly lawsuit

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leg6.

ENGLISH-PROFICIENCY FOR IMMIGRATION

The amendment requires english-proficiency before a person can immigrate for a job (employment-based immigration) and for diversity immigrants. It grants a preference -- by pushing to the front of the line -- english-speaking relatives of legal permanent residents.

- We oppose.

- This a decision for employers who are hiring the individual. Why should the government tell employers that they can't hire somebody they need because that person doesn't speak fluently about general current event topics?

  [Background note: The House bill requires the ability to speak English w/o a dictionary "to meet routine social demands and to engage in a generally effective manner in casual conversation about topics of general interest, such as current events, work, family, and personal history . .."]

- We also are concerned that the proponents of this are out to establish a mechanism to move people mostly from english-speaking countries to the head of the immigration line. There is a basic fairness issue here.

- Everyone who comes here understands that learning English is the way to get ahead in their job and community. There are waiting lists across the country for classes teaching english to immigrants. Immigrant children are learning english in schools like never before. Requiring fluency before you are allowed to come to the country is unnecessary. We need to support programs to make sure that everyone can learn english as quickly as possible once they are here.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

12-Apr-1996 04:26pm

TO: Stephen C. Warnath

FROM: Todd Stern
Office of the Staff Secretary

SUBJECT: serrano

FYI

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

12-Apr-1996 12:22pm

TO: Todd Stern

FROM: Lee R. Johnson
Office of Records Management

SUBJECT: Serrano letter

We are finding no POTUS response to Rep. Serrano's letter of Sept. 18, 1995. We have in our files an interim response from Susan Brophy to this letter, dated Sept. 25, and a Brophy memo of the same date to Steve Warnath, requesting that his office prepare a draft response. The memo also states that a copy of Serrano's letter was being sent to Kay Casstevens at the Dept. of Education.

U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General *Washington, D.C. 20530*

TELEFACSIMILE COVER SHEET

DATE: 3/25/96 **TIME:**

TO: Steve Warnath

PHONE:

FAX: 456-7028

FROM: Juanita C. Hernandez
OFFICE OF THE ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION
FAX NUMBER: 202-307-2839
PHONE: 202-514-3653

COMMENTS: The U.S. Supreme Court has agreed to hear this 9th Circuit case, Yniguez, which held that Arizona Official English law was unconstitutional. The review is limited to issues attached. Thanks.

NUMBER OF PAGES TRANSMITTED (INCLUDING THIS SHEET) 2
(max. 30 pages)

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Citation	Rank(R)	Page(P)	Database	Mode
--- S.Ct. ----	R 1 OF 1	P 1 OF 1	SCT	Term

1995 WL 761639 (U.S.), 64 USLW 3439
(Publication page references are not available for this document.)

AZ FOR OFFICIAL ENGLISH V. ARIZONA, ET AL.
95-974
Monday, March 25, 1996

The motion of Equal Opportunity Foundation for leave to file a brief as amicus curiae is granted. The motion of U.S. English, Inc. for leave to file a brief as amicus curiae is granted. The petition for a writ of certiorari is granted. In addition to the questions presented by the petition, the parties are requested to brief and argue the following questions: (1) Do petitioners have standing to maintain this action? (2) Is there a case or controversy with respect to respondent YNIGUEZ?

U.S.,1996
AZ FOR OFFICIAL ENGLISH V. ARIZONA, ET AL.
END OF DOCUMENT

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UNITED STATES
DEPARTMENT OF EDUCATION NEWS

FOR RELEASE
October 18, 1995

Contact: Ivette Rodriguez
(202) 401-0262

STATEMENT BY U.S. SECRETARY OF EDUCATION RICHARD W. RILEY
regarding Oct. 18 congressional hearing on H.R. 739, the
"Declaration of Official Language Act" and
H.R. 123/S. 356, the "Language of Government Act"

It would be sheer folly to deny millions of schoolchildren the opportunity to learn English -- at a time when the need is greatest. Unfortunately, these efforts to make English the "official" language and to eliminate programs that teach English are more about politics than improving education.

Repealing programs that teach English as a Second Language and bilingual education is wrong-headed. These programs have two key purposes: To make sure every child learns English; and to make sure that every child masters academic subjects, such as math and science, while continuing to learn English.

Obviously, English is our national language. New immigrants are clamoring to learn it as fast as they can. All over America, people are standing in lines and placing their names on waiting lists to take English and literacy classes.

Passing these bills is saying to children, and those who are struggling to learn English, that we don't care if they fall behind and fail.

The future costs to these children and adults -- and to our nation -- in terms of dropout rates and unemployment or underemployment -- is enormous.

Passing these bills is failing the future and our students.

###

30TH STORY of Level 1 printed in FULL format.

Copyright 1995 News World Communications, Inc.
The Washington Times

September 7, 1995, Thursday, Final Edition

SECTION: Part A; CULTURE, ET CETERA; Pg. A2

LENGTH: 1187 words

HEADLINE: English-only advocates sense momentum ;
See passing chance for proposed bills

BYLINE: Joyce Price; THE WASHINGTON TIMES

BODY:

Buoyed by heavily publicized support from Sen. Bob Dole and other Republican presidential hopefuls, and the promise of congressional hearings, leaders of the movement to make English the United States' official language say they're closer to their goal.

"There's nothing that can replace [the support of] the leadership on this issue," said Jim Boulet, executive director of English First, one of two national organizations that have led the push to make English the official language of both the federal and state governments.

Mr. Boulet was referring to the fact that earlier this week on the campaign trail, Senate Majority Leader Dole blasted bilingual education and declared: "English should be acknowledged once and for all as the official language of the United States."

U.S. English, the other group that has been a driving force behind the enactment of official-English legislation, pointed out that Mr. Dole's primary rivals, Pat Buchanan, Sen. Richard Lugar of Indiana and California Gov. Pete Wilson, had already made the question an issue in the 1996 race by calling for English as the country's official language.

House Speaker Newt Gingrich, who may or may not emerge as a Republican presidential candidate, also attacked "bilingualism" in his new book and has offered vocal support for the recognition of English as the "American language."

For months, English First has been pressing for congressional hearings on various bills that would make English the official language of the federal government. Rep. Randy "Duke" Cunningham, California Republican and chairman of the House Economic and Educational Opportunities Committee's subcommittee on early childhood, youth and families, plans to hold such a hearing Oct. 18.

English First supports bills introduced by Rep. Toby Roth, Wisconsin Republican, and Peter T. King, New York Republican. The bills would:

* Declare English the official language of the federal government and require the administration to enforce the law.

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PRESERVATION

* End the federal mandate requiring bilingual education.

* Eliminate the use of bilingual ballots.

* Ban citizenship ceremonies in foreign languages.

Mr. Roth's bill goes a little further than Mr. King's in that it would pre-empt existing state multilingual requirements and eliminate mandatory bilingual education by states.

Mr. Roth's bill has the support of Appropriations Committee Chairman Bob Livingston, Louisiana Republican. Mr. Gingrich also co-sponsored the Roth measure last year. Mr. Dole reportedly favors the King bill.

U.S. English supports a bill sponsored by Rep. Bill Emerson, Missouri Republican, that would make English the official U.S. government language but lacks the other provisions of the King and Roth bills.

Daphne Magnuson, spokeswoman for U.S. English, said her organization wants to "reform," rather than abolish, bilingual education. "Instead of eradicating all the funds for children who don't speak English, we advocate block grants to schools so they can determine the best methods for teaching these children," Mrs. Magnuson said.

"We don't advocate total immersion - sink or swim [in English] - but teaching children [who don't speak English] in their own language seven or eight hours a day is a huge waste of money" because it prepares the children for "careers as professional busboys," Mrs. Magnuson said.

The White House hasn't taken a position on the legislative proposals, but spokesman Michael McCurry said yesterday that their thrust is wrong.

"Look, we want kids to get skills and to learn, and some kids only speak Spanish or other native languages, and there are programs that are developed to help them learn those languages - or learn in those native languages until they can become really fluent in English. That makes some sense in some cases," said Mr. McCurry.

Mr. McCurry added that the issue was more a product of GOP presidential politics than good policy. He said Mr. Clinton wants to promote reforming education, "not being caught in arbitrary debates that, frankly, have more to do with the agenda of the extreme right."

Mrs. Magnuson says her group has been trying to get Congress to make English the official language for 12 years. Meanwhile, "without any language policy, you have non-elected government bureaucrats making decisions and providing services in other languages."

"It used to be the burden of people who came here to learn the [English] language to take advantage of the whole panoply of government services, but now the feeling seems to be that the burden's on the government," she said.

The 104th Congress already has shown reservations about bilingual education. Its 1995 rescission budget contained a $38.5 million cut in that program. And Mr. Boulet noted that the House has approved $103 million for bilingual

PHOTOCOPY
PRESERVATION

education in fiscal 1996, $197 million less than the administration's request and $103.7 million less than 1995's appropriation.

Karen Hanson, education policy analyst for the National Council of La Raza, an advocacy group for Hispanic Americans, said her organization considers official English legislation "unnecessary, discriminatory and divisive."

"Ninety-five percent of U.S. residents already speak English, so there's no danger of English disappearing," she said.

Ms. Hanson said bilingual education is "the most effective method of teaching a child English while also keeping the child up to speed" in other subjects.

Mrs. Magnuson says she thinks an official-language bill will pass the House and "there's a really good chance" such a bill also will pass the Senate. Mr. Boulet says House approval may not come until next year and what will happen in the Senate is "an open question."

* Paul Bedard contributed to this report.

****CHART

MAKING ENGLISH THE LAW

In 1812, Louisiana became the first state to pass a law making English its official language. Since then, 21 other states have followed suit, mostly in the second half of this century.

Alabama: 1990

Arizona*: 1988

Arkansas: 1987

California: 1986

Colorado: 1988

Florida: 1988

Georgia: 1986

Hawaii: 1978

Illinois: 1969

Indiana: 1984

Kentucky: 1984

Louisiana: 1812

Mississippi: 1987

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PRESERVATION

Montana: 1995

Nebraska: 1920

New Hampshire: 1995

North Carolina: 1987

North Dakota: 1987

South Carolina: 1987

South Dakota: 1995

Tennessee: 1984

Virginia: 1950

* The Arizona law was struck down by a federal court and the 9th Circuit Court of Appeals. However, the 9th Circuit later agreed to re-hear the case. A ruling is pending. Earlier decisions found the law unconstitutional because it was interpreted as barring state employees from using other languages in doing their job. The Arizona attorney general has argued that the law was not intended to do that.

Source: U.S. English

GRAPHIC: Chart, MAKING ENGLISH THE LAW, By The Washington Times

LANGUAGE: ENGLISH

LOAD-DATE: September 7, 1995

PHOTOCOPY
PRESERVATION

Other languages can be used to help students learn English, teach foreign languages, comply with federal laws, protect public health or safety, or protect the rights of criminal defendants or crime victims.

The amendment was challenged in federal court in 1988 by Maria-Kelly F. Yniguez, then a state employee who dealt with residents who filed medical malpractice claims against the state.

She said that while working she spoke English with English-speaking people and Spanish with Spanish-speaking people.

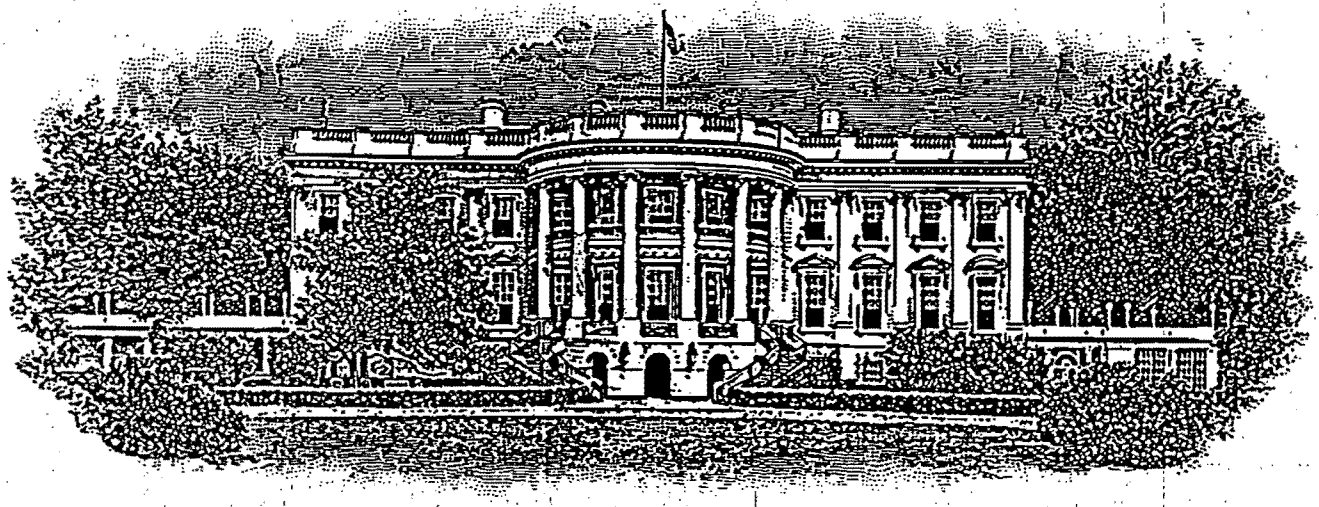
A federal judge threw out the amendment as a violation of the Constitution's First Amendment.

Then-Gov. Rose Mofford, who had criticized the amendment, did not appeal. Arizonans for Official English intervened to file an appeal seeking to have the amendment revived.

The 9th U.S. Circuit Court of Appeals upheld the judge's decision.

APNP-03-25-96 1504EST

The White House



DOMESTIC POLICY

FACSIMILE TRANSMISSION COVER SHEET

TO: Kathy McKiernan

FAX NUMBER: 66210

TELEPHONE NUMBER:

FROM: SC Warnath

TELEPHONE NUMBER:

PAGES (INCLUDING COVER): 5

COMMENTS:

These DRAFT talking points are about the general issue - not the specific cases in the news today.

Thanks, S

NCLR
NATIONAL COUNCIL OF LA RAZA

Raul Yzaguirre, President

National Office
1111 19th Street, N.W., Suite 1000
Washington, DC 20036
Phone: (202) 785-1670
Fax: (202) 785-0851

FAX COVER MEMO

DATE 10/27/95

TIME

COST CENTER #31 #____/other

TO:
NAME: Steve Warnath

COMPANY: White House

CITY Washington FAX# 456-7028

FROM:
NAME: *Karen Hanson, Education Policy Analyst*

FAX# (202) 785-0851 **(202) 776-1794/Policy's Fax**

PHONE (202) 785-1670 / Karen's Direct Line: (202) 776-1721
Lisa Bedolla, Admin. Asst.: 776-1782

# of pages in transmission, including cover 21

Message

4/95 R

Talking Points on English-Only - A Dangerous Solution to a Non-Existent Problem

"Official English" is English-only.

- The explicit purpose of every "official English" proposal is to prohibit the government from using any language but English. Thus a government that approves "official English" measures is an English-only government.

English-only is transparent political pandering and an issue with no substance.

- Language-minorities don't need to be coerced by the federal government to learn English: they already are. Over 95 percent of Americans speak English, according to the Census. And current generations of language-minorities are learning English faster than previous generations, writes researcher Dr. Calvin Veltman. In fact, language-minorities are literally losing sleep in an effort to learn learning English. In Los Angeles, demand for English classes is so great that some schools run 24 hours a day and 50,000 students are on waiting lists. Clearly, language-minorities do not need government telling them the obvious: that learning English is imperative.

- Only 0.06 percent of federal documents are in languages other than English, according to GAO. The GAO found of the over 400,000 documents produced by the federal government in the past five years, only 265 were printed in languages other English. Even of the few foreign language documents printed by the federal government, almost none were low-incidence languages. More than 8 of every 10 foreign language documents -- 217 of 265 -- were printed in Spanish, understandable given the nearly 3.6 million American citizens on Puerto Rico who speak Spanish as their first language. Low-incidence languages, such as Italian, Ukrainian, or Tagalog, were each used in printing only 1 of 400,000 known federal documents during the past five years.

American ideals of freedom, democracy, and tolerance -- not language -- have been and always will be the bonds that hold America together.

- America has remained strong and united because we share a common set of ideals and values. Approach virtually any American on the street and ask what it is that makes an American an "American": you would hear about American values and ideals like freedom, democracy, equality, tolerance, and opportunity. Conversely, approach an American World War II veteran and ask what they fought for. They fought to defend American freedom and democracy, not to make the world safe for

the English language.

- The fact that Americans spoke a common language did not prevent the American Civil War. After the war, it was a common set of ideals that allowed the country to heal and become whole. A federal law establishing an official language could not have prevented the Civil War nor could it have prevented -- as Rep. Toby Roth has suggested -- the civil war in the former Yugoslavia. If countrymen do not share ideas on the importance and uniqueness of their nation, all the official language laws in the world would be little more than gestures.

English-only gives government officials open license to regulate how Americans talk.

- In 219 years of American history, the federal government has neither had an official language nor involved itself in regulating how people talk. By inaugurating a new and an unprecedented role for the federal government, English-only laws emboldens government officials who have already twisted to prohibit the speaking of any language but English. In a Texas child custody case, a State Judge threatened to remove a child from custody of her mother because the mother had spoken Spanish to her daughter. The Judge equated the mother's use of Spanish with "child abuse."

- Language, like religion, is an intensely personal form of self-expression. Because they recognized the danger of regulating religious expression, the Founders did not designate an official federal religion. Indeed, to do so would have run counter to the ideals of freedom and tolerance on which they based the new nation. Clearly, America does not an official religion for the same reason that it does not need an official language.

English-only disconnects millions of Americans from their government.

- It is unjust and inappropriate for the federal government to prohibit millions of indigenous Americans -- Americans citizens born in the U.S. or its territories -- from communicating to their government in languages other than English. For millions of Americans on the island of Puerto Rico, Native American reservations, or U.S. territories in the Pacific, the right to communicate in a native language is protected by treaty or custom.

- It is also counterproductive and dangerous to forbid elderly language-minority Americans, who have a difficult time learning English, or those in the process of learning English from communicating with their government. For example, English-only laws would forbid a Department of Agriculture bulletin on pesticide use, an INS

pamphlet for recent immigrants on where to find English classes, a government insurance adjuster from using Spanish to talk to citizens about claims, Congressional staff from speaking to constituents in their native languages, and federal law enforcement agents from using languages other than to English to gather information on a crime. Communication between the government and tax-paying citizens should be encouraged, not prevented.

- It is manifestly inhumane to prohibit the disabled from communicating with the government in any language but English. A disabled language-minority American, for whom learning English would be extremely difficult, would be unable to receive the assistance of a translator when communicating with the government. English-only laws would forbid official use of American Sign Language (ASL), preventing government communication with the hard of hearing.

English-only laws would prompt extensive, frivolous litigation.

- English-only proposals allow anyone who believes they have been discriminated against for speaking English to sue the federal government. It is absurd to suggest that anyone has been harmed for trying to communicate with the government in English. It would only give anyone with an axe to grind against the federal government a opportunity to pursue frivolous and costly litigation.

America should be thinking how to learning more, not less, languages.

- Four of five jobs in the US are created through exports, and the majority of exports jobs are service-related. To succeed, American business must follow the credo of a sage Japanese salesman. When asked if English was the most important language to know in international business, he replied: "Not necessarily. The most important language to know is the language of the customer." In this regard, the 32 million American who speak languages in addition to English are a competitive advantage.

NATIONAL ASSOCIATION for BILINGUAL EDUCATION

NABE REPORT

Bilingual Education: Separating Fact from Fiction

September 18, 1995

Fiction: *"Studies prove that bilingual education doesn't work."*[1]

Fact: There is a consensus in the research community both on the soundness of the theory and effectiveness of bilingual education. The culmination of the research consensus is reflected in two studies, covering thousands of Spanish-speaking limited-English proficient (LEP) students, validated by the National Academy of Sciences (NAS) in 1992.

In 1990, the Department of Education asked the NAS to review these studies and critique their findings. The NAS is the most prestigious research body in the world. Composed of researchers and social scientists recognized by their peers as the best in their fields, the NAS is considered the "all-star team" of the research community. When an NAS review Committee can agree on the validity of research, it is believed that a research consensus has been reached.

The NAS review affirmed the finding that LEP students in bilingual education programs made greater academic gains in content areas, like math, than the students who received all instruction in English.[2]

Fiction: *"Many 'bilingual' programs use the student's native language almost exclusively in the first few years. Students aren't learning English."*[3]

Fact: This often heard claim is wholly refuted by the studies validated by the NAS. The studies found that English was used the majority of time in bilingual education programs and by the fourth grade only 3 percent of instruction was in the student's native language. Specifically, the studies found that in transitional bilingual education classrooms, English was used 65.8% of the time in Kindergarten, 69.1% in Grade 1, 74.5% in Grade 2, 80.3% in Grade 3, and 97.3% in Grade 4. Even in developmental bilingual programs, where the goal is fluency in both languages, English was used a majority of the time in Grades 3-6. Every bilingual education program has an English as a second language (ESL) component. That is, every bilingual education program includes significant coursework in teaching English language skills.[4]

Fiction: *"Studies confirm what common sense would tell you: the less time you spend speaking a new language, the more slowly you'll learn it."*[5]

Fact: The studies validated by the NAS directly addressed and refuted this claim. "The study concluded that providing LEP students with substantial instruction in their primary language does not interfere with or delay their acquisition of English language skills, but helps them to 'catch up' to their English-speaking peers in English language arts, English reading, and math. In contrast, providing LEP students with almost exclusive instruction in English does not accelerate their acquisition of English language arts, reading or math, i.e., they do not appear to be 'catching up.' The data suggest that by grade six, students provided with English-only instruction may actually fall further behind their English-speaking peers. Data also document that learning a second language will take six or more years [regardless of the instructional approach, English-only or bilingual education]."[6]

Students in bilingual education classes posted superior test scores because bilingual education students were allowed to continue to academically and cognitively develop as soon as they entered school through the use of their native language. Bilingual education students were able to problem solve, analyze, and apply critical thinking skills earlier than LEP students in monolingual English settings because they could explore challenging content matter long before students in monolingual English classrooms.

To use an example from Washington, DC, Public Schools, students at the Oyster Bilingual Elementary School -- where the student body is composed of roughly equal numbers of native English- and native Spanish-speakers -- are taught half of the time in English and half of the time in Spanish. Sixth grade students at the school posted scores equivalent to twelfth grade students in English language arts on the California Test of Basic Skills. In other words, sixth grade bilingual education students were not only performing at the level of high school seniors in English, they were also fully literate in Spanish.[7]

Fiction: *"How difficult can it be to learn English if Berlitz can teach someone to speak English in 30 days?"*[8]

Fact: There is a great difference between the conversational phrases taught by Berlitz and the high-level academic English needed to succeed in school, college, and high-skills job market. The conversational phrases taught at Berlitz and other short-term language programs permit the student to order food, make hotel reservations, or locate a train station. They do not claim to equip students with the ability to write a high school paper, for example, on the symbolism of the white whale in Herman Melville's *Moby Dick*, at the same level as a native English speaker.

In a soon-to-be-published study that mirrors the findings of studies validated by the NAS and many, many others on the length of time for English acquisition, two researchers from George Mason University examined school records of approximately 24,000 language-minority student records per school year with six to ten years of data on achievement in standardized tests, performance assessment measures, grade point averages, and high school courses in which enrolled. Students reached English fluency, as measured by the 50th percentile on an English standardized test, in 5 to 10 years if taught in English only and in 4 to 7 years if taught in bilingual education.[9]

Fiction: *"Language-minority parents and communities oppose bilingual education."*

Fact: Polls show that language-minority communities solidly support bilingual education. For example, more than 80% of the Latinos interviewed back bilingual education, according to a poll by the *Los Angeles Times*.[10]

Surveys cited by bilingual education opponents always use loaded questions that border on silliness. For example, English First, a national lobbying organization that helps to funnel campaign contributions to English-only supporters, offers this survey question result in their

promotional material: "the great majority of Hispanic parents – more than three-fourths of Mexican-American parents and more than four-fifths of Cuban-American parents – are opposed to the teaching of Spanish at the expense of English." [emphasis added] It is almost surprising that only 75 percent of Hispanics affirmatively answered such a loaded question that way. The question is not whether Hispanic or other language-minority communities want their children to speak Spanish or another native language only, but rather what is the best way to teach an LEP student and does it produce students who speak both English and their native tongue. As this document shows, bilingual education teaches English and is the most effective way to teach children academic content areas.[11]

Fiction: *"Kids are being placed in bilingual education who can already speak English fluently just because they have a Hispanic or ethnic minority surname."*[12]

Fact: Anecdotes of inappropriate misplacement of non-LEP students in bilingual education are tragic. They reflect terrible education policy that no bilingual educator would condone and are against federal law. There have been no national studies nor evaluations that have even suggested that inappropriate misplacement of non-LEP students into bilingual education is anything but an abhorrent aberration.[13]

What has been well documented is that there are millions of LEP students who are not provided at all with services that enable them to understand instruction. More than a quarter (26.6 percent) of LEP students currently receives no tailored educational services to allow them to understand instruction, in violation of federal law.[14]

Even more troubling is the misplacement of LEP students into special education classes. A class action suit on behalf of over 1,000 Asian immigrant families accused the City of Philadelphia for misplacing their LEP children into special education classes without parental knowledge or consent in the late 1980's. In the initial case that led to the class action, an Asian refugee child was transferred to three separate middle schools but never received any assistance in learning English, in violation of state and federal law. After years in which the child failed to make any academic progress, the school tested him, found him to be mentally disabled, and placed him in a special education class, all without the knowledge or consent of his parents.[15]

Fiction: *"LEP dropout rates remain very high despite the widespread application of bilingual education."*[16]

Fact: High dropout rates of limited-English proficient (LEP) students cannot be blamed on bilingual education because over three-quarters of LEP students are not taught through bilingual education. Bilingual education is used to instruct only about one in four LEP students. English as a Second Language (ESL) instruction, in which the student's native language is not used for academic instruction, is used to teach just less than half of LEP students. Over a quarter of LEP students receive neither services to teach them English nor assistance tailored to help them understand what is being taught to them. This is often called a "sink-or-swim" approach to

teaching LEP students and is in violation of federal law. If a reading of this data suggests anything, it is that lack of bilingual education, an overeliance on ESL, and the prevalence of sink-or-swim approaches to teaching LEP students may be the real culprits in high LEP dropout rates.[17]

Fiction: *"Bilingual education is impractical because it costs $8 to $11 billion and there are 180 languages spoken by America's students."*[18]

Fact: The $8 to $11 billion estimates of the costs of bilingual education offered by opponents are outrageous but simple to understand. The number reflects the cost of educating LEP students whether or not they are taught using bilingual education instructional techniques. There are approximately 2.3 million LEP students in the U.S., according to the U.S. Department of Education. If this number of students is multiplied by the average cost of educating a student in the U.S., about $5,000, one arrives at the often repeated $8 to $11 billion estimates. As one can see, $8 to $11 billion would be spent on instructing LEP children even if every school in the U.S. chose to use neither bilingual education nor ESL. The true cost of bilingual education is the additional amount of funds that a school expends to change a monolingual English program to a bilingual educational program. This additional cost is limited primarily to the purchase of additional instructional materials, which is marginal.[19]

The large number of language groups would only be a problem for schools if each school had to instruct students from many different language groups. While it is true that most major school districts have many language groups, most schools are linguistically homogeneous. For example, there are over 75 languages represented in the Tucson public schools, however, no single school has more than four languages represented. In Denver, there are 60 identified language groups, yet no more than three languages are spoken in any given school. In these situations, there is no question that bilingual education can, and should, be provided. Nationally, only one quarter of LEP students attends schools in which the numbers and diversity of LEP students would make it impossible to carry out a bilingual education program, according to data from the General Accounting Office.

Even when the numbers are not large and certified teachers sparse, there are many ways to use the students' native language and culture by drawing upon the resources of the language minority communities. In Fountain Valley, California, for example, Project GLAD students, who come from 12 different language groups, receive one hour each day of content and literacy instruction in the native language, taught by paraprofessionals from their communities. Bilingual education in most U.S. schools is not only desirable, but is also possible.

More important, arguments against the practicality of bilingual education forward the absurd proposition that because one LEP student cannot be served, no LEP students should be served. The Supreme Court in *Lau V. Nichols*, the landmark case that requires schools to ensure that LEP students can understand instruction, wrote that states can and should consider the numbers and diversity of their LEP students when considering what services schools can reasonably offer LEP

students.[20]

Fiction: *"My grandparents were immigrants and made it without bilingual education or any other special help."*

Fact: While there are surely extraordinary cases, examples of turn-of-the-century immigrants learning English and succeeding in the American job market are exceptions to the rule that are usually inapplicable to today's high-skills, high-technology labor market. Contrary to the widely accepted myth that earlier immigrant groups managed without special programs, most immigrant children who entered schools were more likely to sink than swim in English-only classrooms. In 1908, for example, just 13% of the twelve-year-olds enrolled in New York public schools, and whose parents were foreign-born, went on to high school, compared with 32% of white children whose parents were native born. Some immigrants with limited English skills and formal education could succeed because the economy, with its industrial and agricultural base, relied on uneducated and unskilled labor. For example, an immigrant factory worker could do quite well for himself with conversational English skills, but the same immigrant with the same conversational English skills would have much greater difficulty securing even an entry level job today with IBM.[21]

Fiction: *"Bilingual education is a 1960's creation of the federal government."*[22]

There is a tradition of bilingual education in the U.S. that dates from early nineteenth-century American schools. In the public schools of many states between 1839 and 1880 -- including Ohio, Louisiana, and New Mexico -- German, French, and Spanish were used for instruction. Between 1880 and 1917, German-English bilingual schools, in which both languages were used for instruction, operated in Ohio, Minnesota, and Maryland. In several other states, German was included in the curriculum as a subject rather than as a means of instruction. The same is true for Norwegian, Italian, Czech, Dutch, and Polish.

In private schools, mostly parochial, German-English bilingual education flourished throughout the United States before 1800. Also, during this period, many French schools were established in the northeastern United States (precursors of the modern-day Lycee Francais found in New York City, for example) and Scandinavian and Dutch schools were formed in the Midwest.[23]

Fiction: *"Ethnic leaders use bilingual education as a way to keep their constituencies easily manipulated and disenfranchised."*[24]

Fact: Of all the claims made against bilingual education, this is the single most ridiculous. The nation's highest language-minority elected officials -- Members of Congress -- are democratically elected every two years to represent the largest language-minority communities nationwide and millions of Latino voters. All Latino, all Native American, and the overwhelming majority of Asian American Members of Congress support bilingual education as a key to educational and life success. In contrast, those individuals who accuse Latino leaders of disenfranchising their

constituencies are usually not democratically elected officials and therefore in a poor position to represent the views of language minorities across the country.

Elected officials critical of language-minority leaders invariably do not represent significant numbers of language-minority voters (they hail from places like Wisconsin, Missouri, Kansas, or Georgia) and therefore are in no position to assert the "true" sentiments of language-minority communities. On the other hand, those non-language-minority elected officials who do represent language-minority communities are some of bilingual education's strongest supporters. Indeed, the claim seems to suggest that language-minority voters are incapable of electing representative leaders.

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1. For example, "No evidence exists to back up the claim that teaching children predominantly in their native tongues is better than other instructional models using intensive English, such as English as a Second Language." From Rosalie Pedalino Porter, "Bilingual Ed Flunks Out," *The American Experiment: A Quarterly Publication of the Center for Equal Opportunity*, Spring 1995, p. 1. Porter is Chair of the Research in English Acquisition and Development, Inc. (READ Institute) and is editor of the READ Perspectives publication. READ was founded with funds and assistance from U.S. English, a national lobbying grouping devoted to making English the official, federal language.

2. Michael M. Myer and Stephen E. Feinberg, Editors, Assessing Evaluation Studies: The Case of Bilingual Education, Panel to Review Evaluation Studies of Bilingual Education, Committee on National Statistics, and Commission on Behavioral and Social Sciences and Education, National Research Council, (National Academy Press: Washington, DC, 1992). The two Department of Education studies reviewed by the NAS are entitled: *The National Longitudinal Study of the Evaluation of the Effectiveness of Services for Language Minority Limited-English Proficient Students* and *The Longitudinal Study of Immersion Strategy, Early-exit and Late-exit Transitional Bilingual Education Programs for Language-Minority Students*. See Appendix A for the members of the Committee on National Statistics and the Panel to Review Evaluation Studies of Bilingual Education of the National Academy of Sciences.

3. Linda Chavez, "Bilingual Ed the Real Culprit," *USA Today*, Sept. 6, 1995, p. 13A. Linda Chavez is president of the Center for Equal Opportunity (CEO) and former executive director of U.S. English.

4. *The Longitudinal Study of Immersion Strategy, Early-exit and Late-exit Transitional Bilingual Education Programs for Language-Minority Students*, p. 90-91, as validated by the NAS review.

5. Linda Chavez, "One Nation, One Common Language," *Readers Digest*, August 1995, page 90.

6. Executive Summary, *The Longitudinal Study of Immersion Strategy, Early-exit and Late-exit Transitional Bilingual Education Programs for Language-Minority Students*, p. 1, as validated

by the NAS review.

7. Results reported in D.C. Public Elementary Schools Median Scores and Percentiles from May 1991 Examinations of Comprehensive Test of Basic Skills. The sixth grade students from Oyster Bilingual Elementary School scored at the 12.2 grade level, grade equivalent scores based on national norms.

8. Paraphrasing of Jim Boulet, executive director, English First, on numerous radio talk shows.

9. Wayne P. Thomas and Virginia P. Collier, "Research Summary of Study in Progress: Language Minority Student Achievement and Program Effectiveness," George Mason University, 1995. Publications to come on this series of studies: Report by Lynn Schnaiberg, *Education Week*, September or October 1995; research monograph by Thomas and Collier for the National Clearinghouse on Bilingual Education, late fall 1995; articles in *Bilingual Research Journal* and other education journals in 1996. For other studies on the length of time to acquire academic mastery of a second language see V.P. Collier, "Age and rate of acquisition of second language for academic purposes, *TESOL Quarterly*, 21, 617-641; Collier, "How Long? A Synthesis of research on academic achievement in second language," *TESOL Quarterly*, 23, 509-531; Collier, "A synthesis of Studies examining long-term language-minority student data on academic achievement," *Bilingual Research Journal*, 16 (1-2), 187-212; Collier and Thomas, How quickly can immigrants become proficient in school English, *Journal of Educational Issues of Language Minority Students*, 5; James Cummins, The Role of Primary Language Development in Promoting Educational Success for Language Minority Students, *Schooling and Language minority Students*, California Department of Education, 1981, and Interdependence of first- and second-language proficient in bilingual children, in Bialystok, ed., *Language Processing and Bilingual Children*, Cambridge University Press, 1991, and Bilingual Education and English Immersion: The Ramirez Report in Theoretical Perspective, *Bilingual Research Journal*, 16 (1-2); and F. Genesee, *Learning through two languages: Studies of Immersion and Bilingual Education*, Cambridge, MA: Newbury House, 1987.

10. Poll reported in *The Los Angeles Times*, Dec. 7, 1992.

11. English First, "Statement of English First in Opposition to S.B. 88." The president of English First is Larry Pratt, also president of Gun Owners of America.

12. Jorge Amselle, "When one language is better than two," Opinion Editorial in *The Washington Times*," August 24, 1995, page A19. He writes: "Bilingual education today means three to five years in a program where as much as 90 percent of child's [*sic*] day is spent in the native language, even if it isn't his or her native language. I have spoken to many parents and teachers all over the country who have similar horror stories."

13. "Students shall not be admitted to or excluded from any federally assisted education program merely on the basis of a surname or a language-minority status." Section 7502(b)(4) of the Improving America's School Act.

14. Data from the California Department of Education as reported by Reynaldo Macias, "More LEP Students Receive No Special Services," University of California Language Minority Research Institute, Volume 4, Number 2, p. 1. Data from California, which enrolls 42.1 percent of all LEP students, gives the best description of educational services to LEP students.

15. United States District Court, Eastern District of Pennsylvania, Class Action Complaint, *Y.S., a minor, by his father, Yin S., and Yin S. and Lim C., individually and on behalf of all-others similarly situated, Plaintiffs, v. School District of Philadelphia, Defendant*, No. CA 85-6924.

16. For example, see Porter, "Bilingual Ed Flunks Out," p. 5. She writes: "Spanish speaking LEP students who have had the heaviest engagement in bilingual programs still have the highest dropout rates in the country at nearly 50 percent, compared to about 10 percent for English speakers."

17. Data from the California Department of Education as reported by Reynaldo Macias, "More LEP Students Receive No Special Services," University of California Language Minority Research Institute, Volume 4, Number 2, p. 1. Data from California, which enrolls 42.1 percent of all LEP students, gives the best description of educational services to LEP students.

18. Rep. Toby Roth and Jim Boulet in English First promotional materials.

19. Figures from the Office of Bilingual Education and Minority Language Affairs of the U.S. Department of Education for 1992 as reported by State Education Agencies.

20. Data cited by Senator Edward Kennedy during reauthorization of the Elementary and Secondary Education Act, 1992. *Lau v. Nichols* (1974).

21. U.S. Department of Education, *The Condition of Bilingual Education in the Nation: A Report to the Congress and the President*, Office of the Secretary, U.S. Department of Education, Washington, DC: 1991, p. 2.

22. Rep. Peter King, press release entitled "Rep. King Introduces English Language Bill," Spring-Summer 1995. King writes: "Beginning in 1968, however, the federal government began to reverse this proven policy by mandating bilingual education in our schools which meant that students would be taught in their native language rather than in English." Rep. King is author of HR 1005, a bill that would make English the official, federal language of the United States and eliminate bilingual education.

23. See James Crawford, *Hold Your Tongue: Bilingualism and the Politics of "English-Only,"* Reading, MA: Addison-Wesley, 1992; Arnold H. Leibovitz, *The Bilingual Education Act: A Legislative Analysis*, Washington, DC: InterAMerica Research Associates, Inc., 1980; Diego Castellanos with Pamela Leggio, *The Best of Both Worlds: Bilingual-Bicultural Education in the U.S.*, Trenton, NJ: New Jersey State Department of Education, 1983; and Bill Piatt, *Only English? Law & Language Policy in the United States*, Albuquerque, NM: University of New Mexico Press, 1990.

24. For example, see Rep. Newt Gingrich, "English Literacy is the Coin of the Realm," Opinion Editorial in *the Los Angeles Times*, August 4, 1995. He writes "Sadly, there are some ethnic leaders who prefer bilingualism because it keeps their voters and supporters isolated from the rest of America, ghettoized into groups more easily manipulated for political purposes often by self-appointed leaders."

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CRS Report for Congress
Congressional Research Service • The Library of Congress

English as the Official Language of the United States: An Overview

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Congressional interest in designating English as the official language of the United States has recently increased as a response to a perceived challenge to English as the common language in America. Consideration of official English proposals raises not only specific issues as to design, but also broader issues regarding the direction of social policy. With respect to proposal design, questions raised include whether to amend the constitution or enact an official English statute, whether to limit application only to official government business, and whether to address related areas such as bilingual education. Regarding the direction of social policy, questions include the need for an official language, whether individual expression would be infringed, and the effect on cultural diversity. This report provides background on contemporary efforts to declare English the official language, a review of selected issues raised by official English proposals in Congress, and a summary of arguments that have been advanced in favor of and in opposition to such proposals.

Recent Developments

Thus far in the 104th Congress, seven official English bills and resolutions have been introduced. The House Committee on Economic and Educational Opportunities held a hearing on the topic of English as the official language of the United States on Oct. 18, 1995. Additional congressional hearings on the subject are anticipated this fall.

Background

INTRODUCTION. Throughout its history, America has had a linguistically diverse population. At the time of Independence, English was spoken as well as, for example, German, Dutch, French, and native American languages. The 1990 census found that 31.8 million persons age 5 years and older spoke a language other than English (14% of the total population). The census revealed that there were 39 languages with at least 50,000 speakers in the United States. The census reported that 6.7 million persons age 5 years and older indicated that they spoke English "not well" or "not at all" (3% of the total population).

Questions involving language policy have been before the Nation during this century. In 1906, Congress required that persons becoming naturalized citizens of the United States demonstrate the ability to speak and understand English. In 1923, the Supreme Court

ruled in *Meyer v. Nebraska* that the State's interest in fostering "a homogeneous people with American ideals" was not adequate justification to prohibit the teaching of school children in a foreign language. In 1968, the Bilingual Education Act (BEA) was enacted providing Federal aid to public schools for programs to meet the special educational needs of children of limited English proficiency. In 1975, Congress amended the Voting Rights Act requiring bilingual voting procedures where there are a significant number of citizens who do not speak English.

Today, some accommodations for individuals who are not able to communicate in English are made by Federal agencies. These accommodations generally take the form of providing documents in other languages and providing bilingual translators. The General Accounting Office (GAO) recently reported, for instance, that from 1990 to 1994, Federal agencies, other than the Defense and State Departments, published 265 documents in languages other than English.[1] The Social Security Administration was responsible for the single largest share of these documents (19%).[2] The exact extent and cost of all accommodations made by the Federal Government for language minorities are not known.

CONGRESSIONAL ACTION. Contemporary efforts in Congress to declare English the official language of the United States began in 1981 with the introduction of a Senate joint resolution proposing an amendment to the U.S. Constitution. Joint resolutions proposing different versions of an English language constitutional amendment have been introduced in every Congress since then, including the 104th. Hearings on English language amendment resolutions were held in 1984 by the Senate Judiciary Subcommittee on the Constitution and in 1988 by the House Judiciary Subcommittee on Civil and Constitutional Rights. No further action on the measures occurred.

While continuing to introduce resolutions to establish English as the official language by constitutional amendment, official English advocates tried another approach in the 101st Congress. In 1990, House and Senate bills were introduced to declare English as the official language of the U.S. Government by amending the United States Code. Official English bills incorporating this general approach, but varying in specific content, were also introduced in the 102nd and the 103rd Congresses. No action beyond committee referral was taken on any of these bills.

In the 104th Congress, multiple bills have been introduced to make English the Nation's official language by amending title 4 of the United States Code. The bills propose to add to title 4 a new Language of the Government chapter, which would declare English as the official language of the U.S. Government. As part of the new chapter, most of the bills would include a section stating that the U.S. Government shall conduct its official business in English. The term *official business* is defined in several bills as "those governmental actions, documents, or policies which are enforceable with the full

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[1]These documents represented less than 1% of all of the government documents reviewed by the GAO. See: U.S. General Accounting Office. Letter to Honorable Richard C. Shelby, Honorable William F. Clinger, Jr., and Honorable Bill Emerson. Washington, Sept. 20, 1995.

[2]These documents primarily provided information on various government benefits.

weight and authority of the Government." Each of the bills, however, provides for various exceptions to the required use of English. Some of the bills contain provisions requiring that naturalization ceremonies be conducted solely in English. Some explicitly repeal Federal bilingual education and bilingual voting requirements.

In addition to joint resolutions proposing English language constitutional amendments and bills to amend the United States Code, various other English language measures have been proposed in Congress over the years. One, a symbolic measure to express the sense of the Congress that English be declared the official language of the United States, was the subject of a Senate floor vote in 1982. This measure, which was offered as an amendment to an immigration bill, was adopted on a vote of 78 to 21.[3]

Symbolic measures introduced in the 104th Congress include a concurrent resolution recognizing the cultural importance of the many languages spoken in the United States and indicating the sense of the Congress that English should be maintained as a common language. Also before the current Congress is the "English Plus Resolution," which urges the U.S. Government to pursue policies that encourage all residents to become proficient in English and to learn other languages, and that "oppose `English-only' measures[4] and similar language restrictionist measures."

STATE ACTION. While congressional action on official English measures has been limited thus far, the official English movement has made considerable gains at the State level. Twenty-one States have declared English to be their official language, either by statute or by constitutional amendment. The majority of these declarations have occurred since 1984. State official-English designations vary in content. Some consist solely of statements that English is the State's official language, while others are more detailed and include such components as enforcement provisions.

Selected Issues

LEGAL QUESTIONS RAISED. The simple legislative declaration of English as the "[t]he official language of the Government of the United States" is a largely symbolic act of negligible legal effect. While it may be a congressional affirmation of the central place of English in our national life and culture, such declaration *per se* would neither require nor prohibit any particular action or policy by the Government or private persons. Nor would it, without more, imply repeal or modification of existing Federal or State laws and regulations sanctioning the use of non-English for various purposes. To varying degrees, however, the official English proposals before Congress give substance to this declaration by requiring adherence to English in the official affairs of all branches of the Federal Government -- the executive, judicial, or legislative.

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[3]The immigration bill (S. 2222, 97th Cong.) was not enacted into law.

[4]Some opponents of official English measures use the terms *official English* and *English only* interchangeably. Supporters maintain that the terms are distinct. They argue that official English proposals would require only that the business of the U.S Government be conducted in English. and would not prohibit the use of other languages in other contexts.

The "Language of Government Act of 1995" -- H.R. 123, H.R. 345, S. 175, and S. 356 -- makes a basic distinction in coverage between the "official business" of Government, meaning "enforceable" actions, documents or policies, and certain other unofficial governmental communications. Two of these bills, H.R. 345 and S. 175, also make an explicit exception for "primarily informational or educational" activities, an exemption that may be implicit in the definition of "official business" itself. However, because no legislative "bright line" appears to separate the official from unofficial business of government, questions could arise as to the official English status of various governmental functions which partake of both informational and sovereign attributes. One example may be taxpayer assistance programs conducted by the Internal Revenue Service to advise taxpayers of their legal rights and liabilities under the Federal income tax laws. Congressional operations -- involving the varied interaction of Members, Senators, and staff, with constituents, lobbyists, or other groups in their legislative or representative capacities -- may be another. H.R. 739 and H.R. 1005 may be less ambiguous in this regard. The former applies, with only minor exception, to "communications" generally -- presumably comprehending all forms of government information -- while H.R. 1005 likewise defines the Government's "official" business more broadly to include all "publications, income tax forms, and informational materials."

Another interpretative issue is whether the "official business" of government, subject to the official English mandate, embraces only the form of speech or linguistic medium used by the Federal Government, or its employees, to communicate with the public or may also extend to the content or substance of the message being communicated. If narrowly interpreted to reach only the formal aspect of governmental speech, and not its substance, the bills may have marginal impact on existing Federal rules and regulations governing treatment of linguistic minorities in education, voting, and public or private employment. On the other hand, the Language of Government Act could conceivably be read to apply both to form and substance of governmental speech so as to possibly preclude imposition of Federal bilingual requirements in these and other contexts. Absent legislative clarification, arguments may be marshalled on either side of this legal issue. Thus, apart from H.R. 739 and H.R. 1005 -- which expressly repeal Federal bilingual education and voting requirements -- the impact of official English legislation for current Federal statutory programs which require or permit diverse linguistic usage may be unclear.

Finally, an issue of constitutional dimension may shadow these Federal proposals. An Arizona State law limiting governmental discourse to English recently met with judicial disapproval on First Amendment grounds because of its silencing and chilling effect on the constitutionally protected speech of bilingual, or monolingual, Spanish-speaking public employees. *Yniguez v. Arizonans for Official English*[5] challenged a referendum in the form of a State constitutional amendment providing, *inter alia*, that English is the official language of the State of Arizona, and that the State and its political subdivisions -- including "all government officials and employees during the performance of government business" -- must "act" only in English. The law was invalidated as an overly broad restriction on the free speech rights of State employees and the public they served. The Ninth Circuit *en banc* ruling in the Arizona case was one of first impression as regards

[5]1995 WL 600877 (filed Oct. 5, 1995).

the First Amendment implications of official English and may be appealed to the Supreme Court. Consequently, constitutional law on the subject is far from settled and may develop more fully in the near term as the Arizona case, or similar controversies from other States, proceed through the Federal courts.

ROLE OF BILINGUAL EDUCATION. Some of the official English proposals touch upon bilingual education either by abolishing or amending the BEA. The most appropriate method of teaching limited English proficient (LEP) school children has been the subject of much debate. There are several approaches that schools utilize. The basic difference between them is the degree to which the child's native language is used while the child is taught English and other academic subjects; some approaches, such as immersion, make little use of the native language while other approaches, such as transitional, rely more heavily on the native language.[6] The BEA currently has a funding preference for projects that include the child's native language -- with limited exception, no more than 25% of all grants made to school districts by the U.S. Department of Education (ED) can be for projects that do not make use of the child's native language. About $157 million was appropriated for the BEA in FY1995.

ROLE OF NATURALIZATION. Some of the proposals address the naturalization process either by strengthening the English language test or requiring that naturalization ceremonies be conducted only in English. Under current law, eligible aliens seeking to become naturalized citizens must, among other things, demonstrate the ability to read, write, speak, and understand English. Some observers believe that one reason why more eligible aliens do not naturalize is because of the lack of English training courses to prepare them for the English language test. The task of preparing those wishing to naturalize is left largely to nonprofit organizations, churches, and public schools. The primary Federal program that is a potential source of English training for immigrants is the Adult Education Act, administered by ED. Participating States must outline in their plan for adult education how they will meet the needs of LEP adults. About $279 million was appropriated for the Adult Education Act in FY1995, although the amount devoted to services for immigrants and LEP adults is not known.[7]

Pro/Con Arguments

Supporters of the effort to make English the official language of the United States argue that historically the English language has served to unite the Nation's diverse population. In their view, having a common language has enabled the United States to avoid the language, cultural, and political divisiveness seen in Canada. Official English advocates believe that the role of English as a national bond is threatened today in a society that is becoming increasingly fractionalized and multilingual. They argue that

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[6]Research on the most effective method of instruction indicates that there are several factors, such as the child's age and past exposure to formal education and availability of trained staff and materials, that determine which approach is likely to be more successful in teaching LEP children English.

[7]A former program under the Adult Education Act had English language training for immigrants and LEP adults as its sole purpose. The English literacy grants program was last funded in FY1992 at $1 million.

costly Government policies, such as bilingual education and bilingual voting, encourage immigrants to use their native languages rather than learn English and, thus, hinder immigrants' assimilation and socioeconomic advancement. Supporters maintain that designating English as the Nation's official language would make it clear that it is essential to learn English to fully participate in American society. At the same time, they emphasize that individuals would still be able and encouraged to learn and use other languages and to preserve their cultural heritage.

Opponents argue that there is no need to make English the official language of the United States. They reject the idea that the primacy of the English language is threatened and point out that the overwhelming majority of government business is conducted in English. They maintain that today's immigrants recognize the necessity of learning English and are doing so as quickly as their predecessors. Opponents believe that an official language is incompatible with the Nation's tradition of cultural diversity. In their view, making English the official language would have negative consequences. They believe it would encourage resentment and intolerance of non-English speakers, and create social division. They contend that the lesson of the Canadian experience is that efforts to *restrict* minority language use threaten national unity and produce conflict. Opponents argue that having an official U.S. language would impede rather than facilitate the assimilation of immigrants. They fear that it could result in non-English speakers being denied services, opportunities, and rights.

Related CRS Products

The following CRS Reports for Congress provide further information relating to the official English controversy:

U.S. Library of Congress. Congressional Research Service. *Bilingual and Immigrant Education: Status in the 104th Congress*, by Steven R. Aleman. [Washington] 1995.
CRS Report for Congress No. 95-999 EPW

----- *Legal Analysis of Proposals to Make English the Official Language of the United States Government*, by Charles V. Dale and Mark Gurevitz. [Washington] 1995.
CRS Report for Congress No. 95-1043 A

----- *Naturalization of Immigrants: Policy, Trends, and Issues*, by Ruth Ellen Wasem. [Washington] 1995.
CRS Report for Congress No. 95-298 EPW

----- *The Voting Rights Act of 1965, As Amended: Its History and Current Issues*, by Garrine P. Laney. [Washington] 1995.
CRS Report for Congress No. 95-896 GOV

NCLR
NATIONAL COUNCIL OF LA RAZA

NCLR STATEMENT ON "ENGLISH-ONLY" PROPOSALS

NCLR, and the vast majority of Latinos, agrees that English is a critical asset for immigrants and native-born Americans alike; however, we disagree heartily that an official language amendment will accomplish the goal of bringing people together. Instead, based on experiences in states such as Arizona, California, and Florida, where such laws were passed, they have often resulted in division and discrimination against those who look or sound "foreign." Moreover, NCLR believes that English is **already** our common language and that it is unnecessary to legislate it as such. According to the U.S. Census, 94% of all U.S. residents speak English. In the increasingly competitive global society we live in, we should take advantage of the resources we have at our disposal, including the ability to speak numerous languages.

Supporters of English-only laws claim that by making English the "official" language of the country, immigrants will suddenly decide to learn English. This assumption is based on the false premise that immigrants need the additional coercive power of government to learn English. The fact is that immigrants, Hispanic or otherwise, want to learn English. There are simply not enough adult education programs available for them to do so. The most current studies analyzing English-as-a-Second-Language (ESL) classes demonstrate that only 12% of those individuals who want to learn English have access to those classes. Waiting lists of thousands of people abound in many urban areas such as New York City, where 50,000 people are on waiting lists for programs to learn English. In addition, contrary to the claims of English-only advocates, these bills would do nothing to actually facilitate the acquisition of English by a single person.

English-only bills would punish those who are in the process of learning English and would pose a significant public health and safety risk. If the government is discouraged from communicating with its residents regarding immunization programs, for example, it is the entire community which is placed at risk. In addition, the governmental intrusion and citizen vigilantism which these bills would create run counter to the best interests of our nation. The government has neither a substantial interest nor a constitutional right to regulate the speech of its people. Our founding fathers declined to name an official language for this country; there is no reason to do so now.

N C L R

U.S. DEPARTMENT OF JUSTICE

OFFICE OF LEGISLATIVE AFFAIRS

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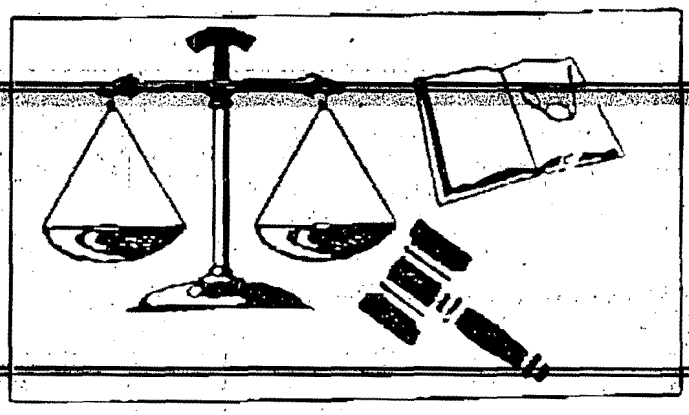

TO: Janet Murguia - 456-2604
Steve Warnath - 456-7028

FAX NO:

FROM: JOHN TRASVINA

PHONE: 202/514-2111 Fax: 514-5499

DATE: 7/30/96

NO. OF PAGES: 3 (EXCLUDING COVER)

COMMENTS:

M E M O R A N D U M

To: Janet Murguia
Steve Warnath

From: John Trasviña
Re: POTUS on English Only bill in Arkansas
Date: July 29, 1996

I thought you would find this useful.

In remarks to the National Association of Hispanic Journalists in 1992, the President stated, "I probably should not have signed that. I would not sign a bill of that kind at the national level."

07/30/96 10:05 ☎202 514 5499 OLA

...ly Assaulted, Police Say

Suspect in Abandoned East Central Motel

...tel and began beating ...n it, she said. He then ...man outside and held ...lice arrived, while the she said.

...was treated at Universi... ...and released.

...attacker, identified as ...o, 25, was in stable ...Presbyterian Hospital late Friday with a possible concussion and multiple cuts and bruises, according to a hospital spokeswoman.

He had been listed in critical condition earlier in the day.

Lucero was on police hold on charges of criminal sexual penetration of a minor, police said.

Violent-crimes detectives were investigating the attack on Lucero and will turn the case over to the District Attorney's Office for possible prosecution.

Merriman was questioned and released, and no charges have been filed against him, Lowe said.

The boy's bicycle, with training wheels and horn, was found inside the hotel. Officers weren't sure whether Lucero ...picked him up, she said.

Lucero has a South Valley address but may have spent Thursday night in an apartment complex near the hotel, Lowe said.

Lowe said she wasn't sure how long the child had been gone before his mother noticed him missing, but she didn't think it was more than 10 or 15 minutes.

MORE: See 3-YEAR-OLD on PAGE A4

THE ASSOCIATED PRESS

...sion, Bill ...bus, Ohio, showing President Bush speaking to Hispanic journalists in Albuquerque on Friday.

Clinton Says English Law Was Mistake

By John Robertson

JOURNAL POLITICS WRITER

Arkansas Gov. Bill Clinton told Hispanic journalists meeting in Albuquerque Friday he probably should not have signed legislation designating English as his state's official language — an idea that's been sharply rejected in New Mexico.

Clinton, the Democratic presidential front-runner, and President Bush spoke through separate satellite TV hook-ups to approximately 700 people attending a meeting of the National Association of Hispanic Journalists.

"I probably should not have signed the one that passed," Clinton said of Arkansas' 1987 official language act. "I would not sign a bill of that kind at the national level."

Clinton added that the bill he signed had been passed with a veto-proof majority. He also said he agreed to sign it "only after we changed the law to make it clear that it could not affect bilingual education — something that I've always strongly supported."

Clinton was beamed into the Albuquerque Convention Center meeting room from Columbus, Ohio. Bush's live appearance was transmitted from the White House.

MORE: See CLINTON on PAGE A12

Arkansas Gov. Bill Clinton told Hispanic journalists

...oups Want Mayor Recall Ended

...Concerned Citizens

Pounders said that isn't the case.

Pounders said again Friday he

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Clinton Labels Signing English-Only Law a

CONTINUED FROM PAGE A1

Former California Gov. Jerry Brown was invited to participate but did not respond, conference organizers said.

Bush and Clinton loomed in front of the journalists crowd from a movie theater-size screen. They were able to take questions from the group through audio link.

Clinton appeared to win a show of hands when a local television reporter asked, after the candidates spoke, whom the journalists preferred for president. It wasn't clear how many in the audience participated in the straw vote.

Bush was greeted with solid applause, but later drew some hissing and guffaws when he noted he has three Hispanic-American grandchildren.

"I think it was kind of condescending," said Democratic Gov. Bruce King's deputy chief of staff, John Garcia, who attended the meeting.

Bush also said, "As I think of the Hispanic community in this country, I think of family. I think of family values."

Clinton told the group this year's election, in addition to being about leadership, is "about what kind of people we want to be."

"We're way too divided in this country today by race, by ethnic group, by region, by age, by income," he said. "We need to pull together."

Clinton spoke to the journalists for 30 minutes Friday. Bush was on the screen only for 15 minutes because of his tight schedule, said a conference organizer.

The first question to Clinton was about his signing of a 1987 Arkansas bill making English the state's official language.

Adopting English as the state's official language — meaning many types of public information would be conveyed only in English — has been rejected in New Mexico as a threat to bilingualism, cultural traditions and fair access to services.

Spanish and Indian languages are commonly spoken in New Mexico, where 38 percent of the population is Hispanic and 9 percent is Indian, according to the 1990 Census.

A 1987 New Mexico bill died in the state House after being attacked by Hispanic leaders and others as a measure that ... ance. Sponso... out the pri... documents in...

Bush concl... tion on the n...

"The econo... said. "I think... think we'll s...

Clinton pa... economy — ...

"The middl... candidate sa... corporations ... last 11 years ... tions.

Painted lady butterflies

The butterflies hatch in southern California and northern Mexico and then migrate northward during the spring. This year billions of butterflies are on the move with a population 100 to 1,000 times its usual size.

DESCRIPTION: Wingspan 2 1/2". Fore wings above orange with rosy tinge, numerous black markings and several white spots near tips.

HABITAT: Meadows, gardens and open spaces.

RANGE: Worldwide.

FLIGHT: Spring-fall in the North, year-round in the South.

Source: The Audubon Society AP/Carl Fox

Butterfly

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Mistake

would breed bigotry and cultural intoler-
's said the measure would have phased
ating of election ballots and official
both English and Spanish.
ded his remarks with an upbeat observa-
ational economy.
nic news is a little better," the president
we'll see the country coming together. I
e a little more optimism."
nted a bleaker picture of the national
t least for people who aren't wealthy.
e class is collapsing," the Democratic
id. He said upper-income people and
have been favored exclusively during the
of Republican presidential administra-

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